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Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

BOARD OF COMMISSIONERS

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MARCH 30 & APRIL 1, 2010

BOARD MEETINGS

HIGHLIGHTS

9:00 a.m. Tuesday Executive Session

Tuesday Board Policy Discussions

10:00 am: Briefing and Policy Discussion on Local Public Safety Coordinating Council (LPSCC) Fiscal Year 2010 Work Plan and Accomplishments to Date.

11:00 am: Briefing and Policy Discussion on Current Construction Projects, Funding, Capital Facilities Needs Projected in the Next 5-10 Years, and Update on Space Optimization Plan.

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11:25 am – R-14 Proclamation for Farm Workers Week

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Tuesday, March 30, 2010 - **9:00 am**
Multnomah Building, 6th Floor Commissioners Conference Room 635

EXECUTIVE SESSION

- E-1 The Multnomah County Board of Commissioners will meet in Executive Session pursuant to ORS 192.660(2) (h) to discuss pending litigation. Only representatives of the news media and designated staff are allowed to attend. Representatives of the news media and all other attendees are specifically directed not to disclose information that is the subject of the Executive Session. Final decisions are decided in public Board meetings.
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Tuesday, March 30, 2010 - **10:00 am**
Multnomah Building, 1st Floor Commissioners Conference Room 100

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Thursday, April 1, 2010 - 9:00 am
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R-2 Resolution Declaring a Vacancy in the Office of County Chair and Making an Appointment to Fill the Vacancy Followed by Oath of Office Ceremony (10 minutes)

Chair's Opening Remarks (15 minutes)

REGULAR AGENDA

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COUNTY ATTORNEY'S OFFICE – 9:30 am – TIME CERTAIN

R-3 PUBLIC ITAX HEARING and Board Decision of Taxpayers Ray and Laura Paul's Appeal of the Administrator's Final Determination Regarding their 2003-2005 Multnomah County Income Tax (ITAX) Obligations Pursuant to ITAX Administrative Rule 11-614. Jacquie Weber & Mindy Harris (30 minutes allotted)

CONSENT AGENDA – 10:00 AM

DEPARTMENT OF HEALTH

C-1 BUDGET MODIFICATION - HD-26 Authorizing One Position Reclassification within the Human Resources Division of the Health Department as Determined by the Class/Comp Unit of Central Human Resources.

DEPARTMENT OF COUNTY HUMAN SERVICES

- C-2 BUDGET MODIFICATION - DCHS-30, Reclassify One (1.00) FTE Data Technician to a Data Analyst in the Mental Health & Addiction Services Division, as Determined by the Class/Comp Unit of Central Human Resources.
- C-3 ORDER Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

SHERIFF'S OFFICE

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COUNTY MANAGEMENT – 10:10 am

- R-6 BUDGET MODIFICATION - Reallocation of Facilities Capital Project Funds FPM-10-08, Animal Services Site Work CP08.10.18 Improvement Project. Presenters: John Lindenthal (5 minutes)

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- R-8 Acceptance of SW Scholls Ferry Road Conceptual Street Design Plan to Accommodate Bicycle Lanes and Sidewalks and Improved

Stormwater Drainage. Presenters: Karen Schilling, Jane McFarland & Brian Vincent (20 minutes)

R-9 FIRST READING Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code Revisions to Adopt the Invasive Plant Policy Review and Regulatory Improvement Project Report in Compliance with Metro's Functional Plan. Presenter: Adam Barber (5 minutes)

R-10 Approve an Intergovernmental Agreement (IGA) to Provide for the Coordinated Regulation and Management of Invasive Plants. Presenter: Adam Barber (5 minutes)

DUNTHORPE RIVERDALE SERVICE DISTRICT - 10:50 am

*(Recess as the Board of County Commissioners and convene as the governing body for **DUNTHORPE RIVERDALE SANITARY SERVICE DISTRICT NO. 1**)*

R-11 Approve Intergovernmental Agreement (IGA) with the Riverdale School District and the City of Portland for the Construction of the Elk Rock Bypass Sewer Project Bypass Line on Behalf of the Dunthorpe-Riverdale Service District No.1, in Unincorporated Multnomah County. Presenter: Kim Peoples (10 minutes)

*(Adjourn as the governing body for Dunthorpe Riverdale Sanitary Service District No. 1 and reconvene as **BOARD OF COUNTY COMMISSIONERS**)*

NON DEPARTMENTAL – 11:00 am

R-12 Resolution Approving a Memorial to Lynda Pilger and Gary Tipton Along the Morrison Bridge Pedestrian and Bicycle Path. Presenter: Mike Pullen (10 minutes)

R-13 Resolution Establishing a Task Force to Study the Services Provided by Multnomah County to Veterans, and Provide Recommendations for Improving These Services. Presenter: Commissioner McKeel and Lee Girard (15 minutes)

R-14 Proclamation for Farm Workers Week. Presenters: Marissa Madrigal and Invited Guests (15 minutes)

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ADJOURNMENT – 11:40 am

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MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(Revised 12/31/09)

Board Clerk Use Only

Meeting Date: 03/30/2010
Agenda Item #: PD-1
Est. Start Time: 10:00 AM
Date Submitted: 02/08/2010

Agenda Title: Briefing and Policy Discussion on Local Public Safety Coordinating Council
Fiscal Year 2010 Work Plan and Accomplishments to Date

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

Requested Meeting Date: March 30, 2010 Amount of Time Needed: 45 minutes
Department: Non-Departmental Division: District 1
Contact(s): Beckie Lee, Jana McLellan
Phone: 503-988-6796 Ext. 86796 I/O Address: 503/6th
Presenter(s): Peter Ozanne, Elizabeth Davies

General Information

1. What action are you requesting from the Board?

No action required.

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.

Board briefing and discussion on LPSCC's FY10 workplan and accomplishments to date.

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

None.

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

None.

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

None.

Required Signature

Elected Official or
Department/
Agency Director:

Deborah Koffmy

Date: 02/05/2010

Lead Agency: Local Public Safety

Program Contact: Peter Ozanne

Program Offer Type: Existing Operating

Related Programs:

Program Characteristics: In Target

Executive Summary

The central purpose of Multnomah County's Local Public Safety Coordinating Council ("LPSCC") is to coordinate the public safety plans, policies, operations and strategies of local government agencies to improve the local public safety system's cost-effectiveness and responsiveness to the needs of the community. For over 15 years, LPSCC has convened leaders from local governments; public safety, social service and education agencies; private service providers and local communities throughout the County to collaborate on the development of (a) solutions to problems in the intergovernmental operation of the public safety system, (b) coordinated policies to improve that system and (c) evidence-based strategies that address issues important to community safety. The Council also directs the work of several subcommittees and smaller working groups that focus on the most critical issues within the justice system and oversee the operation of DSS-Justice, the County's public safety data warehouse and decision support system.

Program Description

Senate Bill 1145 (1995) established LPSCCs in each of Oregon's 36 counties to "coordinate local criminal justice policy among affected criminal justice entities" (ORS 423.560). To carry out this mission, LPSCC's Executive Committee meets monthly to share information, identify issues and problems affecting public safety and oversee development of new plans, policies and strategies. The Executive Committee is co-chaired by Portland City Commissioner and Police Commissioner Dan Saltzman and Multnomah County Chair Ted Wheeler.

LPSCC also directs the work of several subcommittees and smaller workgroups that focus on key issues within the public safety system, such as youth violence prevention, law enforcement agency alignment, pre-trial supervision, coordination between the public safety and mental health systems, and implementation of the County's 2008 Public Safety Plan. These groups typically report to the LPSCC Executive Committee once every few months, depending on how often the group meets.

In its FY 2010 adopted budget, Multnomah County's Board of Commissioners formally transferred responsibility for the administration of DSS-J to the County's Local Public Safety Coordinating Council (LPSCC), which agreed to oversee the development of DSS-J through a Policy Committee and ensure data security through a Security Committee.

The Council currently funds three staff members: a part-time Executive Director, who directs and coordinates inter-agency public safety policy discussions; a full-time Public Safety System Analyst, who examines cross-agency data and relevant policies to identify improvements to the public safety system; and a part-time Intern, who provides assistance on special projects.

Performance Measures

Measure Type	Primary Measure	Previous Year Actual (FY08-09)	Current Year Purchased (FY09-10)	Current Year Estimate (FY09-10)	Next Year Offer (FY10-11)
Output	# of LPSCC Executive Committee (EC) Meetings	10	16	10	10
Outcome	% of EC members who are satisfied with the results/outcomes of meetings	0.0%	90.0%	71.0%	85.0%
Outcome	% of EC members who agree meetings encourage collaboration and coordination	0.0%	0.0%	77.0%	85.0%
Outcome	% of EC members satisfied with results/outcomes of workgroups	0.0%	80.0%	54.0%	75.0%

Performance Measure - Description

Measure Changed

LPSCC facilitates communication and collaboration among public safety and community leaders and oversees development of public safety plans, policies and strategies through monthly meetings of its Executive Committee. Therefore, a major part of LPSCC's performance is measured by members' satisfaction with the results of the meetings and the extent to which those members believe meetings encourage collaboration and coordination. LPSCC's performance in developing and implementing policies and strategies associated with its workgroups will be measured by the satisfaction of its members with the results of these projects.

Legal/Contractual Obligation

Senate Bill 1145 (1995) established LPSCCs in each of Oregon's 36 counties to "coordinate local criminal justice policy among affected criminal justice entities" (ORS 423.560).

Revenue/Expense Detail

	Proposed General Fund	Proposed Other Funds	Proposed General Fund	Proposed Other Funds
Program Expenses	2010	2010	2011	2011
Personnel	\$0	\$411,731	\$0	\$312,794
Contracts	\$0	\$20,000	\$0	\$221,090
Materials & Supplies	\$0	\$24,986	\$0	\$28,000
Internal Services	\$532,345	\$22,102	\$644,795	\$38,287
Total GF/non-GF:	\$532,345	\$478,819	\$644,795	\$600,171
Program Total:	\$1,011,164		\$1,244,966	
Program FTE	0.00	2.80	0.00	2.00
Program Revenues				
Intergovernmental	\$0	\$408,819	\$0	\$425,171
Other / Miscellaneous	\$0	\$70,000	\$0	\$175,000
Total Revenue:	\$0	\$478,819	\$0	\$600,171

Explanation of Revenues

LPSCC is funded by the State Department of Corrections through SB 1145. The FY 2010 budget contains approximately \$175,000 in one-time carryover funds, which have accumulated in LPSCC's budget over several years. At the direction of its Executive Committee, LPSCC plans to devote \$100,000 of these one-time carryover funds to a grant program to support interagency projects conducted by the Council's working groups and affiliated committees. The operation and maintenance of DSS-Justice is supported by the General Fund. LPSCC plans to devote some or all of its remaining carryover funds to a Reserve Fund for the purpose of upgrading DSS-J's underlying technology and increasing its usage and cost effectiveness.

DSS-Justice, the justice services database, is funded by the General Fund.

Significant Program Changes

Last year this program was: #10015, Local Public Safety Coordinating Council
Elimination of deputy director position

Local Public Safety Coordinating Council

Multnomah County, Oregon



2009 Year End Report

March 2010

Local Public Safety Coordinating Council



2009 Executive Committee

Co-Chairs

Ted Wheeler, Multnomah County Chair
Dan Saltzman, City of Portland Commissioner and Police Commissioner

Members

Chief Scott Anderson, Troutdale Police Chief
Shane Bemis, Mayor of Gresham
Lt. Jason Bledsoe, Oregon State Police
Suzanne Bonamici, State Senator
Lane Borg, Director of Metropolitan Public Defenders
Karl Brimner, Director of County Mental Health Services
Ginny Burdick, State Senator
Judge Julie Frantz, Chief Criminal Court Judge
Joanne Fuller, Director of the Department of County Human Services
Judy Hadley, Citizen Representative
Deborah Hansen, Regional Director of the Oregon Youth Authority
Karin Immergut, U.S. Attorney
Chief Ken Johnson, Fairview Police Chief
Chief Craig Junginger, Gresham Police Chief
Jim Kight, Mayor of Troutdale
Chief Phillip Klahn, Port of Portland Police Chief
Judge Jean Maurer, Presiding Circuit Court Judge
Diane McKeel, Multnomah County Commissioner, District #4
Rob Milesnick, Director of the Citizen's Crime Commission
Kent Robinson, U. S. Attorney
Chiquita Rollins, Multnomah County Domestic Violence Coordinator
Michael Schrunk, District Attorney
Chip Shields, State Senator
Judy Shiprack, Multnomah County Commissioner, District #3
Lillian Shirley, Director of the County Health Department
Chief Rosie Sizer, Portland Police Chief
Bob Skipper, Multnomah County Sheriff
Dan Staton, Multnomah County Sheriff
Scott Taylor, Director of the Department of Community Justice
Judge Nan Waller, Chief Family Court Judge
Michael Ware, Director of the Black Parent Initiative

Staff Contact Information

LPSCC
501 SE Hawthorne Blvd., suite 600
Portland, OR 97214
lpssc.staff@co.multnomah.or.us

Peter Ozanne
Executive Director
503-988-5777

Elizabeth Davies
Public Safety System Analyst
503-988-5002

March 2010

Dear Reader:

As staff to the Council, we would like to acknowledge Co-Chairs Ted Wheeler, Multnomah County Chairman, and Dan Saltzman, City of Portland Commissioner and Police Commissioner, for their leadership, guidance and support in the development of this report.

We would also like to acknowledge the following people for their help in the development this report, particularly the data and information included in Section IV:

Keith Bickford, Multnomah County Sheriff's Office
Tom Bode, LPSCC Intern
Lane Borg, Metropolitan Public Defenders
John Bradley, Multnomah County District Attorney's Office
Doug Bray, Multnomah County Circuit Court
Kamala Bremner, Domestic Violence Fatality Review Team (facilitator)
Lorena Campbell, Centennial School District and Multnomah County DCHS (contract)
Shaun Coldwell, Multnomah County Department of Community Justice
Tina Edge, Department of Community Justice
Christian Elkin, Multnomah County Budget Office
Nancy Hartline, City of Portland Bureau of Fire and Police Disability and Retirement
Ching Hay, Multnomah County Budget Office
Leah Ivey, Multnomah County District Attorney's Office
Stacy Jones, City of Portland Office of Management and Finance
Julie Kallem, City of Gresham Finance and Management Services Department
Wendy Lin-Kelly, Multnomah County Sheriff's Office
Gail McKeel, County IT (DSS-Justice)
Charlene Rhyne, Multnomah County Department of Community Justice
Chiquita Rollins, Multnomah County Department of County Human Services, Domestic Violence
Bill Penny, Multnomah County Department of Community Justice
Dana Schnell, Multnomah County Department of Community Justice
Caryn Shetterly, Gresham Police Department
Scott Taylor, Multnomah County Department of Community Justice
Melody Thompson, City of Troutdale Police Department
Don Trapp, Multnomah County Department of Community Justice
Corie Wiren, Commissioner Diane McKeel's office
Liang Wu, Multnomah County Department of Community Justice
Wanda Yantis, Multnomah County Sheriff's Office
Carol Young, Multnomah County District Attorney's Office

Finally, we would like to acknowledge the chairs, leaders, facilitators, staff and participants who support the work of the Executive Committee and the cross-agency public safety committees, working groups, councils and teams whose successes are profiled in this report. Thank you for your efforts to make this system more efficient and responsive to the public safety needs of the community.

If you have questions or comments about any of the content included in this publication, please contact us using the information included on preceding page.

Peter Ozanne
Executive Director

Elizabeth Davies
Public Safety System Analyst

Executive Summary

For over fifteen years, leaders and stakeholders with a vested interest in the justice system have met monthly as the Executive Committee of Multnomah County's Local Public Safety Coordinating Council (LPSCC). Their mission, articulated in 1995 when Senate Bill 1145 established public safety coordinating councils in Oregon's 36 counties, has been to strengthen existing partnerships in the public safety system and to foster an environment of collaboration, leadership, data-driven policy, transparency and accountability.

LPSCC's commitment to **collaboration** led the Council to establish co-chairs of its Executive Committee in February 2009 and a month later, to convene a special meeting of its Executive Committee to review the organization of LPSCC and consider the direction that its work should take in the coming year. LPSCC's commitment to **leadership** led the Council to renew an invitation to mayors and police chiefs in East Multnomah County to join the Executive Committee. LPSCC's commitment to **data-driven policy** led the Council to formally assume responsibility for the budget and administration of the county's public safety data warehouse, DSS-Justice, and to hire a public safety system analyst to examine cross-agency data and policies. Finally, LPSCC's commitment to **transparency and accountability** led the Council to anonymously survey its members to gather accurate feedback on how successful LPSCC has been over the past year and to develop the following year-end report to summarize LPSCC's work, with the goal of identifying the Council's challenges and successes and increasing its effectiveness.

The 2009 Year End Report begins by exploring the historical context within which LPSCC operates. A brief history of the Council is followed by a review of its vision, values and organization. The report then examines the economic context that surrounds the Council by looking at the demand for services in the public safety system (shifting crime trends) and the supply of those services (shifting budgets). The next two sections, which comprise the core of the report, summarizes the goals, projects and accomplishments of the Council through its Executive Committee, standing subcommittees, working groups and staff data projects, along with the successes of affiliated cross-agency public safety groups. The reports concludes with the identification of seven major actions that the Council could undertake in the coming year that support LPSCC's mission to promote collaboration, leadership, data-driven policy, transparency and accountability in the County's public safety system.

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I. Introduction

On February 3, 2009 Multnomah County Ted Wheeler and Portland City Commissioner and Police Commissioner Dan Saltzman became Co-Chairs of the Local Public Safety Coordinating Council (LPSCC). On March 3, 2009, the Co-Chairs convened a Retreat of LPSCC's Executive Committee to review the organization and structure of LPSCC and to consider the direction of LPSCC's work over the coming year. For the purposes of this Year-End Report, the year 2009 commenced with these two events.

The Co-Chairs directed LPSCC's staff to prepare this report in order to (1) inform the members of LPSCC's Executive Committee, standing committees, workgroups and participating governments and agencies and the community of the Council's current activities and recent accomplishments, (2) provide a basis for evaluating the performance of LPSCC and (3) suggest future directions for the work of the Council in 2010 and beyond. The report is subject to review and approval by the Executive Committee at its regularly scheduled meeting on March 2, 2010.

II. History of LPSCC

In 1995, the Legislative Assembly enacted Senate Bill 1145 for the purposes of expanding and strengthening Oregon's community corrections system. SB 1145 transferred responsibility for the incarceration of felony offenders sentenced to less than one-year from the state to counties in an effort to increase access to community-based corrections and treatment services and to enhance the management and accountability of offenders in the communities where they reside.

As part of the legislature's vision of an effective community corrections system, SB 1145 required every county in the state to establish a local public safety coordinating council to (1) coordinate justice policies and operations among local governments, public safety agencies and community organizations, (2) collaborate in planning and developing improvements in the County's criminal and juvenile justice systems, and (3) reduce crime and recidivism in the County. In signing this legislation, Governor John Kitzhaber highlighted the values underlying the creation of these coordinating councils: "local control, accountability, and crime prevention."

Given Multnomah County's history of close collaboration among its public safety officials, the County's leadership acted quickly to embrace this new vision of community corrections and public safety planning and coordination. By November 1995, the Board of County Commissioners adopted an ordinance establishing LPSCC. The Board also decided to allocate a portion of the County's share of SB 1145 funding for professional staff to support the mission and work of the Council and to conduct public safety research and analysis. As a result of this support by the Board, Multnomah County's LPSCC is widely regarded as one of the most active and effective public safety councils in the state.

In order to promote coordinated, data-driven public safety operations and policies and to realize LPSCC's promise as the primary source for system-wide public safety planning and coordination, in 1998 the Board of County Commissioners and local public safety officials obtained voter approval of a \$7.5 million Criminal Justice Information Technology Bond. As a result, LPSCC undertook the development of a data warehouse, which has become known as the Decision Support System-Justice (DSS-J). DSS-J now receives data directly from public safety agencies across Multnomah County on a daily basis and provides the basic tools for comprehensive, systemic analysis of the effects of current and proposed policies and emerging issues and trends within the County's public safety system. LPSCC oversees the data warehouse through its DSS-J Policy Committee.

III. LPSCC's Vision, Values & Organization

By the end of LPSCC's first year, the Council's members developed the following statement of their vision and values:

Vision

A quality of life that ensures the public of safety, security, and freedom from fear – where all laws are enforced and all crimes have consequences. A thriving, vital, and productive community – with supportive and healthy environments for children and families. A rich variety of educational, employment, and cultural opportunities for all citizens. A shared sense of community responsibility, accountability, and fairness.

Values

- All public safety partners must recognize the need for a comprehensive, balanced approach to public safety.
- Violent crimes against persons must be the first target of the public safety system, followed by crimes that erode the quality of life and respect for the law.
- To prevent crime, we must focus on the causes of crime. Reducing youth involvement in crime, while increasing school and healthy social activities, must be a shared priority.
- Valid and reliable data must be collected and used to measure our progress towards articulated goals.
- The personal rights of each member of the community must be respected and protected.
- Unfair impact on, or bias against, minority communities or women caused by the public safety system must be eliminated.
- Secure and healthy children and families, strong schools, and a shared sense of community, responsibility and justice are conditions for a healthy community.
- An informed public, able to provide information and feedback, is essential to gaining the trust needed for a working partnership to prevent and address crime wherever it occurs.

Organization

In establishing an organizational structure for LPSCC that would align with its vision and values, Council members identified three goals that this structure should achieve:

- Engaged Countywide Leadership. LPSCC should promote the active participation of elected officials, key public safety officials, justice professionals and community leaders from across the County.¹
- Close Collaboration. Once leaders throughout the County are engaged in LPSCC's operations, they must work closely and cooperatively in developing and coordinating public safety operations and policies.

¹ A commitment to engaging countywide leadership recently led LPSCC to establish co-chairs of its Executive Committee and to renew an invitation to mayors and police chiefs in East Multnomah County to join the Executive Committee.

- Data-Driven Planning. Public safety operations and policies must be developed and maintained with long-term goals and consequences for public safety in mind and with systemic perspective that values empirical evidence over anecdotal examples and personal philosophies.²

Based upon these three goals, LPSCC established an Executive Committee, made up of elected officials, the heads of public safety agencies, public safety stakeholders and engaged citizens. The committee is responsible for overseeing the development of public safety plans and policies on behalf of LPSCC, managing the ongoing work of the Council and coordinating its activities.

The Executive Committee, in turn, formed standing committees and working groups, made up of interested officials and agency heads, justice professionals and representatives of service providers and affected communities. These groups conduct investigations and research into issues identified by the Executive Committee and develop proposals and recommendations for consideration by the Executive Committee, the Board of County Commissioners and other local governments.

Within the first year of LPSCC's operation, the Executive Committee established the following standing committees and working groups:

- An SB 1154 Implementation Working Group;
- The Court Workgroup (later merged into the Criminal Justice Advisory Council (CJAC));
- The Committee on Alcohol & Drug Abuse Intervention;
- The Data Standards Committee;
- The DSS-J Policy Committee;
- The Law Enforcement Working Group;
- The Committee on Juvenile Justice & Prevention;
- The Long Range Planning Committee;
- The Mental Health Committee; and
- A Working Group on Public Information.³

At present, the following committees and working groups are actively engaged in addressing issues on behalf of LPSCC:

- CJAC;
- The Juvenile Justice Council;
- The Mental Health Public Safety Subcommittee;
- The DSS-J Policy Committee;
- The Public Safety Plan Workgroup;
- The Youth & Gang Violence Workgroup;
- The System & Agency Alignment Workgroup;
- The Reentry Council;
- The Human Trafficking Task Force; and
- The Domestic Fatality Review Team.

² A commitment to data-driven planning led LPSCC to seek valid and reliable sources of system-wide, interagency information and, ultimately, to establish a data warehouse (DSS-J) to carry out this commitment.

³ For a more detailed description of LPSCC's history and the development of its vision, values and organization, see LPSCC's 10 Year Report: 1996-2006. For more recent history and developments, see LPSCC's Two-Year Report: 2007 & 2008.

LPSCC has periodically reviewed its vision, values and organization over the past 15 years. However, except for changes in standing committees and working groups, the Executive Committee has continued to endorse LPSCC's original vision, values and organization.

At its March 2009 Retreat, the Executive Committee considered changes to LPSCC's organizational structure, but concluded that the current structure should remain unchanged. In particular, the Executive Committee reaffirmed the importance of its diverse, broad-based membership as a means to facilitate communication and dialogue among public safety officials and stakeholders across the County and to involve more stakeholders in LPSCC's committees and working groups. Following the Retreat, the Executive Committee's co-chairs renewed an invitation for mayors and police chiefs in East Multnomah County to join the Executive Committee. As a result, participation on the Executive Committee and its committees and workgroups has increased and included a wider range of perspectives from across the County.

IV. Local Public Safety Trends in 2009

With limited exceptions, crime rates in Multnomah County and across Oregon dropped to unprecedented levels in 2009, mirroring a national trend over the past decade. As a result, the workloads of the County's public safety agencies have also dropped.

In addition, the structural deficits in state and local revenue continued a decade-long trend in Multnomah County of reduced local public safety budgets.

Crime is down in Multnomah County.⁴

The most recent report from the FBI indicates that crime continues to decrease across the nation:⁵ compared to 2008, violent crime has fallen by 4.4 percent and property crime by 6.1 percent. In Portland, violent crime fell by 8.6 percent and property crime by 15.7 percent. Gresham also saw a significant decrease in violent crime, reporting 26 percent fewer violent offenses in 2009 than in 2008, but also experienced an 8.6 percent *increase* in reported property crime. This reduction in reported crime mirrors a longer-term trend in which local jurisdictions have seen crime rates drop since the mid 1990's.

The FBI's estimate includes only the most serious crimes⁶ and does not include lower-level felonies, misdemeanors and drug crimes. Data obtained from local police reports,⁷ grouped into categories similar to those used by the FBI but representative of a wider range of criminal activity including less serious offenses, offer a more comprehensive view of how crime is changing in Multnomah County.

Offense Type	2008	2009	Chg
Behavior	120193	105851	-12%
Person	8958	8436	-6%
Property	41027	37507	-9%
TOTAL	170178	151794	-11%

⁴ For additional tables and graphs presenting crime and workload trend data, see Appendix A.

⁵ FBI Uniform Crime Report, first half of 2009. See <http://www.fbi.gov/ucr/2009prelimsem/index.html>

⁶ Violent crimes include murder, forcible rape, robbery, and aggravated assault; property crimes include burglary, larceny-theft, and motor vehicle theft.

⁷ Only reports from the Portland Police Bureau and the Sheriff's Office are currently available.

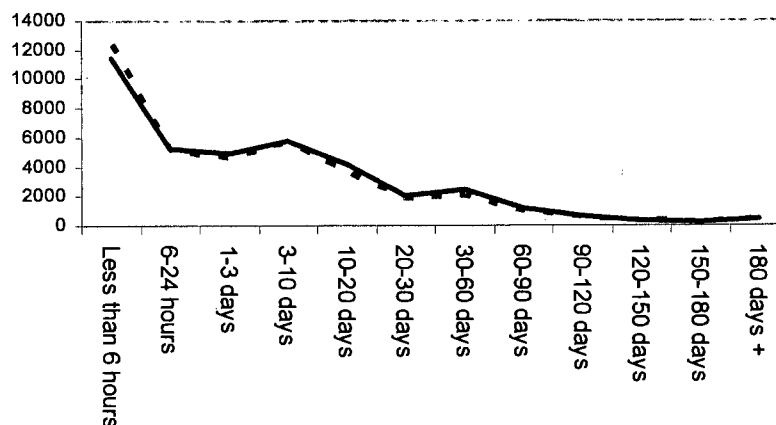
The workloads of local public safety agencies are also down.

Local trends in felony and misdemeanor arrests in 2009 followed the drop in the County's crime rate. Arrests by two of the County's largest police agencies decreased by 6.5 percent in 2009, with a particularly large drop in arrests for felony property crimes (down 26.4 percent) and for felony alcohol and drug crimes (down 12.8 percent).

		2008	2009	Chg
All Arrests (PPB and MCSO only)	All	37863	35413	-6.5%
	Person	3315	3182	-4.0%
	Property	9488	8642	-8.9%
	A&D	3670	3126	-14.8%
	Other	21390	20463	-4.3%
Felony Arrests (PPB and MCSO only)	All	15481	13819	-10.7%
	Person	554	525	-5.2%
	Property	2140	1575	-26.4%
	A&D	3168	2763	-12.8%
	Other	9619	8956	-6.9%
Misdemeanor Arrests (PPB and MCSO only)	All	19573	18965	-3.1%
	Person	2759	2656	-3.7%
	Property	7222	6911	-4.3%
	A&D	99	51	-48.5%
	Other	9493	9347	-1.5%

This decrease in arrests, coupled with reduced jail capacity, the adoption of an open booking policy and the use of alternative sanctions for parole and probation violators, has led to a change in the composition of the jails between 2008 and 2009. There has been a 9 percent increase in the number of individuals held in custody for less than six hours, primarily due to the change in booking policy that brought more individuals into custody who were eligible for expedited recognizance releases. At the same time, the number of inmates held for 10-30 days and for 30-90 days decreased by 13 percent and 17 percent, respectively.

Time in custody from booking to release - - - 2009
— 2008



The largest decreases in the County's jail population, as measured by average daily population (ADP), have been due to reductions in probation and post-prison supervision violations. The jail population resulting from these violations has decreased by approximately 25 percent between 2008 and 2009, due in large part to the Department of Community Justice's increased use of alternative sanctions. The only population whose ADP has increased is the US Marshal's inmate population. The number of jail beds for this population rose 13 percent in 2009.

ADP by Hold Type

	2008	2009	Chg
Not Entered	506	450	-11%
Pre-Trial	107	101	-6%
Post-Trial	392	343	-13%
Non-standard	7	7	9%
Correction PVs	266	196	-26%
Admin PVs	17	18	8%
Parole Violation	195	159	-18%
PPS Violation	29	21	-25%
US Marshal	148	168	13%
Judicial Holds	25	21	-16%
All Other Holds	297	263	-12%
TOTAL	1484	1297	-13%

Consistent with changes in other parts of the system, pre-trial supervision also experienced a decrease (9 percent) in caseload size between 2008 and 2009. It is interesting to note that the type of criminal supervised pre-trial did not vary significantly. The most significant change to the County's Pre-Trial Supervision Services was the reinstatement of MCSO's Close Street Supervision program; this program now provides supervision for higher-risk defendants who previously would have been supervised under DCJ's Pre-Trial Supervision Program (PSP).

Caseload	2008	2009	Chg
PSP1	3,147	2,621	-17%
Felony	877	711	-19%
Misdemeanor	1,467	1,270	-13%
Combination / Other	803	640	-20%
PSP2	1,655	788	-52%
Felony	582	165	-72%
Misdemeanor	505	381	-25%
Combination / Other	568	242	-57%
CSS	307	1,277	316%
Felony	171	581	240%
Misdemeanor	20	174	770%
Combination / Other	116	522	350%
OTHER	131	99	-24%
Felony	38	22	-42%
Misdemeanor	54	40	-26%
Combination / Other	39	37	-5%
Total Caseload	5,240	4,785	-9%

The District Attorney's Office received about 3 percent fewer cases in 2009 than in 2008, or about 800 fewer cases. The Office also rejected more of the cases that its attorneys reviewed for prosecution. In 2008, 29 percent of felony court cases were rejected, whereas 35 percent of felony court cases were rejected in 2009.⁸

Of the felony court cases that the District Attorney's Office resolved in 2008 and 2009 (excluding those that were rejected), there was a significant decrease in the percent resulting in dismissal (26% in 2009, compared to 34% in 2008) and a slight increase in the percent of resulting in a plea agreement (69% in 2009, compared to 62% in 2008). Dispositions in misdemeanor court followed a similar pattern.

	Felony Court			Misdemeanor Court			Total		
	2008	2009	Chg	2008	2009	Chg	2008	2009	Chg
Cases Received	7456	7120	-5%	20306	19819	-2%	27762	26939	-3%
Cases Reviewed	7163	7092	-1%	20255	20060	-1%	27418	27152	-1%
Issued	71%	65%	-8%	77%	75%	-3%	75%	72%	-4%
Rejected	29%	35%	20%	23%	25%	9%	25%	28%	13%
Cases Disposed	5956	4887	-18%	17276	16343	-5%	23232	21230	-9%
Dismissed	34%	26%	-23%	44%	42%	-4%	42%	39%	-7%
Guilty Plea	62%	69%	12%	44%	46%	6%	48%	52%	7%
Guilty Trial	4%	4%	-1%	11%	10%	-7%	9%	9%	-4%
Acquittal	0%	1%	59%	1%	1%	12%	1%	1%	19%

The Department of Community Justice (DCJ) also experienced a drop in its caseload, from 9058 cases in July 2008 to 8649 in July 2009. However, the composition of DCJ's caseload shifted to a higher risk level between 2008 and 2009. In 2009, there were 1207 fewer individuals assessed as "low risk," 678 more individuals assessed as "medium risk," and 207 more individuals assessed as "high risk."

Between the overall reduction in low-risk clients and shifts between caseloads, the vast majority of low-risk clients are now on a reduced supervision caseload. Most of the new medium risk clients were placed on a specialized caseload.

Risk⁹

	2008	2009	Chg
High	1998	2205	10%
Medium	1763	2441	38%
Low	3150	1946	-38%
Limited	1807	1812	0%
Unscored	340	245	-28%
Total	9058	8649	-5%

Supervision Type¹⁰

	2008	2009	Chg
Generic	3340	3113	-7%
Specialized	3371	3219	-5%
Reduced Supervision	2347	2317	-1%
TOTAL	9058	8649	-5%

⁸ It is important to note that when a case is rejected for follow-up by police, it may be issued later; hence, the percentage of cases rejected in 2009 may decrease as more data is collected.

⁹ Refers to the level of risk obtained through a scored risk assessment of risk to re-offend; the assessment includes the offender's prior involvement with the criminal justice system, history of escape or failure to appear, and substance abuse.

The budgets of local public safety agencies continue to shrink.¹¹

The Multnomah County FY 2010 adopted General Fund budget decreased by \$29.5 million or 7.2 percent from FY 2009.¹² This budget shortfall was primarily the result of reduced revenues caused by the County's on-going structural deficit. The County was able to avoid a larger cut through a suspension of wage increases and cost of living adjustments by most of its labor unions and an increase to the Motor Vehicle Rental Tax.

Law Enforcement Budgets. Budget cuts in 2009 had a limited impact on most of the County's law enforcement agencies. The Multnomah County Sheriff's Office cut one FTE (out of 124 in FY09) and increased its FY 2010 budget by 2 percent. The Troutdale Police Department hired 0.3 FTE (out of 29.2 in FY09) and increased its budget by 4 percent. The Portland Police Bureau cut 42 FTE (out of 1285 in FY09) and increased its budget by 3 percent, primarily through a major precinct reorganization that reduced the Bureau's five precincts to three.

The Gresham Police Department experienced deeper cuts to its budget in 2009. Sixteen out of 168 FTE were eliminated and the department's overall budget was cut by 6.8 percent. The department initially lost 12 sworn officers and 7 civilians, but through Community Oriented Policing Services (COPS) funding was able to restore 6 of these officer positions. Gresham was also able to obtain funding from the state to support the East Metro Gang Enforcement Unit.

State funding for four basic police training academies was also eliminated, forcing local governments to fund training through revenues generated by citations and fines. With leadership and coordination provided by LPSCC's System and Agency Alignment Workgroup, police agencies in Multnomah County responded to this deficit in training funds by combining forces to develop their own local training programs.

Corrections and Pre-Trial Supervision Budgets. Cuts in Multnomah County's budget had a greater impact on local corrections functions. The Sheriff's Office was required to reduce its FY 2010 corrections budget by approximately \$3 million, or 2.8 percent. In order to bring the County into compliance with the federal Prison Rape Elimination Act and best practices in corrections, the Sheriff's Office also elected to move to single bunks in its jail cells. The net result of these changes to the County jail system was a loss of 172 beds and a new budgeted system capacity of 1367 beds.¹³

Corrections functions performed by other county agencies also took significant budget cuts in FY 2010. DCJ's Recog Unit decreased its budget by 15 percent by eliminating 1.8 out of 14.6 FTE. Corrections Health reduced its budget by 6.6 percent, eliminating 2.1 out of 80.5 FTE.

¹⁰ Refers to three of DCJ's supervision strategies; specialized supervision caseloads focus on specific sub-populations of offenders, such as domestic violence and sex-offenders, whereas reduced supervision caseloads focus on the lowest-risk offenders on supervision and involve minimal contact between PO and client.

¹¹ For charts presenting the budget data discussed in this section of the report, see Appendix B.

¹² Multnomah County's fiscal year begins on July 1 and ends on June 31 of the calendar year.

¹³ (a) Between 150 and 200 of the County's jail beds are used to house federal prison inmates under a contract with the US Marshals Service.

(b) The Sheriff's Office recently reported that state SB 1145 funding will be \$1.2 million less than it budgeted for FY 2010. As a result, additional 2 housing units with approximately 100 jail beds may have to be closed. However, state funding under Ballot Measure 57 may help offset this shortfall.

DCJ cut 180 cases from its Pretrial Supervision Program (PSP) caseload and transferred them to the Sheriff's Close Street Supervision Program (CSS). That change resulted in a net gain of 6 FTE, with 4 positions cut from PSP and 10 added to CSS, and a net budget increase of approximately \$1 million dollars for the County's pretrial services.

The Prosecution Budget. The Multnomah County District Attorney's Office was also impacted by budget cuts in 2009. The office initially cut 11.8 percent of its felony prosecution budget and 3.9 percent of its family and community justice prosecution, eliminating 15.3 attorney positions and 3 staff positions.

However, the District Attorney was able to obtain JAG (Justice Assistance Grant) funding to support four additional positions in FY10: a Deputy District Attorney (DDA) for sex offender registration, 1 DDA for gang prosecution, a DDA for domestic violence prosecution, and a DDA for the enforcement of prostitution laws. The Board of County Commissioners also decided to restore a DDA position assigned to the STOP Court. As a result of this additional support, the office ultimately lost a total of 10.3 DDAs in 2009.

The Circuit Court and Public Defense Budgets. The Multnomah County Circuit Court took a 9.8 percent cut in its final state budget, and Metropolitan Public Defenders, the largest defense firm in the County, reported a 6 percent cut to the state's public defense budget. However, the passage of HB 2287 in the 2009 legislative session, which increases fees throughout the court system, is projected to generate \$39 million for the state. Sixty-five percent of this projected revenue will go to the Oregon Judicial Department and 35 percent to Indigent Defense.

Community Corrections and Treatment Budgets. In anticipation of impending state budget cuts in late 2009, DCJ postponed major cuts to its Adult Services Division until 2010. Therefore, the Division only reduced its staff by 5.6 out of 295.1 FTE.

However, DCJ's Juvenile Services Division faced major reductions in 2009. Its budget was reduced by nearly \$3 million, or 10.4 percent, and 17.5 of its 193.8 positions were cut. These cuts meant the elimination of juvenile multi-systemic therapy treatment and foster care programs and reductions in juvenile culturally-specific intervention services. Juvenile services received further cuts following the adoption of the FY10 budget, and its detention center was reduced from 80 beds to 64 beds.

The state budget restored most of the funding that the Governor's proposed budget cut from DCHS Mental Health and Addiction Services for vital correctional services. As a result, the County continued to offer crisis services, a walk-in clinic and outpatient services. The state budget for social services also included additional funding for domestic violence programs.

V. Projects and Accomplishments of LPSCC's Committees, Working Groups and Affiliated Groups

During its first year of operation in 1995, LPSCC established an Executive Committee to (1) oversee the development of public safety plans and policies on behalf of LPSCC, (2) manage the ongoing work of the Council and (3) coordinate LPSCC's activities. In order to carry out these responsibilities, the Executive Committee has met on a monthly basis and periodically established standing committees to address pervasive issues and chronic problems in the public safety system and working groups to address critical issues and acute problems in the system. This section of the report summarizes the projects and accomplishments of the Executive Committee, its committees and working groups, and affiliated public safety councils.

The Executive Committee

Chaired by Multnomah County Chair Ted Wheeler and Portland Police and City Commissioner Dan Saltzman

This country's public safety systems have traditionally been divided horizontally among local, state and federal governments and vertically between separate local governments and agencies, most of which are headed by independently elected officials. Such an organization structure demands interagency cooperation, planning, coordination and oversight. As a result, the 1995 Oregon legislature established local public safety coordinating councils in each of the state's 36 counties for the express purpose of "coordinat[ing] local criminal justice policy among affected criminal justice entities" (ORS 423.560; SB 1145). The Executive Committee performs these functions on behalf of Multnomah County's Local Public Safety Coordinating Council.

Projects & Accomplishments:

In the course of ten 90-minute monthly meetings from March 2009 to March 2010, the following actions and deliberations by LPSCC's Executive Committee are among its most notable accomplishments in 2009:

Established new directions and working groups for LPSCC. During its March 2009 meeting and Retreat, the Executive Committee reassessed LPSCC's current organization and activities, as described in Section III of this report. In order to address issues that the committee considers the most pressing and critical in 2009, it established three new working groups – the Public Safety Planning Workgroup, the Youth & Gang Violence Workgroup and the System & Agency Alignment Workgroup. Moreover, because of the importance of data analysis and reporting to the work of LPSCC and the critical role of DSS-J in performing those functions, the committee also agreed to restructure the DSS-J Policy Committee and appoint new co-chairs to lead the Policy Committee's efforts to strengthen and improve DSS-J.

Assessed the impacts of state and local budget reductions. The Executive Committee heard presentations from state and local public safety and human services agencies on the condition of their FY 2009 budgets and the anticipated reductions in their FY 2009 budgets. The committee attempted to assess the collective impact of anticipated budget reductions on the local public safety system, rates of recidivism and community safety.

Discussed the impacts of the Sheriff's new jail booking policy. The committee reviewed changes in the Sheriff's jail booking policy. Referred to as an "open booking," the new policy expanded the criteria for bookable offenses to include any offense defined by Oregon statute and a greater number of local ordinance violations. Although this policy change increased the workloads of other justice agencies, at least in the short run, and in the number of suspects held in custody for less than 6 hours, the new policy appeared to have had a limited or minimal impact on the County's overall jail population.¹⁴ The Executive Committee directed LPSCC's staff, in collaboration with the Sheriff's Office, to ensure that a process is established to track the size of this new policy's impact on the County's jail population over the coming year.

Approved a new Jail Capacity Management Action Plan. In late 2009, the Executive Committee focused its attention on the Board of County Commissioners' Capacity Management Action Plan which, pursuant to state law, allows for the "forced release" of pretrial inmates before their cases

¹⁴ Average length of stay (ALS) in jail is frequently used as an indicator of a local justice system's efficiency in adjudicating cases. If suspects in Multnomah County subject to the Sheriff's open booking policy and to less than 6 hours of jail custody are included in the ALS, then the validity of ALS as an indicator of performance of the County's adjudication process will be compromised.

are resolved. Under Multnomah County's plan, forced releases are authorized when the County's jail population reaches 97 percent of the jail's funded capacity.¹⁵ The committee was concerned, in particular, with the lack of community supervision of inmates released during a jail population emergency, despite the fact that other, lower risk defendants are routinely released under pretrial supervision. The committee was also concerned that a substantial number of inmates are released from the Multnomah County Detention Center in downtown Portland in the early hours of the morning without ready access to services or transportation. As a result of these concerns, the Sheriff's Office convened a "Capacity Management Review Team," which included representatives of the Executive Committee, to develop recommendations for revisions to the current plan and to draft a new plan. The Executive Committee approved the Review Team's proposals for a new plan, which is now pending review and approval by the Board of County Commissioners.

Reviewed the design of a new Drug Court for Ballot Measure 57 offenders. The committee approved a request by DCJ, the District Attorney's Office, the Circuit Court and the Metropolitan Public Defenders, inc. (MPD) to apply for a state grant for the operation and evaluation of a new Drug Court under the state's \$11 million Measure 57 Intensive Drug Court Grant Program.¹⁶ Members of CJAC developed a model for the Drug Court, which would be consistent with the needs of the participating agencies, evidence-based practices, available resources and best practices in the operation and evaluation of drug courts. In February 2010, the Executive Committee approved the proposed model and the state grant was awarded later that month.

Approved a new Community Corrections Plan for Multnomah County. Council Members voted to approve the 2007-2009 Community Corrections Plan, which outlines the County's use of SB 1145 funding. Some of the key initiatives funded through this plan include more effective case planning through the expanded use of the LS/CMI tool, more effective sanctioning practices in order to reduce jail bed usage, and more effective and coordinated gang reduction strategies.

Reviewed policy changes in the juvenile justice system. The Executive Committee was informed by representatives of the Juvenile Court, the District Attorney's Office and DCJ's Juvenile Services Division that the County is facing major challenges in the administration of juvenile justice due to state and local budget cuts. Those challenges include prosecutors' increasing inability to conduct legal sufficiency reviews and issue cases for misdemeanor crimes and DCJ's limited capacity to house delinquent youth due to the reduction in available space at the Juvenile Detention Center. The committee reviewed the proposals of the effected agencies, including a new intake and assessment model that helps determine the best resolution for cases involving low, medium and high-risk youth and a process to reconnect youth on probation with school. The Juvenile Justice Council is currently examining the effectiveness of adjudication alternatives for youth in order to more accurately identify which youth need services. The Council's proposals will be presented to the Executive Committee for review and approval in 2010.

¹⁵ During one of the Executive Committee's meetings, the Sheriff's Office explained that a jail population in excess of 97 percent of jail capacity does not automatically trigger emergency releases, but instead alerts jail personnel to begin reviewing inmate release scores under the Capacity Management Plan.

¹⁶ For more information about this program, see <http://www.oregon.gov/CJC/docs/FY2009FinalMeasure57RFP.pdf>

The Criminal Justice Advisory Council (CJAC)

Chaired by Presiding Circuit Court Judge Jean Maurer

ORS 1.851 directs the presiding judge of each Oregon judicial district to establish a local criminal justice advisory council "to consider and address methods of coordinating court, public defense and related services and resources in the most efficient and cost-effective manner that complies with the constitutional and statutory mandates and responsibilities of all participants." In addition to the presiding judge, these councils are required by statute to include the district attorney, the local correctional administrator, public defense service providers, and representatives of the county bar association and local and state law enforcement agencies. Additional members may be added to the advisory councils at the discretion of the presiding judge.

A variation of this advisory council has existed in Multnomah County since 1988, before the foregoing statute was enacted. During its first year of operation in 1995, LPSCC created a Court Workgroup with a mission and membership similar to CJAC's. In order to avoid confusion and duplication of efforts, that workgroup was merged into CJAC in 1996.

As the primary forum to resolve operational issues in the Circuit Court and to review and approve policies and practices affecting the court, CJAC has played a central role in LPSCC's initiatives over the past 15 years. CJAC's most significant actions have included (1) advocating for evidence-based sentencing and corrections practices through the development of DSS-J; (2) designing and implementing specialty courts such as Drug Court, Domestic Violence Court; Community Court and Mental Health Court; (3) establishing an automated Court Appearance Notification System to reduce the failure to appear rate of criminal defendants; (4) co-sponsoring Multnomah County's 2008 Public Safety Plan, a six-month project involving over 80 stakeholders from the public and private sector that proposed the most cost-effective use of the County's public safety resources and (5) providing continuous review and recommendations to the presiding judge on the presiding judge's standards for (a) pretrial release without posting a security amount prior to a first court appearance, (b) the schedule of security amounts by offense for a security release prior to a first appearance and (c) standard conditions to be imposed for release from custody prior to first appearance under the presiding judge's authority.

Projects & Accomplishments:

In addition to its role in addressing operational challenges in the Circuit Courts and issues affecting the administration of the criminal justice in Multnomah County in 2009, CJAC has undertaken the following tasks:

Supervised the integration of the County's two pretrial services programs. In October 2008, the County reestablished the Sheriff's Close Street pretrial supervision program and combined it with DCJ's Pretrial Services Program. CJAC convened representatives of the two programs on numerous occasions in 2009 to resolve issues regarding the allocation and size of the programs' respective caseloads, the quality and extent of defendants' pretrial supervision and court services they should be expected to provide the appropriate level of integration and collaboration between the two programs and the validity of their pretrial release screening instrument.

Developed and implemented a new Security and Emergency Plan and Business Continuity Plan for the Circuit Court. Modern trial courts must anticipate natural disasters, interruptions in support services and malicious or criminal acts directed at the courts, which can threaten or interrupt the operations of the courts. In 2008, Multnomah County's Presiding Circuit Court

Judge selected a new court security manager and designated CJAC as the court security committee. In 2009, CJAC reviewed and approved the security manager's proposed Security and Emergency Plan and Business Continuity Plan for the court.

Established procedures to implement Ballot Measures 51 and 52. Measures 51 and 52 established new constitutional rights for crime victims regarding their notification of participation and participation in criminal court proceedings. The constitutional provisions called for the establishment of specific procedures to implement the new rights of victim, which CJAC finalized and implemented in 2009.

Developed procedures to implement Ballot Measure 57. Measure 57 enacted new mandatory prison sentences for felony property offenders, along with provisions to establish alcohol and drug treatment services in lieu of prison. In order to implement the measure's provisions for new intensive treatment services, the state legislature established a grant program for specially designed Drug Courts in participating counties to be administered by the Oregon Criminal Justice Commission. Members of CJAC representing the affected agencies met in late 2009 and early 2010 to develop the County's grant application. The County's application was approved by the Criminal Justice Commission in February and implementation of the new Drug Court began in the same month.

Created procedures to expedite the disposition of criminal cases in order to hasten the release of defendants subject to holds from other jurisdictions to the custody of those jurisdictions. Jail inmates subject to charges in other counties or states may contribute to the unnecessary use of jail beds in Multnomah County in cases in which local charges could be resolved and out-of-county holds on other charges could be removed. Therefore, the Circuit Court in consultation with the members of CJAC established new procedures in 2009 to expedite the disposition of charges in Multnomah County and to permit the release of defendants to other counties without further delay and expense.

Designed and implemented a process for the conduct of "good time hearings" under House Bill 3508 (2009). House Bill 3508 authorized additional reductions in the sentences of prison inmates convicted of specified felony offenses, based upon the prison behavior of eligible inmates. The legislation applied its provisions increasing "good time" retroactively, and established the right of prosecutors to object to awards of good time and request judicial hearings to review the awards. CJAC approved detailed procedures proposed by the Circuit Court to implement the hearings process. To date, the court has conducted over 400 hearings requested by the District Attorney's Office.

The Juvenile Justice Council (JJC)

Chaired by Judge Nan Waller

The Juvenile Justice Council (JJC) began its work in Multnomah County 16 years ago as the Detention Reform Steering Committee, which guided the development of the County's nationally-recognized "Juvenile Detention Alternatives Initiative" (JDAI). JDAI was designed to control the rate of juvenile detention, eliminate disproportionate detention of youth of color and place eligible youth in evidence-based programs in the community under correctional supervision.¹⁷

JJC, which consists of representatives from local police agencies, schools, the Board of County Commissioners, the judiciary, juvenile defense attorneys, DCJ's Juvenile Services Division, the District Attorney's Office, the Oregon Youth Authority and youth service providers, continues to monitor and adjust the county's detention policies to ensure that the original objectives of JDAI continue to be met. JJC is also committed to ensuring community support for its detention policies and practices.

In order to ensure a "bottom up" rather than "top down" approach to detention reform, JJC established a Detention Reform Team, which is made up of managers and line staff from DCJ's Juvenile Justice Division and has designed most of the changes in detention policies, procedures and practices in JDAI. This team also developed and continues to refine the risk assessment instrument governing detention and program placement decisions in the County. A Detention Reform Legal Team also reports to JJC and addresses technical and legal issues related to Detention Reform and how they affect the representation of juvenile clients.

However, JJC's mission statement confirms that its activities and concerns extend far beyond detention reform in its efforts to make the community safer and hold youth accountable:

The mission of the Juvenile Justice Council is to provide a forum for the development and implementation of policies, procedures and practices to improve the juvenile justice system. The Council engages [its members] and other system stakeholders within Multnomah County to improve the juvenile justice system by promoting public safety, responding to the needs of victims and assuring the equitable and effective delivery of services to youth and their families.

Projects & Accomplishments:

In addition to monitoring and refining policies and practices governing juvenile detention and community placement and supervision, JJC undertook the following tasks in 2009:

Facilitated collaboration between MCDA and DCJ in screening and sorting cases. In the midst of continuing reductions in the county general fund, the District Attorneys Office determined that attorneys would no longer be able to conduct legal sufficiency reviews for all cases received and would only continue to review juvenile cases involving person felonies, gun charges and custodies. In order to address this problem, the District Attorney's Office began working with DCJ to see if juvenile counselors could review police reports and perform the necessary sorting and screening as cases enter the system. After legal sufficiency has been established, cases are assessed based on risk and need. Low-risk cases are typically resolved with a warning or

¹⁷ As an example of the national recognition of JDAI, see Joanne Katz and Gene Bonham, "Effective Alternatives to Incarceration: Police Collaborations with Corrections and Communities," (U.S. Office of Community Oriented Policy Services, March 2009).

letter to parents, low- to medium-risk cases typically result in community service or restitution, and the highest risk cases go on to adjudication. DCJ is hoping that by refining the process of intake and assessment, staff will be better able to identify youth who can be placed on electronic monitoring instead of detained in custody.

Examined the effectiveness of alternatives to adjudication. JJC is in the process of examining the effectiveness of adjudication alternatives in order to more accurately identify which youth need services. Council members are also examining the effectiveness of these interventions when working with youth who cross-over from the Child Welfare System to the Juvenile Justice system, with particular attention to factors that are known to increase the likelihood that CWS youth will enter the juvenile justice system (such as length of stay, number of moves, and age). JJC has determined that there is a need for more communication between foster care caseworkers and law enforcement and an overall need to improve the relationship between youth and law enforcement. The Council is also interested in intervening with youth charged with a minor in possession (MIP) by sending second-time offenders to court and placing them into any necessary treatment.

In cooperation with Crime Victims United (CVU), prepared a report to LPSCC in response to CVU's assessment of the County's juvenile justice system. At LPSCC's September 2008 meeting, the Council accepted JJC's recommendation that it meet with CVU over the coming months to review CVU's report assessing the County's juvenile justice system. JJC and CVU agreed that representatives of CVU and JJC's Executive Committee would undertake this review process. During the next nine months, representatives of JJC and CVU met five times, discussed each of CVU's recommendations, reviewed relevant data and policies, and discussed their differing perspectives with regard to CVU's assessment.

In February 2010, JJC submitted its conclusions and recommendations resulting from this process to LPSCC in a "Juvenile Justice Report to LPSCC." During LPSCC's discussion of this report, questions were raised about CVU's criticism of the County's juvenile justice system based upon a recidivism rate above the state average. The discussion revealed that (1) Multnomah County has a smaller number of youth on probation than other counties with a significantly higher portion of high-risk youth, (2) the size of the population of youth on probation is the result of a conscious policy decision by JJC and DCJ, based upon evidence-based practices, to concentrate limited resources on those youth with the highest-risk and greatest need of services and treatment, (3) the County's rate of recidivism has declined steadily over the past seven years and (4) the policies of JJC and DCJ reflect their commitment to reduce minority over-representation and disproportionality and greater access to culturally specific services.

Reviewed the FY 2010 budgets of agencies that serve the juvenile justice system.

Reviewed the responses to recent increases in gang activity and violence by local law enforcement agencies and DCJ.

The Mental Health and Public Safety Subcommittee

Chaired by Judge Julie Frantz and DCHS Director Joanne Fuller

In October 2006, Portland Mayor Tom Potter formed a Mental Health Task Force, co-sponsored by Multnomah County Chair Ted Wheeler and State Senators Avel Gordly and Ben Westlund, in response to the death of James Chasse, who died of injuries sustained while in police custody.

The Task Force produced an Action Plan in January 2007, which identified problems occurring at the intersection of the mental health and public safety systems, as well as solutions to those problems. The Action Plan's proposed solutions to these problems included (a) restoring Oregon Health Plan coverage so more of the mentally ill can receive treatment, (b) increasing supportive housing, (c) expanding culturally-specific programs, (d) addressing the overrepresentation of African-Americans with mental illnesses in the criminal justice system, (e) establishing a sub-acute mental health facility, (f) improving the recruitment and hiring processes for police officers, (g) developing crisis intervention training for police and corrections officers and (h) creating a new court advocates program for the mentally ill.

Mayor Potter presented these recommendations to LPSCC at the Executive Committee's March 2007 meeting. In response to that presentation, the Executive Committee reestablished a Mental Health and Public Safety Subcommittee to provide coordination and oversight at the intersection of the public safety and mental health systems, as well as a forum for affected agencies and stakeholders to address issues and initiate improvements in those systems.

Projects & Accomplishments:

In addressing the recommendations of the Mayor's Task Force, the Mental Health and Public Safety Subcommittee has focused over the past three years on the development of a Mental Health Court, a Sub-Acute Mental Health Center a crisis intervention training program. In 2009, the subcommittee has been occupied with the following tasks in support of those projects:

Continued to oversee the operations of the Mental Health Court. The subcommittee launched the Mental Health Court in July 2008. Now that the court is operational, the subcommittee has monitored the court's operations and considered adjustments and improvements in those operations over the past year. The court currently has 35 clients. Referrals to the Mental Health Court from judges and DCJ and attorneys are based solely on an "Access I diagnosis," such as a bi-polar disorder or schizophrenia. The most common criminal charge is theft. With input from the subcommittee, the court is currently considering the expansion of its referral requirements in order to increase the number of offenders who can participate in the program.

Promoted and oversaw the establishment of the Sub-Acute Mental Health Center. The development of a site for a Mental Health Sub-Acute Treatment and Crisis Center has been planned for the current site of the Ramada Inn next to the Rose Quarter in Portland. The center will house the Hooper Detox Sobering Station on the first floor and sixteen sub-acute beds on the second floor. Funding will be provided through agreements between Multnomah County, the City of Portland and the Portland Development Commission. With a planned opening in 2012, the Mental Health and Public Safety subcommittee is monitoring and guiding the design and construction of the facility.

Continued to seek support for crisis intervention training. With support from the subcommittee, a mental health crisis intervention training program has been established at the Portland Police Bureau, Troutdale Police Department and the Sheriff's Office. Responses to the training have

been positive, but the agencies are concerned about the sustainability of the skills developed by the training programs. Recent cuts in the state's budget for the Department of Public Safety Standards and Training (DPSST) will make it difficult to continue these programs. Therefore, subcommittee is committed to finding other sources of funding and support.

Began a process to analyze problems and propose solutions at the intersection of the mental health and public safety systems. With support from LPSCC and the Department of County Human Services, the subcommittee has recently secured technical assistance from the U.S. Mental Health Services Division's Gains Center. Nationally known for its expertise, the Center provides consultation services to local communities for the purpose of integrating mental health and substance abuse treatment programs that serve clients in the criminal justice system. With guidance from the Gains Center using its Intercept Model,¹⁸ the subcommittee has undertaken an assessment of Multnomah County's public safety and mental health systems. The assessment is expected to help managers and professionals in both systems to identify opportunities to support individuals with mental health problems at various points in the criminal justice system.

The DSS-Justice (DSS-J) Policy Committee

Chaired by Commissioner Judy Shiprack and Trial Court Administrator Doug Bray

In 1996, Multnomah County's Board of Commissioners and public safety officials obtained voter approval of a \$7.5 million bond to improve information technology among the County's law enforcement and justice agencies. This bond money was used to fund the development of the Decision Support System for Justice (DSS-J), a common data warehouse that integrates public safety data from local sources while allowing individual justice agencies to continue their operations and data systems without interference.

Over the past decade, DSS-J has allowed users to query justice agency data, track events such as criminal incidents, arrests, case dispositions and criminal histories, and respond to requests for research regarding operational and policy issues affecting the public safety system. The system is used by research analysts and DSS-J staff to evaluate programs and policies, design and generate recurring reports and analyze systemic issues and problems throughout Multnomah County's public safety system.

In the County' FY 2010 adopted budget, the Board of County Commissioners formally transferred responsibility for the administration of DSS-J to LPSCC, which agreed to oversee the further development, improvement and administration of the system through the DSS-J Policy Committee.

Projects & Accomplishments:

Considered updates to the access policy for DSS-J. The Policy Committee reviewed the policy for making DSS-J accessible to new users who are not employees of agencies participating in the system. The committee agreed to review and update procedures for granting access to DSS-J, including appropriate sanctions for misuse of the system and its data. To complete this task, the committee will reconvene and consult with the DSS-J Security Subcommittee.

Identified the major issues facing DSS-J in 2010-11. Representatives of the County's Information Technology Services Division (County IT) presented the Policy Committee with an outline of the financial and technical issues facing DSS-J. The system's technology is 10 years

¹⁸ For more information about this model, see http://gainscenter.samhsa.gov/pdfs/integrating/GAINS_Sequential_Intercept.pdf

old and, while other county data system applications have changed over the years to keep up with improved technology and cost-effectiveness, DSS-J has not. County IT agreed to review the structure and architecture of DSS-J and present feasible options to the committee to update and upgrade the system.

Developed and approved a Strategic Action Plan for DSS-J. Based on the foregoing input of County IT and feedback from numerous users of DSS-J, the committee discussed the need for and the necessary elements of a Strategic Action Plan for DSSJ and approved a final draft of the plan in January 2010. The draft plan will be submitted to the Executive Committee for its approval at the committee's March 2, 2010 meeting.

Oversaw the development of a Failure to Appear (FTA) Report. The Policy Committee reviewed a proposal developed by staff at LPSCC and DCJ to add FTA reporting to the DSS-J web tool. The committee proposed several additional variables for the report and discussed how it should prioritize this project and other similar projects. It approved Phase I in the development of an FTA Report. The online report is expected to be available by mid-2010.

Continued to oversee developments and improvements in LPSCC's data analysis and reporting functions. In recognition of the critical importance of data analysis and reporting to LPSCC's success, the Policy Committee discussed the future of data reporting and how to display information to policy makers on a routine basis to encourage its use. The committee considers the County's Safety Priorities Brief an example of the potential for regular presentation of data and analysis of critical issues, trends and problems facing the local public safety system. It directed LPSCC's staff to expand and improve that report and identify other means to improve LPSCC data reporting and analysis functions.¹⁹

The Public Safety Planning Workgroup

Chaired by District Attorney Mike Schrunk and DCJ Director Scott Taylor

In 2007 and 2008, the Crime & Justice Institute, a nonpartisan consulting and research agency, worked with Multnomah County to develop a public safety plan designed to "assist decision makers in building and maintaining the most balanced, effective, and cohesive public safety system possible within available resources." This six-month study, commissioned by the Board of County Commissioners and overseen by a core group of policy analysts and local public safety professionals, brought together over 80 stakeholders from the public and private sectors, including judges, police officers, prosecutors, parole and probation officers, victims advocates, treatment and services providers and private citizens to identify gaps in functions and services in the County's public safety system and to propose the most cost-effective use of the County's limited public safety resources. The final plan was released in 2008 and included over 50 proposals for improvements in the public safety system. The plan also prioritized the most cost-effective strategies likely to reduce crime.

By the time of LPSCC's March 2009 retreat, little work appeared to have been done to implement the proposals in the Public Safety Plan. As a result, the Executive Committee established the Public Safety Planning Workgroup to ensure that the plan would be acted upon after so much time and effort devoted to the effort. The workgroup was directed to (a) review the status of the proposals recommended in the Public Safety Plan (b) identify proposals that had not been implemented, (c) focus on the proposals that were given the highest priority and

¹⁹ For more detailed information about these functions and tasks, see Section VI. of this report, "LPSCC's Data Analysis and Reporting Goals for 2009."

(d) determine which of those proposals are feasible to implement under current conditions, which agencies or organizations should be responsible for implementing them.

Projects & Accomplishments:

The Public Safety Planning Workgroup has carried out the Executive Committee's directions over the past year as follows:

Reviewed the status of all the proposals in the 2008 Public Safety Plan. LPSCC staff began this process by surveying those persons primarily responsible for implementing the Public Safety Plan's 53 original proposals to determine their current status. This survey revealed that nine of the proposals had been or will soon be implemented, seven proposals had been partially implemented, and 37 had not been implemented. The workgroup then met to review the survey results, with particular attention to the proposals identified in the Public Safety Plan as a high priority. Following the workgroup's review and discussions, LPSCC staff developed a guide book on the proposals, along with a two-page summary detailing the status of each project, its priority level, and its budget.

Identified the most feasible, high priority proposals in the Public Safety Plan. At its second meeting, the workgroup selected the following highest priority proposals in the Public Safety Plan, based upon the group's assessment of feasibility in light of the current level of available public safety resources:

- a common pretrial database;
- an integrated Criminal Justice Information System (CJIS);
- the restoration of adult misdemeanor supervision;
- standardized police reports; and
- a "Holds Team."

The workgroup also expressed support for proposals to establish a Mental Health Crisis-Respite Facility and a system for tracking defendants subject to a "determination of fitness to proceed" by the Oregon State Hospital. The workgroup forwarded three additional proposals to the Multnomah County Reentry Council for its consideration: (1) establishment of a "Transition Vocation Team," (2) coordination of inmate transition services and (3) establishment of more housing for homeless offenders and inmates returning to the community.

Promoted the initial steps in the development of a common pretrial database. In response to the Public Safety Plan's proposal on this subject, staff at the Sheriff's Office began developing a less costly alternative that proposed to document and coordinate the steps in the jail booking process and to develop an electronic custody report in the Sheriff's Warrants Identification System (SWIS). The first draft of this alternative proposal was presented to and approved by the Public Safety Planning Workgroup in September 2009. Following the workgroup's approval, Sheriff's Office staff planned to convene other affected agencies and stakeholders to begin refining the proposal and assessing its cost and feasibility in conjunction with a similar proposal under consideration by the Reentry Council.

Supported the concept an Integrated Criminal Justice Information System (CJIS). As a result of formal support from LPSCC and leadership from the District Attorney's Office, outside technical consultants were retained in 2008 to undertake a study to assess the condition of the County's public safety information systems and the feasibility of a project to link all of these systems together. The study, which was submitted to LPSCC in early 2009, estimated that the project would take three to five years to complete at a cost of approximately \$10 million. After reviewing the results of the consultant's study, the workgroup concluded that it was not realistic to

undertake such a project in light to the current state of the County's budget. However, the workgroup did support the concept of CJIS, as well as the County's efforts to seek outside grant funding to support the project. It also recommended that future changes in DSS-J and other public safety data system be implemented in ways that align with the goals of CJIS. Based on that recommendation, LPSCC staff reviewed the consultant's study, identified strategies proposed in the study that would be feasible, and includes those strategies in the DSS-J Strategic Action Plan.

Recommended further investigation of a proposal to restore misdemeanor supervision.

DCJ's ability to supervise most misdemeanor offenders has been dramatically cut over the past decade; currently, the department can only supervise clients convicted of domestic violence misdemeanors and other select categories. The workgroup requested DCJ to determine the system impacts of expanding supervision service for additional high-risk misdemeanants, including potential increases in the use of jail and added costs of supervision.

Supported the development of standardized police reports. The Public Safety Plan proposal to standardize police reports across Multnomah County was originally believed to be highly dependent on the development of CJIS; as a result, no further work had been done to implement this proposal. The workgroup considered the feasibility of the proposal in light of the Portland Police Bureau's current effort to develop a new PPDS data system for use by other law enforcement agencies in the County. The workgroup referred the proposal to LPSCC's System and Agency Alignment Workgroup for further study and possible implementation.

Highlighted the importance of a "Holds Team." The Public Safety Plan proposed the establishment of a "Holds Team" to expedite the disposition of cases in which defendants are held in custody on warrants from other jurisdictions pending resolution of their cases in this county. After the Public Safety Planning Workgroup highlighted this proposal as a top priority in order to promote the most effective use of jail beds, the members of CJAC began developing an expedited docket to process cases with out-of-county holds so that the defendants in those cases could be transported to other counties as quickly as possible.

Promoted efforts to track pretrial offenders subject to a determination of their capacity to stand trial. This Public Safety Plan proposal had not been implemented in part because of a Sheriff's Office's estimate of the time and effort required to complete the necessary reprogramming of its data system. However, due to the high priority placed on implementation of this proposal by the workgroup, the Circuit Court and the Sheriff's Office have worked together to design a notification process that alerts judges when defendants return to jail after a determination of "fitness to proceed" by the Oregon State Hospital in Salem.

The Youth and Gang Violence Workgroup

Chaired by DCHS Director Joanne Fuller, BPI Program Director Michael Ware and Gresham Police Chief Craig Junginger

For over a decade, public safety agencies, service providers, and community members throughout Multnomah County have worked together under the auspices of LPSCC and local governments to implement nationally-recognized strategies to combat youth and gang violence. However, recent tragic events involving youth and gun violence in 2009, coupled with police reports that gang membership is increasing throughout our community and in East Multnomah County in particular, alerted LPSCC's Executive Committee to the need to renew its focus on the problem of youth and gang violence.

At its March 2009 Retreat, the Executive Committee acknowledged the importance of incorporating into existing local efforts to reduce youth and gang violence (1) a sustainable planning process, (2) comprehensive analytical research to support the process, (3) the active involvement of affected communities and (4) coordinated intergovernmental responses to violence. Accordingly, the committee formed a Youth and Gang Violence Workgroup and directed the workgroup to employ a comprehensive, evidence-based approach to youth and gang violence prevention, intervention and enforcement strategies by focusing on long-term reductions in youth and gang violence, as well as immediate, coordinated responses to violent incidents. The Executive Committee's direction to the workgroup regarding a comprehensive, evidence-based approach to reduce youth and gang violence is attached in Appendix C.

Projects & Accomplishments:

The workgroup focused its attention over the past year on (a) identifying current efforts in Multnomah County to reduce youth and gang violence, (b) establishing a process to coordinate and strengthen ongoing intervention and enforcement strategies, (c) identifying populations of at-risk youth and affected communities as the most appropriate subjects of prevention strategies and (d) developing an inventory of existing prevention programs and services, as well as gaps in those services in light of evidence-based practices in prevention. The workgroup formed an Intervention and Enforcement Planning Team, a Best Practices in Prevention Subcommittee and Prevention Data Subcommittee to address the following tasks:

Summarized existing approaches to youth and gang violence enforcement, intervention and prevention. LPSCC's staff produced a concise summary of past and present efforts in Multnomah County to reduce youth and gang violence in order to inform the members of LPSCC and the workgroup, their participating agencies and stakeholders, the public and the media of the nature and success of those efforts and proven evidence-based strategies employed in the County. The summary is attached in Appendix D.

Began to convene "Stop the Violence Offender Meetings." The Intervention and Enforcement Planning Team was formed in 2009 with support from the staff of LPSCC, DCJ, the Portland Police Bureau and the Portland Office of Youth Violence Prevention. The Team has planned a series of "Stop the Violence Offender Meetings" that employ "Ceasefire" strategies first developed over 10 years ago by Professor David Kennedy and his colleagues in Boston and successfully implemented in Portland through the U.S. Department of Justice's "Strategic Approaches to Community Safety Initiative."

In preparation for these meetings, law enforcement officials, community members, service providers and former gang members and offenders are working together to develop meeting agendas, to clarify the group's message and to identify at-risk gang members most likely to benefit from these meetings. Convened in various locations throughout the County, Stop the Violence Offender Meetings involve presentations by community members, former gang members and offenders, service providers and law enforcement officials that convey the following messages: (a) violence is wrong and unacceptable to the community, (b) the community wants you to return to a crime-free life and become productive and valued citizens, (c) help is available to leave your life of gangs and violence; and (c) more violence will result in an immediate and coordinated law enforcement response, including state and federal prosecution leading to long prison sentences, frequently served in distant parts of the country.

The first Stop the Violence meeting was held on December 16, 2009. Over 20 gang members on felony probation attended the meeting, as well as more than 30 representatives of local law enforcement agencies, service providers and affected communities, former gang members,

offenders and their families, and victims of violent crime. The Planning Team expects to hold three or four more of these meetings in 2010.

In order to exchange information on best practices and successful outcomes across the country, the Planning Team has joined the National Network for Safe Communities. Founded by Professor Kennedy and his colleagues at John Jay College of Criminal Justice, the network includes mayors, police chiefs, prosecutors, justice professionals, community leaders, service providers, street workers and scholars who have adopted Ceasefire strategies as an integral component of their violence and gang prevention initiatives.

Piloted survey to inventory current prevention programs and services and identify gaps in those services. The Best Practices Subcommittee, after reviewing LPSCC's 2004 "Healthy Communities" plans for Portland and Gresham, decided to begin its work by updating those plans. As its first step, the workgroup agreed to conduct an inventory of current prevention programs and services for at-risk youth, including the identification of gaps in those programs and services using best practices in youth and gang violence as its criteria. Accordingly, LPSCC's staff designed a written survey in November 2009 to administer to service providers and stakeholders throughout the County. The preliminary results of a "pilot" survey administered solely to members of the Best Practice Subcommittee were distributed to the subcommittee in January 2010. The Best Practices Subcommittee will reconvene in February to evaluate and revise the survey and explore additional methods to complete its inventory of prevention programs and services.

Began a literature review of best practices in prevention. The Best Practices Subcommittee also decided to undertake a literature review to identify risk factors associated with youth violence, as well as evidence-based programs and strategies to address those risk factors. DCHS's research staff conducted the review and structured findings in accordance with evidence-based public health practices, examining the risk protective factors that an individual youth encounters in different environments and throughout different stages of personal development. The results of this ongoing review will be used in the subcommittee's inventory and assessment of prevention programs and services in Multnomah County and gaps in those programs and services.

Planned a "geocoding analysis" to strengthen prevention strategies. The Data Subcommittee decided to undertake an analysis derived from the Harvard Geocoding Project,²⁰ using a "neighborhood-level" approach to identify risk factors associated with high-risk locations as opposed to high-risk individuals. Used in conjunction with information obtained from the foregoing literature review, this analysis, which has yet to be completed, should reveal underlying causes of youth and gang violence in affected communities and lead to the design of more effective prevention, intervention and enforcement strategies. The Data Subcommittee plans to use the results of the analysis, along with the results from the literature review and the Best Practices Subcommittee's inventory of programs and services, to examine relationships between risk factors in local communities and selected prevention strategies.

Investigated potential collaborative prevention strategies with schools. During late 2009, the Youth and Gang Violence Workgroup focused on relationships between education policies and practices and youth crime and delinquency, with particular interest in the impacts of school discipline and expulsion practices and their disproportionate application to youth of color. With school administrators and related service providers attending its meetings, the workgroup

²⁰ See <http://www.hsph.harvard.edu/thegeocodingproject/>

reached preliminary agreement regarding the following elements of effective collaborative strategies with schools:

- support the development of a district-wide student disciplinary policy that takes into account the unique circumstances of individual students;
- focus on students with the greatest disciplinary challenges, without neglecting students engaged in less problematic at-risk behavior;
- share more data while complying with privacy and confidentiality policies;
- anticipate the students likely to have discipline problems without labeling students as discipline problems prematurely;
- develop sustainable partnerships among schools, service providers, law enforcement, county human services and juvenile services;
- engage teachers in bias training without giving offense;
- hold teachers accountable for their disciplinary decisions without limiting their ability to make those decisions;
- intervene at early stages of child development to prevent delinquent behavior; and
- hold students accountable through conduct agreements and clear policy statements.

In subsequent meetings, the workgroup concluded that it was important to respect existing collaborative prevention efforts in schools including, in particular, the work of Multnomah County's Commission on Children, Families and Communities (CCFC) in conjunction with local school districts. As a result, the workgroup invited the participants in that effort to participate in the workgroup's meetings, and agreed to become an active partner in a joint effort to address disciplinary processes and prevention strategies in the County's schools.

The System and Agency Alignment Workgroup

Chaired by Portland Police Chief Rosie Sizer and Sheriffs Dan Staton (11/09 - current) and Bob Skipper (5/09 - 10/09)

At its March 2009 Retreat, LPSCC's Executive Committee recognized LPSCC's persistent but unsuccessful attempts to balance and align the public safety investments, policies and practice of local governments and law enforcement and justice agencies so that Multnomah County's public safety system can truly be considered a system. Without such balance and alignment, the system's cost-efficiency and optimal impact on crime will be compromised by conflicting and competing strategies and by a combination of relatively understaffed and overstaffed functions that cannot complement or support each other.

About the same time, and in recognition of similar problems resulting from a lack of balance and alignment among local law enforcement agencies, police chiefs throughout Multnomah County formed their own working group to coordinate and consider consolidating police functions such as recruiting and hiring practices, training programs, data collection and reporting, and communication systems. In light of this existing working group, the Executive Committee requested the chiefs to combine their effort with a new System and Agency Alignment Workgroup co-chaired by Portland Police Chief Rosie Sizer and Sheriff Bob Skipper.

The Executive Committee established a mission for this new workgroup to identify areas in which local governments and public safety agencies can cooperate to (a) avoid costly duplication of efforts, (b) address imbalances in the County's public safety system caused by variations in resources and (c) increase cost-effectiveness of interagency strategies and practices in the public safety system. The committee recognized that the new workgroup would proceed in 2009 with the police chiefs' important efforts to investigate collaborative and coordinated policing

strategies. The committee anticipated the workgroup would eventually add members for the purpose of addressing interrelationships among other agencies, as well as systemic issues of alignment and balance with widespread impacts on the County's public safety system.

Projects & Accomplishments:

Investigated coordinated policy strategies. During the course of the year, the workgroup met to coordinate or consolidate recruitment, hiring and training programs, as well as investigation and SWAT operations. The workgroup expects to implement some of its most feasible and cost-effective recommendations in 2010.

Developed local alternatives to DPSST's training programs. One of the workgroup's principal objectives in 2009 was to address the loss in DPSST's training capacity as a result of recent cuts in the state budget. Concluding that police training can be delivered effectively "in-house" by local trained and experienced police officers, the workgroup developed a curriculum for a local training program. DPSST has agreed to provide classroom space if local police department provide the staff to deliver the training. Chief Sizer reported that the new curriculum is likely to result in better training, especially in the areas of supervision practices and leadership development. The workgroup intends to share its training model with other counties in the state.

In order to carry out the original mission of the System and Agency Alignment Workgroup, the Executive Committee will need to provide the workgroup with further guidance, including suggestions for members to add to the group and additional issues to address in 2010.

Reentry Council

Chaired by DCJ Director Scott Taylor and Sheriffs Dan Staton (11/09 - current) and Bob Skipper (5/09 - 10/09)

In October 2008, an informal work group presented a report to the Board of County Commissioners entitled "Transition from Jail to Community: Improving Reentry Outcomes in Multnomah County." The report proposed that the Board establish a Reentry Council to be operated under the auspices of LPSCC. The Board responded by adopting a resolution in December 2008 formally establishing a County Reentry Council.

In adopting this resolution, the Board of Commissioners recognized that the nationwide focus in recent years on programmatic support for prison inmates returning to their communities has failed to address the needs of returning jail inmates. However, with Congress's passage of the Second Chance Act in 2007, local governments became eligible for federal financial assistance to reduce recidivism using methods consistent with Bureau of Justice Statistics' research on offender reentry. A condition of receiving this federal financial assistance under the Second Chance Act is the formation of a local "Reentry Task Force" comprised of "relevant...local leaders; and...representatives of relevant agencies; service providers; non-profit organizations; and stakeholders" in order to "examine ways to pool resources and funding streams to promote lower recidivism rates for returning offenders and minimize the harmful effects of offenders' time in... jail... on families and communities."

With the critical need for more jail reentry planning and services in Multnomah County, as well as this new opportunity for federal support, the Board's December 2008 resolution directed the Reentry Council to "(a) meet the conditions of receiving financial assistance under the Federal Second Chance Act; (b) collaborate with the Multnomah County Local Public Safety Coordinating Council; (c) collaborate and bridge the Multnomah County Sheriff's Office's in-jail reentry programs with the out-of-jail reentry programs by the Department of Community Justice

and services by community partners; (d) identify gaps in programs and services and recommend changes to address those gaps; (e) make quarterly reports to the Board of Commissioners; and (f) be structured in two tiers, with a Policy Team and an Operations Team."

Projects & Accomplishments:

In order to carry out the directions in this resolution, the Reentry Council undertook the following tasks in 2009:

Reviewed the State of Oregon's prison reentry efforts. At the Reentry Council's first meeting, the Council received a presentation from Ginger Martin, Assistant Director of the Oregon Department of Corrections regarding the department's reentry programs and strategies. Although some of the issues and challenges for jail reentry differ from prison reentry (most notably, lengths of stay and population stability), the Council expects that the Department of Corrections' experience and accomplishments with reentry will prove valuable to local efforts.

Identified the target inmate population. Earlier meetings focused on the selection of an appropriate target population for reentry services. The Council reviewed various reports and statistics focused on different populations of inmates (e.g., those who are "frequently booked," those with the mental health issues, those who are incarcerated for a minimum period of time) and eventually decided to focus on women, property offenders, and/or sentenced offenders. The Council plans to focus on the housing and employment needs of this population.

Investigated Cook County, Illinois' "Jail Data Link" Project. In November 2009, the Council reviewed information on Cook County's "Jail Data Link" project,²¹ which focuses on a "recovery oriented system for individuals with mental illness who are involved in the criminal justice system; an improved continuum of mental health care for individuals involved with the criminal justice system; and increased collaboration between system partners and stakeholders to advocate for funding, legislation, and the expansion of existing initiatives and practices." Council members requested additional information regarding this project before determining whether to pursue a similar strategy in Multnomah County. Liv Jenssen, DCJ Transition Services, has formed a smaller workgroup to coordinate information gathering and has also organized a conference call with Cook County officials for later in 2010.

Supported the automation for the County's pretrial "Recog" form. In conjunction with a related effort by LPSCC's Public Safety Planning Workgroup, the Council considered the feasibility and approved the concepts of (1) converting the County's "Recog" interview form, which is used to collect information relating to the decision to release a criminal defendant from jail pretrial on his "own recognizance" without depositing bail or a security deposit, into an electronic format and (2) linking the resulting automated Recog data to the data systems of other justice agencies and relevant service providers. County IT is currently developing an estimate of the costs and logistics involved in automating the Recog form.

Reviewed proposals in the 2008 Public Safety Plan regarding the transition or reentry of jail inmates into the community. The Reentry Council is currently considering the feasibility and implementation of three proposals forwarded to the Council by the Public Safety Planning Workgroup: establishment of a "Transition Vocation Team;" the coordination of transition or reentry services and "Transitional Centers" to provide temporary housing for homeless offenders returning to the community.

²¹ If readers of this report are interested in seeing how Jail Data Link works and viewing sample data for the Returning Home Initiative, please contact Liv Jenssen, Manager of the Transition Services Unit.

The Human Trafficking Task Force

Managed by Deputy Sheriff Keith Bickford

Human trafficking, including sex and labor trafficking, is a growing problem in Oregon, due in part to the traffic permitted by Interstates I-5 and I-84 and the Willamette and Columbia rivers and the state's large seasonal farming community. Some observers claim that Portland has one of the largest sex industries of any city in the United States.

In 2005, the County received a six-year grant to coordinate and improve efforts to reduce human trafficking. The grant provided funding for a human trafficking coordinator, who now manages the operations of the task force. The objectives of the task force include (a) locating victims of human trafficking and connecting them with necessary services, (b) identifying gaps in services for victims and developing strategies for filling those gaps and (c) coordinating efforts of law enforcement agencies to arrest and prosecute human traffickers. In recognition of the importance of the task force's work, the City of Portland and Multnomah County passed resolutions in June 2009 recognizing the work of the Human Trafficking Task Force and supporting the Oregonians Against Trafficking Humans Campaign (OATH).

Projects & Accomplishments:

In addition to pursuing the objectives described above, the Human Trafficking Task Force's accomplished the following tasks in 2009:

Collaborated with relevant federal authorities. The task force has collaborated with the U.S. Attorney's Office and U.S. Immigration and Customs Enforcement to ensure that undocumented aliens can report suspicions or observations of human trafficking without risking deportation. The task force is also exploring the relationship between human trafficking and gangs through ongoing investigations, planning, and community education.

Alerted parents and schools about the problem of human trafficking. The task force and OATH held a conference in spring 2009 at Reynolds High School to educate parents, students, educators and other school community members about human trafficking in Oregon. Juvenile Judge Nan Waller delivered the keynote address. Task force members considered the conference a "wake-up call," particularly for parents. The task force has also begun working with local schools to develop a human trafficking curriculum, which will be piloted in Reynolds and South Salem High Schools.

Supported the establishment of a secure shelter for juvenile victims of sex trafficking. The task force identified the need for a shelter in Multnomah County that is devoted exclusively to serving underage female victims of sex trafficking. Currently, when young female victims of human trafficking are found by law enforcement, there is no secure place to take them for housing and support services. As a result, many of these victims return to their pimps. Oregon Senator Ron Wyden, in collaboration with State Representative Brent Barton and County Commissioner Diane McKeel, has introduced a proposal in Congress for three \$750,000 block grants to build or renovate suitable facilities. The shelters would provide housing, counseling, programming, education and medical services for 12 to 15 girls.

Promoted and screened the film "Playground." The task force promoted and organized screenings of the documentary film "Playground," which focuses on the sexual exploitation of children within the United States.²²

²² A link to an excerpt of the film can be found at <http://www.playgroundproject.com/>.

The Domestic Violence Fatality Review Team

Co-Chaired by Judge Jean Maurer and Commissioners Jeff Cogen (2009) and Diane McKeel (2010)

Formation of a Domestic Violence Fatality Review Team is authorized by the ORS 418.712 through 418.718, with membership governed by those statutes. The Multnomah Fatality Review Team was formed in fall of 2006, and includes professionals from local law enforcement, criminal justice, health, human service, and domestic violence agencies and organizations. Each year, participants select one to three criminal cases in Multnomah County involving a death caused by domestic violence and carefully review the details of the case in order to gain insight into the tragedies and develop recommendations for strategies to avoid similar incidents in the future.

Projects & Accomplishments:

The Fatality Review Team conducted two reviews in 2009. While the content of the reviews and the identities of the victims and perpetrators were held in strict confidence by participants, the team developed four sets of specific recommendations for improvements in the response of the public safety system to domestic violence (DV) grouped under the following general proposals:

Improve responses from individuals and institutions when abuse is suspected. Most victims of DV homicides have seen a health care provider in the year prior to their death or have talked to family, friends or co-workers, but relatively few victims call police, the County's DV Crisis Line, or other domestic violence services. Therefore, people outside the public safety system often have the best opportunity to intervene. Family members, employers, professional staff, and public safety officials can be more effective in their response to suspected DV if they are more informed about the issues, and the services and resources available to help. The Fatality Review Team recommended the following actions:

- Develop information on public safety planning and make this easily available to a variety of audiences;
- Provide information to students in middle and high schools about relationship safety and the dangers of DV;
- Increase information and screening for youth involved in gangs who are either victims or perpetrators of DV and are in middle or high school;
- Improve the knowledge and competence of mental health practitioners to address DV and dating violence and provide safety planning through initial and continuing education and training;
- Develop an initial screening for DCHS to assess DV, mental health, alcohol and drug issues and low cognitive functioning; and
- Develop and maintain capacity for DV training for employees of DCHS and human services providers.

Enhance the ability to identify and track high-risk cases. Evidence-based assessment tools have become available in the past five years that help to identify high-risk DV offenders. Increasing use of such a tool to identify DV perpetrators with a high-risk of reoffending and increasing access to that data to more people who interface with victims will permit law enforcement officers, court officials and DV advocates to encourage more victims to seek help and respond

appropriately to offenders based on the risk they pose. The Fatality Review Team recommended exploring additional targeted response to “high danger” cases and expanding jail-based services for both DV victims and perpetrators.

Improve information for justice and social service professionals to assist them in responding to specific cases. Health, human service and court professionals have contacts with victims and perpetrators of DV, yet are often unaware of the individual’s history with DV. These professionals have an opportunity to help, not only through improved referral to DV services, but by improving treatment services for co-occurring health, mental health and substance abuse disorders. Increased access to relevant public records would promote treatment of these inter-related issues. The Fatality Review Team recommended developing strategies for appropriate responses to DV victims who wish to continue or return to relationships with partners identified as perpetrators.

Identify and fill gaps in the public safety system that limit the ability to respond to DV. There is a lack of sufficient DV services – from information, to shelters, to advocacy. Sometimes essential services are not available at all. Gaps in the continuum of DV services, especially for services targeted to special populations, would likely reduce the incidence of DV homicides. The Fatality Review Team recommended the following actions:

- Improve access to housing for DV survivors in order to increase their ability to leave a dangerous situation;
- Expand anti-trafficking and anti-prostitution efforts for at-risk youth;
- Assure services are available for families following a domestic violence homicide, such as grief counseling and follow-up on individual welfare (esp. for minor children); and
- Based on three years of reviews, the DVFR Team recognizes the overarching need to have leadership in our community speak out strongly against DV.

VI. LPSCC’s Data Analysis and Reporting Goals

In recognition of the critical importance of data analysis and reporting, the Executive Committee’s Co-Chairs directed the Council’s staff, in partnership with the DSS-J Policy Committee and County IT, to focus on the following goals in 2009:

Develop a Strategic Action Plan for DSS-J.

LPSCC’s staff, in collaboration with the DSS-J Policy Committee, County IT and representatives of stakeholder agencies, developed a draft Strategic Action Plan that outlines priorities and strategies to improve the administration and operation of DSS-J and to realize its full potential as the primary source for interagency public safety data and analysis in Multnomah County.

Subject to approval by the Executive Committee at its March 2, 2010 meeting, the Strategic Action Plan outlines the steps²³ needed to pursue the following strategies:

- Increase the overall demand for public safety data;
- Expand the use of data from DSS-J through regular reports by LPSCC and its member agencies;
- Establish clear lines of authority and refine the organizational structure of DSS-J;
- Reduce the costs of technology supporting DSS-J;

²³ For more detailed information on the strategies and actions included in this plan, see Appendix E.

- Improve the accessibility of DSS-J's data tools;
- Improve the breadth, depth, and accuracy of the data collected in DSS-J; and
- Capitalize on the knowledge and expertise of DSS-J's staff, County IT and the system's users in strengthening and expanding DSS-J.

The DSS-J Policy Committee believes that implementation of these strategies will (1) improve the focus and direction of DSS-J, (2) ensure realization of the full potential of the system (3) justify the County's continuing financial support of DSS-J and (4) most importantly, ensure that Multnomah County's public safety policies and practices are data-driven, evidence-based and cost-effective.

Establish a Public Safety Analysts Team to support the work of the DSS-J Policy Committee.

LPSCC's staff assembled a team of public safety analysts from across Multnomah County to (a) identify best-practices for processing and analyzing public safety data, (b) determine areas for improvement in data collection and management, (c) develop a common understanding of key public safety concepts (e.g. risk assessment, recidivism) and (d) promote collaboration between the DSS-J Policy Committee and the analysts' public safety agencies.

In July 2009, the Public Safety Analyst Team ("PSAT") identified obstacles to sharing and updating public safety information and working on common documents and data sets. The team decided to create a "wiki"²⁴ to allow the team to develop and update a common public safety data dictionary, distribute contact information, share new resources and provide a central hub for reporting data and reports. As a result, LPSCC's staff developed a "PSAT wiki" (<http://psat.wikidot.com/>) with these features, and is working on a similar wiki for LPSCC and other interested parties to share resources and find information (<http://lpssc.wikidot.com/>).

Improve LPSCC's Public Safety Priorities Brief.

For the past six years, Multnomah County's Budget Office has published the "Public Safety Priorities Brief" (the Brief), a monthly report designed to update policy makers, agency managers, and other stakeholders in the County on the current state of the public safety system, as well as to highlight major changes or emerging trends in public safety. On July 1, 2009, responsibility for the publication of the Brief was transferred to LPSCC.

This transition period provided LPSCC's staff with the opportunity to assess the quality and effectiveness of the Brief and consider ways to improve it. LPSCC's staff conducted a survey, which indicated that the Brief is regarded as informative by its users and generally contains accurate and relevant public safety updates. However, the survey results also revealed that most users neither primarily rely upon the document for public safety updates nor share its contents with colleagues. The results also reflected the need for more relevant data and more in-depth analysis.

²⁴ Similar to the concept underlying "Wikipedia," a wiki is a website that permits participants to edit site content, exchange comments and post materials. Depending on the nature and purpose of the wiki, edit-rights and view-rights may be open to the public or password protected.

Based on the findings of the Safety Priorities Brief survey, LPSCC's staff resolved to take the following actions:

- Consult with public safety analysts and interested survey respondents to determine what additional data, statistics, and topics should be included in the Brief and to ensure that changes to the Brief maintain the document's existing level of accuracy and relevance.
- Make the Brief more relevant and important to readers by adding an analytical component that provides insight into current public safety issues and trends. The analytical component of the Brief will be published quarterly, providing analysis of key trends, policy changes and emerging issues in the public safety system with the benefit of the knowledge and expertise of the Public Safety Analysts Team.
- Update the LPSCC website to include background information on the Brief, past issues of the Brief, descriptions of each section, a glossary of key terms and acronyms, and links to other public safety reports and data sources.
- Investigate technological options for the Brief (such as blogs, wikis, and discussion forums) that will allow readers to discuss trends and issues with one another and provide feedback on the content of the Brief.

Create an automated "Streams of Offenders" simulation model to assess impacts of public safety budget and policy decisions.

The Multnomah County Adult Public Safety System (MAPSS) model was conceived of during budget meetings with the public safety leaders in 2008. In December 2008, LPSCC's Public Safety System Analyst (then with the Budget Office) was asked to develop a tool that would (a) graphically depict the typical movement of offenders through Multnomah County's public safety system; (b) allow users to input policy changes and estimate the impact of those changes on other parts of the system; and (c) encourage collaborative policy making and inform budget decisions by public safety agencies.

The resulting MAPSS model, based on the "Streams of Offenders" diagrams created in previous budget years, uses data available from DSS-J and other local sources to depict the movements of typical defendants and offenders through the public safety system. The model allows users to change the number of cases assigned to a certain function or outcome in the system, and then uses population estimates and basic probability calculations to direct those cases to the most appropriate next decision point and estimate the impact of that change at other stages in the system.

The MAPSS model has been presented at CJAC, LPSCC and the Analyst Team. Future iterations of the model will incorporate feedback garnered from these presentations, along with ongoing input from agency analysts, policy makers and experts in simulation models (see recommendation x in Section VII).

VII. Future Directions for LPSCC in 2010-2011

Based upon the experience of LPSCC and its staff over the past year, the Executive Committee's Co-Chairs recommend that the committee approve the following actions in 2010-2011. These actions will be discussed at the March and April 2010 Executive Committee meetings to ensure full input by LPSCC members.

1. Increase access to system-wide public safety data and objective research and analysis through the cost-effective operation of DSS-J.

A primary responsibility of LPSCC is to critically assess current and proposed public safety strategies, policies and programs for consideration by the Board of County Commissioners and the leadership of other local governments in Multnomah County. In light of the widespread commitment to evidence-based policies and practices throughout the County, access to system-wide data and objective research and analysis is essential to carrying out that responsibility.

In recognition of its responsibility, LPSCC advocated for and subsequently sponsored the development of DSS-J, which now serves as the County's repository for system-wide public safety data and the basis for objective research and analysis of the local public safety system. However, persistent cuts in Multnomah County's budget have made it difficult to conduct significant, ongoing research and analysis. As a result, LPSCC has been unable to fully carry out its responsibility to advise the County and other local governments regarding the most effective, evidence-based policies and practices.

In recognition of this deficit in available research and analysis, Multnomah County's 2008 Public Safety Plan included the following recommendation:

Enhance criminal justice systems research capacity [by] [fund[ing]] a dedicated, independent systems researcher to examine cross-agency criminal justice system data to identify and quantify improvements to the criminal justice system.²⁵

With the recent addition of a Public Safety System Analyst to its staff and assumption of the responsibility to administer DSS-J, LPSCC is now capable of producing the necessary research and analysis to advise Multnomah County and other local governments on effective, evidence-based policies and practices. However, to ensure that it remains capable of performing this critical function, LPSCC must operate DSS-J in the most cost-effective manner possible.

Over the past 15 years, the annual cost of maintaining and operating DSS-J has steadily increased to a cost that now exceeds \$500,000. A significant factor in this increase is the steady migration of other County departments and agencies away from the Oracle-based "technology platform" upon which DSS-J depends. The County's Information Technology Division has advised LPSCC that the cost of maintaining LPSCC can be significantly reduced by switching to the same technology platform used by the rest of the County.

LPSCC's Co-Chairs recommend that a portion of LPSCC's annual budget resulting from salary and administrative savings²⁶ be set aside over the next two years to help support this change in DSS-J's technology platform.

²⁵ Multnomah County Public Safety System Planning Report (2008), p. 17.

²⁶ LPSCC has been able to realize significant cost-savings through cuts in staffing, travel and professional services (used in the past to fund outside consultants to publish reports such as this Year End Report).

2. Establish a more formal reporting and advisory relationship with the Board of County Commissioners.

LPSCC's staff has received comments from County Commissioners, their staffs and others that the County and Board of Commissioners would benefit from more advice and input on public safety issues in advance of those issues coming before the Board. These comments are consistent with LPSCC's view of its role as advisor to the Board on public safety matters using relevant data from DSS-J, objective analysis by the Council's staff and research regarding evidence-based policies and practices.

LPSCC's Co-Chairs recommend a formal process that provides the Board of Commissioners with the opportunity to request input from LPSCC and its staff on public safety issues and policies of concern to the Board. This process should provide the Council with sufficient time to deliberate and discuss the policies and issues referred to it by the Board. As part of this process, the Board may direct LPSCC to report back on the substance of its deliberations and discussions and the perspectives and opinions of Council's individual members.

3. Dedicate a limited portion of LPSCC's budget to a grant program to support the most promising projects of the Council's committees, working groups and affiliated organizations.

The County Budget Office has informed LPSCC's staff that Senate Bill 1145 grant funds totaling \$100,000 have accumulated over the years in the Council's budget and that these one-time-only funds must be used without further delay. The funds must be devoted to promoting the mission and goals of SB 1145.

LPSCC's Co-Chairs recommend that these funds be used for individual grants, totaling no more than \$25,000 per grant, to support promising projects and strategies developed under the auspices of LPSCC. If the Executive Committee agrees with this recommendation, LPSCC's staff would issue a request for proposals immediately following the Executive Committee's March 2, 2010 meeting. In order to promote the Council's collaborative, interagency approach to developing and implementing public safety policies and practices, only the following groups would be eligible to apply for these grants:

- The Juvenile Justice Council;
- The Mental Health & Public Safety Subcommittee;
- The DSS-J Policy Committee;
- The Public Safety Plan Workgroup;
- The Youth & Gang Violence Workgroup;
- The System & Agency Alignment Workgroup;
- The Reentry Council;
- The Human Trafficking Task Force;
- The Domestic Fatality Review Team; and
- Any other interagency working groups affiliated with LPSCC.

Following LPSCC's receipt of proposals in response to the RFP, the Executive Committee will review the proposals and award the grants at one of its regular monthly meetings.

LPSCC currently supports a part-time Executive Director, a full-time public safety system analyst and a part-time intern.

4. Improve LPSCC's methods of communicating with its members, stakeholders and the public, and increase the cost-effectiveness of the Council's operations.

LPSCC must continue to take advantage of the latest information technology in order to communicate effectively with its members, public safety stakeholders and the public to (a) enhance widespread understanding of the issues facing LPSCC and affecting public safety in Multnomah County and (b) increase the cost-effectiveness of the Council's operations and administration.

For example, LPSCC's staff, in collaboration with the County's Public Affairs Office, is currently designing a new, more compelling and user-friendly website for LPSCC. The new website will permit access to material regarding the Executive Committee's proceedings and deliberations, the work products of the Executive Committee's subcommittees and working groups, the latest research regarding evidence-based policies and practices, reports and analysis from LPSCC's staff and participating agencies, internet links to other sources of information, research and analysis of developments in public safety across the country and agendas and materials for upcoming meetings of the Executive Committee and its subcommittees and working groups. The latter feature is expected to reduce the time and costs of preparing and reproducing hard copies of written materials for all LPSCC meetings.

LPSCC's staff has also developed a "wiki," which is a website like Wikipedia that permits input and editing by users of the site. This wiki will permit participants in the work of LPSCC's committees and working groups to share information and perspective on current issues. The wiki will also permit Executive Committee members and stakeholders to comment on pending issues before the committee and on agendas and materials for its upcoming meetings.

LPSCC's Co-Chairs urge members of LPSCC's Executive Committee, subcommittees and working groups to promote this latest information technology by personally taking advantage of the information, opportunities for enhanced communication and cost savings that these innovations offer.

5. Continue to promote rigorous outcome evaluations of projects, strategies and programs supported by LPSCC and implemented by the Council and its participating agencies.

LPSCC should continue to promote rigorous evaluations of its own strategies and programs and those of its member agencies in at least three ways. First, the Council can serve as a model for rigorous evaluation by ensuring that its own operations and processes are regularly evaluated. In conjunction with the issuance of this report, LPSCC's staff administered a concise survey of Executive Committee members for the purposes of (a) assessing participants' level of satisfaction with LPSCC's meetings, activities and administration and (b) identifying areas for focus and improvement. LPSCC's Co-Chairs urge members of the Executive Committee to complete this survey and subsequent surveys without delay.

Second, whenever feasible and cost-effective, LPSCC should require outcome evaluations of its own projects and the strategies and programs it supports. The Council should also encourage and promote outcome evaluations of the strategies and programs implemented separately by its member agencies. When such evaluations are not feasible, LPSCC should request confirmation that these strategies and programs replicate comparable efforts in other jurisdictions, which were subject to outcome evaluations.

Third, when responding to request for advice and input from Board of County Commissioners and other local governments, LPSCC should note whether relevant strategies and programs are capable of being evaluated for outcomes, and whether such evaluations have been conducted in Multnomah County or elsewhere.

6. Develop partnerships with Portland State University to share research and analytical expertise and to conduct joint investigations and analyses.

At the Executive Committee's March 2009 Retreat, several members advocated for the establishment of partnerships with local academic institutions. A recent appointment of LPSCC's Executive Director to the faculty of PSU's Criminal Justice Policy Research Institute provides the opportunity to establish such a partnership. LPSCC's Co-Chairs propose that staff explore with the Institute the possibility of sharing research and expertise, engaging graduate students in the work of the Council and undertaking joint research and grant projects of mutual interest.

LPSCC staff members are also pursuing a partnership with PSU researchers Dr. Wayne Wakeland and Dr. Matt Jones to refine and expand the MAPSS model. Both professors have a sophisticated knowledge of simulation modeling and criminal justice policy, and Dr. Wakeland was involved in a similar modeling project in Lane County, a project which garnered strong support from the National Institute of Justice. The team of PSU researchers and LPSCC staff is currently applying for a federal grant to fund their work.

7. Select new public safety topics or local issues to address in the coming year.

During its March 2009 Retreat, the Executive Committee identified a variety of major topics for LPSCC to address in 2009 and formed the Public Safety Plan Workgroup, the Agency and System Alignment Workgroup and the Youth and Gang Violence Workgroup to address three of these topics. Other topics discussed at the Retreat, or proposed since then, include:

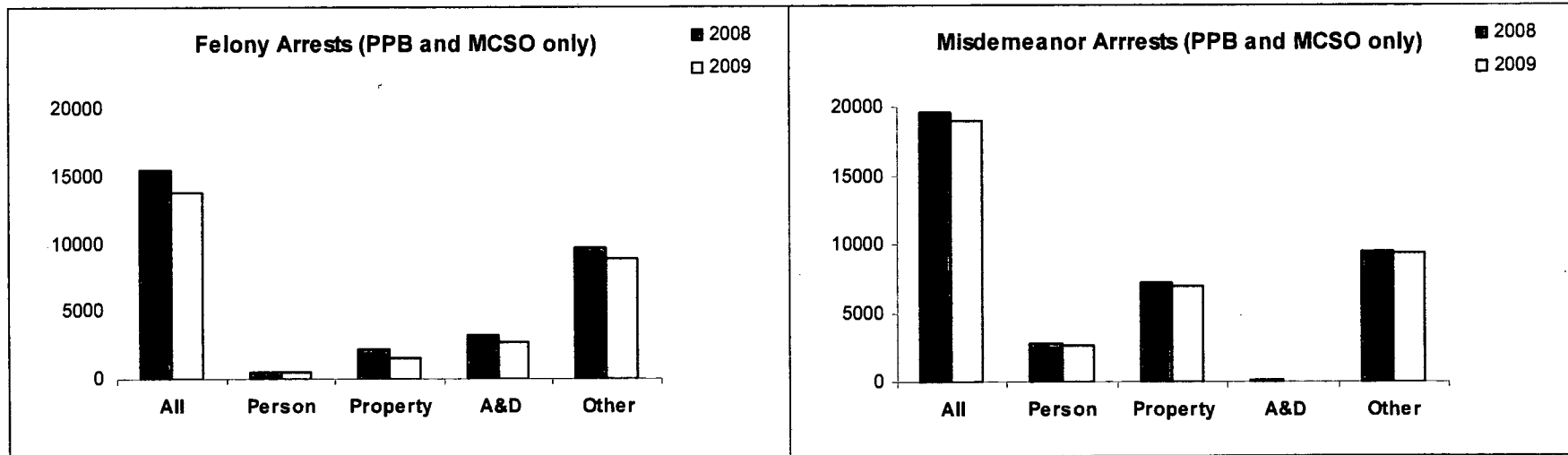
- violence against children and families, including domestic violence;
- early childhood development;
- racial and ethnic overrepresentation in the justice system;
- partnerships with academic institutions (see ¶ 6, above);
- another What Works Conference; and
- community-based crime prevention strategies.

With the work of some of the Executive Committee's subcommittees and workgroups winding down or gaining traction, LPSCC's Co-Chairs believe that LPSCC has the capacity to undertake another project or initiative in 2010 and 2011. Therefore, the Co-Chairs recommend that the Executive Committee consider a project focusing on one of the foregoing topics, or on another topic of critical importance to the public safety system.

Appendix A: 2008 and 2009 Crime and Workload Data

Law Enforcement

		2008	2009	Chg
All Arrests	All	37863	35413	-6.5%
	Person	3315	3182	-4.0%
	Property	9488	8642	-8.9%
	A&D	3670	3126	-14.8%
	Other	21390	20463	-4.3%
Felony Arrests (PPB and MCSO only)	All	15481	13819	-10.7%
	Person	554	525	-5.2%
	Property	2140	1575	-26.4%
	A&D	3168	2763	-12.8%
	Other	9619	8956	-6.9%
Misdemeanor Arrests (PPB and MCSO only)	All	19573	18965	-3.1%
	Person	2759	2656	-3.7%
	Property	7222	6911	-4.3%
	A&D	99	51	-48.5%
	Other	9493	9347	-1.5%



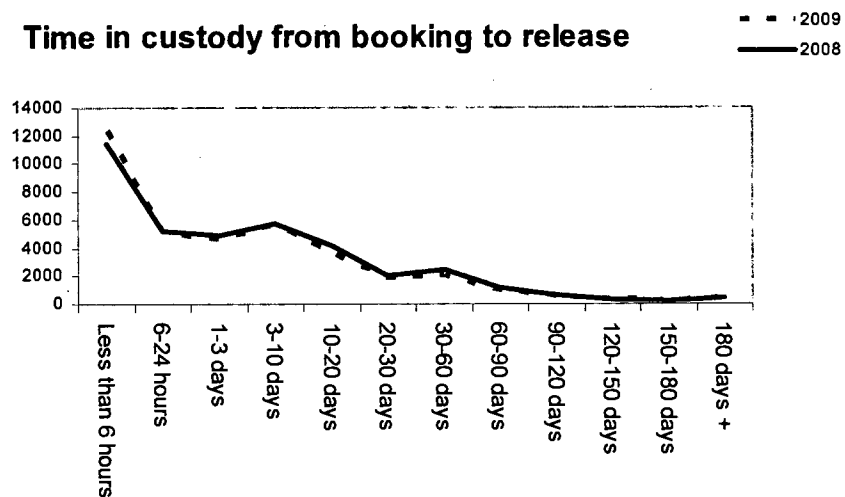
Jail (Booking and Corrections)

Time in custody from booking to release

	2008	2009	Chg
Less than 6 hrs	11421	12437	9%
6-24 hrs	5203	5098	-2%
1-3 days	4906	4619	-6%
3-10 days	5799	5622	-3%
10-20 days	4117	3601	-13%
20-30 days	2050	1791	-13%
30-60 days	2479	2054	-17%
60-90 days	1197	996	-17%
90-120 days	616	544	-12%
120-150 days	358	338	-6%
150-180 days	225	232	3%
180 days +	472	441	-7%
Total	38843	37773	-3%

*Includes Cite and ID's

Time in custody from booking to release

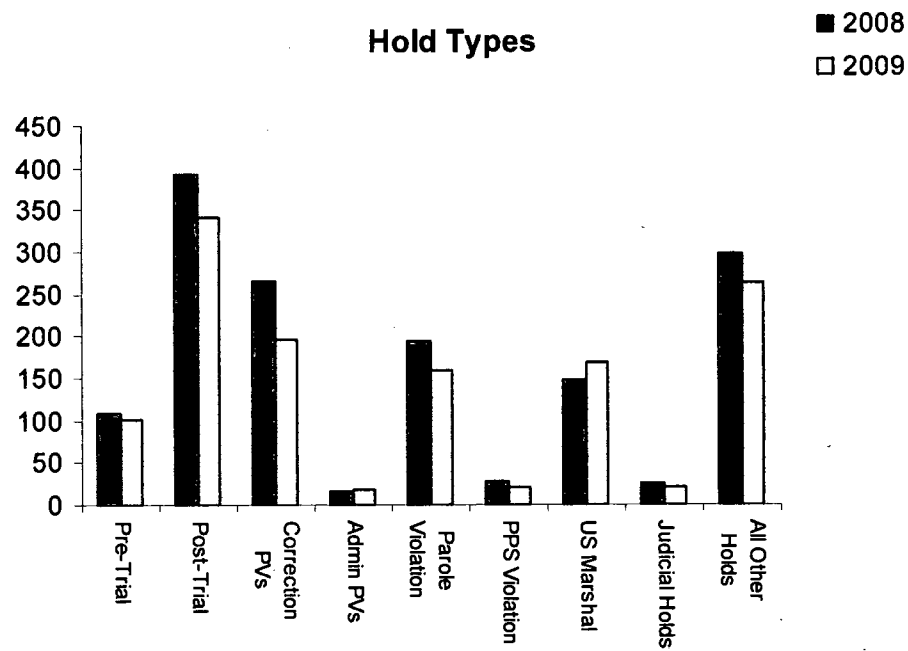


ADP by Hold Type

	2008	2009	Chg
Not Entered	506	450	-11%
Pre-Trial	107	101	-6%
Post-Trial	392	343	-13%
Non-standard	7	7	9%
Correction PVs	266	196	-26%
Admin PVs	17	18	8%
Parole Violation	195	159	-18%
PPS Violation	29	21	-25%
US Marshal	148	168	13%
Judicial Holds	25	21	-16%
All Other Holds	297	263	-12%
TOTAL	1484	1297	-13%

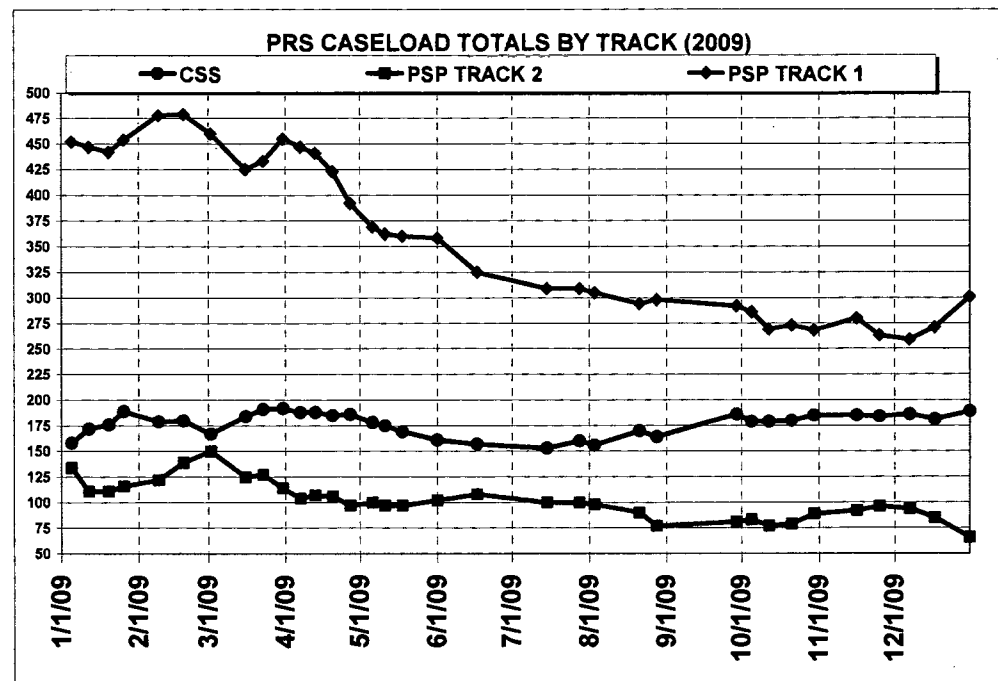
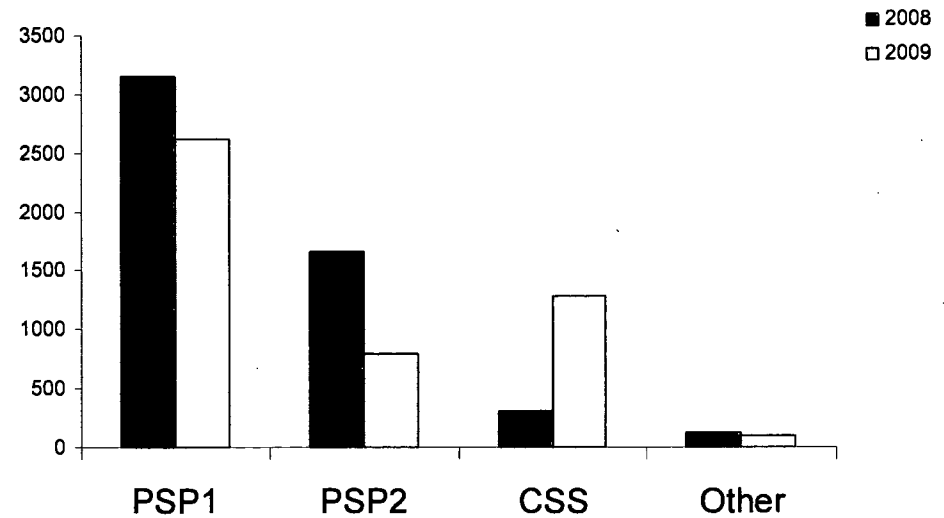
* Excludes Cite and Id's and In-transit Bookings; PVs = probation violations

Hold Types



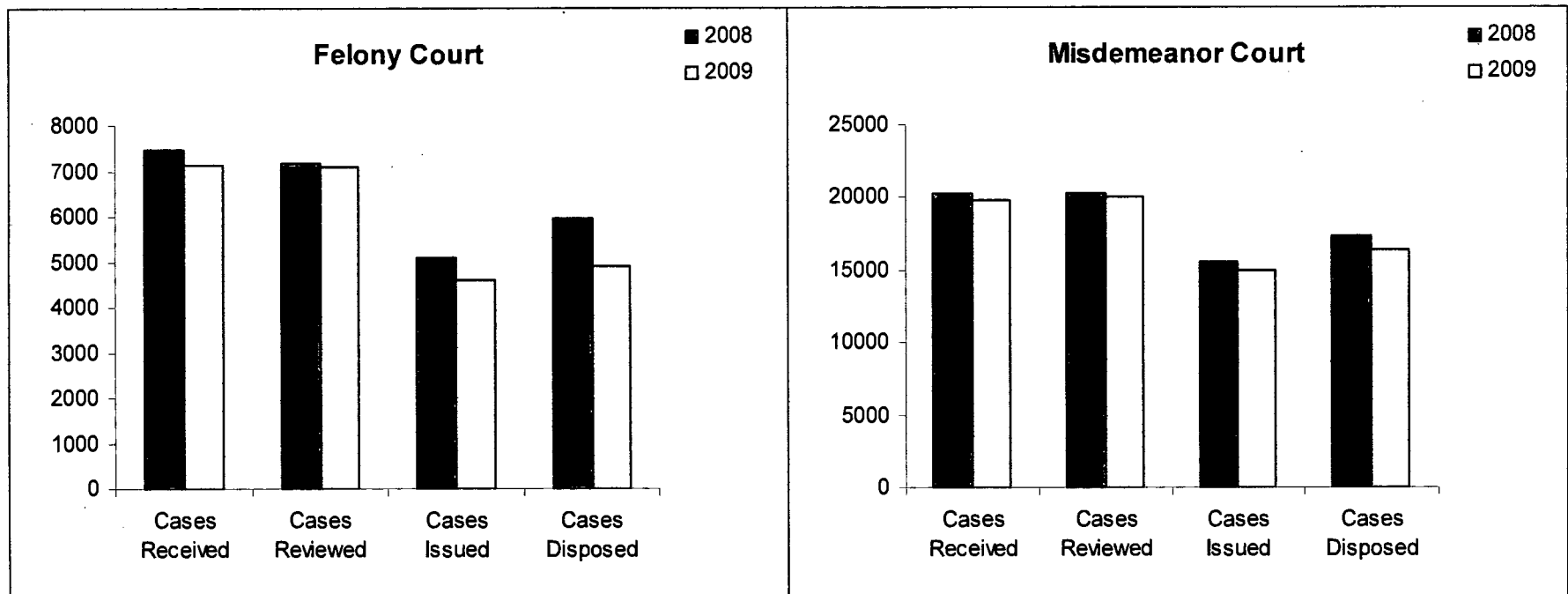
Pre-Trial Supervision

Caseload	2008	2009	Chg
PSP1	3,147	2,621	-17%
Felony	877	711	-19%
Misdemeanor	1,467	1,270	-13%
Combination / Other	803	640	-20%
PSP2	1,655	788	-52%
Felony	582	165	-72%
Misdemeanor	505	381	-25%
Combination / Other	568	242	-57%
CSS	307	1,277	316%
Felony	171	581	240%
Misdemeanor	20	174	770%
Combination / Other	116	522	350%
OTHER	131	99	-24%
Felony	38	22	-42%
Misdemeanor	54	40	-26%
Combination / Other	39	37	-5%
Total Caseload	5,240	4,785	-9%



Prosecution and Case Processing

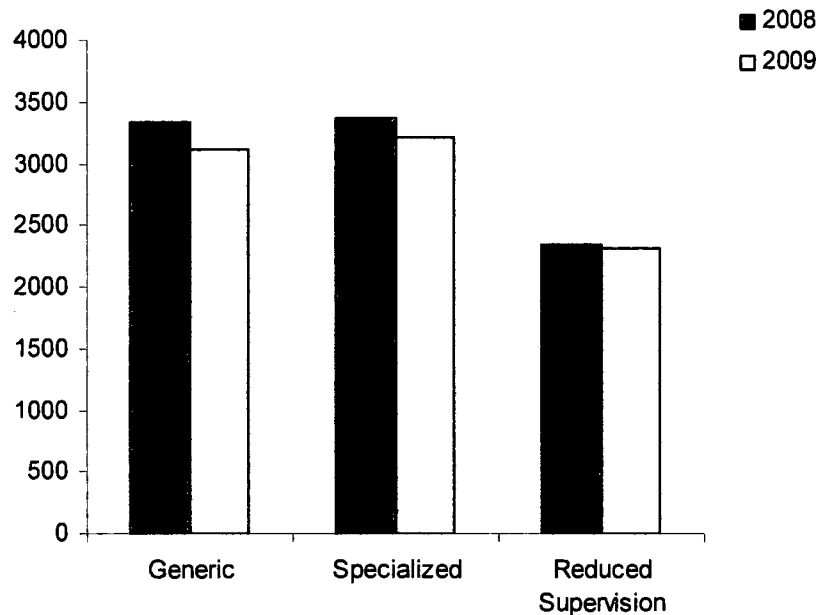
	Felony Court			Misdemeanor Court			Total		
	2008	2009	Chg	2008	2009	Chg	2008	2009	Chg
Cases Received	7456	7120	-5%	20306	19819	-2%	27762	26939	-3%
Cases Reviewed	7163	7092	-1%	20255	20060	-1%	27418	27152	-1%
Issued	71%	65%	-8%	77%	75%	-3%	75%	72%	-4%
Rejected	29%	35%	20%	23%	25%	9%	25%	28%	13%
Cases Disposed	5956	4887	-18%	17276	16343	-5%	23232	21230	-9%
Dismissed	34%	26%	-23%	44%	42%	-4%	42%	39%	-7%
Guilty Plea	62%	69%	12%	44%	46%	6%	48%	52%	7%
Guilty Trial	4%	4%	-1%	11%	10%	-7%	9%	9%	-4%
Acquittal	0%	1%	59%	1%	1%	12%	1%	1%	19%



Community Corrections / Supervision

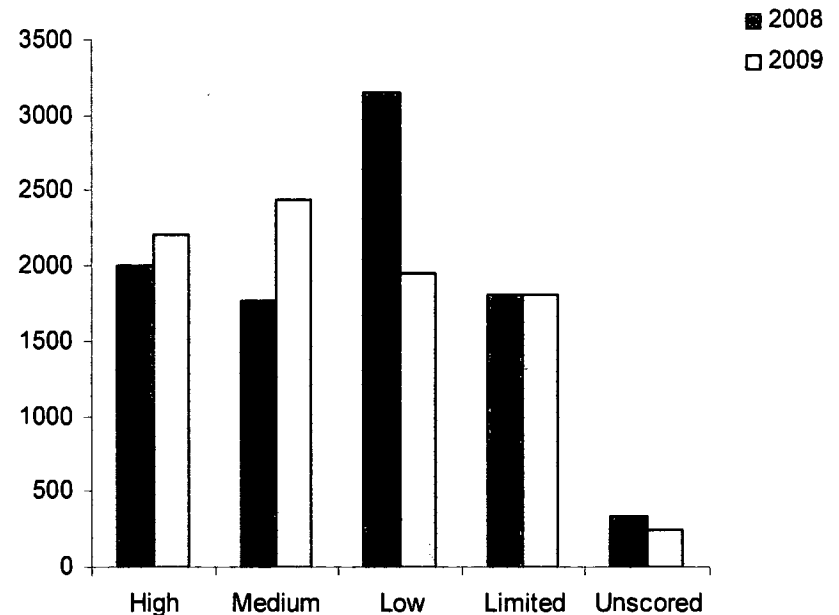
Risk-level	TOTAL			Generic			Specialized			Reduced Supervision		
	2008	2009	Chg	2008	2009	Chg	2008	2009	Chg	2008	2009	Chg
High	1998	2205	10%	968	1044	8%	1027	1157	13%	3	4	33%
Medium	1763	2441	38%	940	1060	13%	757	1373	81%	66	8	-88%
Low	3150	1946	-38%	920	155	-83%	843	329	-61%	1387	1462	5%
Limited	1807	1812	0%	368	728	98%	551	247	-55%	888	837	-6%
Not assessed	340	245	-28%	144	126	-13%	193	113	-41%	3	6	100%
Total	9058	8649	-5%	3340	3113	-7%	3371	3219	-5%	2347	2317	-1%

Caseload



Supervision Type: Refers to three of DCJ's supervision strategies; specialized supervision caseloads focus on specific sub-populations of offenders, such as domestic violence and sex-offenders, whereas reduced supervision caseloads focus on the lowest-risk offenders on supervision and involve minimal contact between PO and client.

Risk



Risk: Refers to the level of risk obtained through a scored risk assessment of risk to re-offend; the assessment includes the offender's prior involvement with the criminal justice system, history of escape or failure to appear, and substance abuse..

Appendix B: Public Safety Budgets

	Direct Costs - Adopted Budget			FTE			Notes on major changes from FY09 to FY10	Notes on major policy & budget changes from FY10 Adopted thru Dec 2009
	FY09	FY10*	% Chg FY09- FY10	FY09	FY10*	% Chg FY09- FY10		
Law Enforcement								
The state budget eliminated four basic training academies and required cities and counties to fund trainings through revenues generated from citations and fines. Statewide, Sheriff's Offices and Police Departments are expected to send officers to the academy, who will then return to their agencies to train other officers. However, the LPSCC System and Agency Alignment workgroup has been able to respond to this training deficit by organizing internal trainings.								
MCSO Law Enforcement	\$17,498,700	\$17,843,657	2.0%	124.5	123.3	-0.9%		Restoration of CAT detective and gang task force (ARRA)
PPB Law Enforcement	\$205,280,764	\$211,394,995	3.0%	1288.0	1243.0	-3.5%	\$3.8 million in ongoing budget reductions and eliminated 43 positions across the bureau; precinct restructuring provided the largest ongoing cost savings at \$2.1 million, made up of \$2.0 million in reduced personnel and \$100,000 in decreased lease and operating expenses. Budget also includes \$3.8 million in add packages, most of which are one-time appropriations that will be passed to community partners.	Additional \$5 million in grant funding (JAG), some of which will be directed to other area jurisdictions
GPD Law Enforcement	\$25,502,945	\$23,756,318	-6.8%	169.0	152.0	-10.1%	Elimination of crime prevention and background investigation functions; reductions to Records, Training, Canine Unit, and property crime investigations; positions eliminated in Metro Gang Task Force, Child Abuse Team, SIU, ROCN, Metro Gang Task Force, Northwest Regional Computer Forensic Lab, and East Metro Gang Enforcement.	13 FTE (9 sworn and 4 unsworn positions) funded through East Metro Gang Enforcement Team grant (\$553k; 4 FTE), COPS (\$450k; 6 FTE), JAG (2 FTE), and Byrne Formula (\$440k; 1 FTE); Also received funding through STOP grant (\$85k) and State Homeland Security Grant (\$100k)
Troutdale Law Enforcement	\$3,523,988	\$3,665,524	4.0%	29.2	29.5	1.0%	Additional \$7000 for crime analysis	
Fairview Public Safety (police only)		\$1,730,692						

* FY10 budget adjusted for COLA freeze.

** MCSO Corrections includes Inmate Laundry and Property Inmate Welfare.

If you have questions about the information in this document, please contact Elizabeth Davies at elizabeth.davies@co.multnomah.or.us

	Direct Costs - Adopted Budget			FTE			Notes on major changes from FY09 to FY10	Notes on major policy & budget changes from FY10 Adopted thru Dec 2009
	FY09	FY10*	% Chg FY09- FY10	FY09	FY10*	% Chg FY09- FY10		
Jail (Booking and Corrections)								
An expansion of the MCSO booking criteria to include all misdemeanor crimes and certain violations increased the number of people seen at identification by 400-500 per month and at Recog and Corrections Health by 700-800. The policy has required DCJ to hire an additional Recog officer; MCSO Booking staff and Corrections Health staff have been able to deal with the increased workload without changes in FTE.								
MCSO Corrections**	\$84,192,315	\$81,859,973	-2.8%	607.1	568.0	-6.4%	Loss of 172 jail beds to a new budgeted capacity of 1367 beds; expansion of USM contract to include 75 additional beds	Reinstatement of the East County Booking Facility (aka "Gresham Temporary Hold"); MCSO recently reported that SB1145 funding came in at \$1.2 million less than budgeted for FY10. As a result, the agency may have to close an additional 2 housing units, or approximately 100 jail beds. The receipt of Ballot Measure 57 funding may help offset the shortfall.
DCJ Recog	\$1,273,643	\$1,082,294	-15.0%	14.6	12.8	-12.3%		
Corrections Health	\$13,613,947	\$12,711,378	-6.6%	80.5	78.4	-2.6%		
Pre-Trial Supervision								
DCJ Pre-Trial Supervision Program	\$2,175,410	\$1,882,408	-13.5%	23.0	19.0	-17.4%	In FY 2010, 180 cases were cut from the Pre-Trial Supervision Program (PSP) caseload and transferred to the MCSO Close Street Supervision caseload. The change resulted in a net gain of 6 positions; 4 positions were lost from PSP and 10 were added to CSS.	
MCSO Close Street	-	\$1,328,422		-	10.0			

* FY10 budget adjusted for COLA freeze.

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	Direct Costs - Adopted Budget			FTE			Notes on major changes from FY09 to FY10	Notes on major policy & budget changes from FY10 Adopted thru Dec 2009
	FY09	FY10*	% Chg FY09- FY10	FY09	FY10*	% Chg FY09- FY10		
Prosecution and Case Processing								
MCDA Felony	\$8,622,865	\$7,603,521	-11.8%	71.5	61.3	-14.3%	Eliminated 10.2 FTE	Although the STOP Court DDA was eliminated in the Budget, the Board of County Commissioners restored this position after the DA's office was unable to secure grant money to support this process The DA's office has received JAG funding to support four additional positions in FY10: 1 DDA for sex offender registration (SORD), 1 DDA for gang prosecution, 1 DDA for domestic violence prosecution, and 1 DDA for the enforcement of prostitution laws.
MCDA Family and Community Justice	\$12,681,765	\$12,183,385	-3.9%	116.8	108.7	-6.9%	Eliminated 8.1 FTE	
MCDA Medical Examiner	\$897,292	\$876,576	-2.3%	9.0	9.0	0.0%		
Multnomah County Circuit Court								
Metropolitan Public Defender	\$9,373,256	\$9,021,504	-3.8%	135.0	125.2	-7.3%		The passage of HB 2287 increased fees throughout the court system and is projected to generate \$39 million for the state, 65 percent of which will go to the Oregon Judicial Department and 35% of which will go to indigent defense.

* FY10 budget adjusted for COLA freeze.

** MCSO Corrections includes Inmate Laundry and Property Inmate Welfare.

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	Direct Costs - Adopted Budget			FTE			Notes on major changes from FY09 to FY10	Notes on major policy & budget changes from FY10 Adopted thru Dec 2009
	FY09	FY10*	% Chg FY09-FY10	FY09	FY10*	% Chg FY09-FY10		
Community Corrections & Treatment								
DCJ's Adult budget depends heavily on state funding from the Department of Corrections and the Oregon Youth Authority; as a result, the State Budget impacts the number of clients that DCJ staff can manage by altering DCJ's supervision responsibilities and workload. The passage of HB3508 reduced the length of probation sentences for good behavior, leading to fewer clients under DCJ supervision and an expected \$5-6 million less for the department (the same bill also reduced prison sentences for good behavior, potentially increasing the number of clients under post-prison supervision). Statewide, an additional \$9 million was cut due to legislation that reduced length of stay for certain technical violations.								
DCJ Adult	\$44,854,077	\$45,711,007	1.9%	295.1	289.5	-1.9%	Reductions in Adult Field Services Felony Supervision	A reduction in SB1145 funding has resulted in a \$3.6 million shortfall in the department. In order to manage this gap, DCJ has taken several corrective actions, including shifting its generic medium-risk caseload (in alignment with evidence-based practices) to a reduced supervision level, which means fewer client visits and a significant reduction in treatment and other services. DCJ is actively pursuing additional sources of grant funding.
DCJ Juvenile	\$26,124,265	\$23,411,171	-10.4%	193.8	176.3	-9.0%	Elimination of the juvenile multi-systemic therapy treatment and foster care programs; reduction in juvenile culturally specific intervention services	The juvenile detention center was cut from 80 beds to 64 beds (four 16-bed units). The center is also a regional facility, leasing 28 of its available beds to Clackamas and Washington county, and reserves a 16-bed unit for females (that ADP is 9). Challenges exist managing the 48 beds for males with other county youth, pre and post-adjudicated and Ballot Measure 11 youth, who typically remain in custody for 5 months.
System-Wide Support & Administration								
LPSCC	\$275,123	\$1,011,164	267.5%	1.5	2.8	86.7%	Inclusion of \$500k DSS-Justice in budget; addition of analyst	Elimination of Assistant Director position
MCSO	\$13,106,157	\$12,480,973	-4.8%	64.7	64.2	-0.8%		
MCDA	\$4,140,559	\$3,703,906	-10.5%	28.0	26.0	-7.1%		
DCJ	\$9,743,610	\$10,249,208	5.2%	39.8	39.8	0.0%		

* FY10 budget adjusted for COLA freeze.

** MCSO Corrections includes Inmate Laundry and Property Inmate Welfare.

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Appendix C: A proposal for a comprehensive and coordinated response to gang and youth violence

Over the past several decades, **three strategies have typified local governments' responses to gang and youth violence: suppression, intervention and prevention.** Suppression strategies typically involve specialized police and prosecution gang units that target the illegal behavior of active gangs and gang members with targeted and aggressive law enforcement tactics. Intervention efforts also focus on active gangs and their members, frequently in conjunction with suppression strategies and usually through outreach, corrections and social services. Prevention strategies generally focus on youth, families and communities at risk of becoming involved in gangs (e.g., siblings of active gang members) with programs such as mental health and addiction treatment, education services, and job, life skills and employment training.

A substantial body of rigorous empirical research and practical street-level experience now confirms **what works and what doesn't work** with regard to these three strategies:¹

- Suppression strategies are critical to interrupting cycles of gang violence and retaliation and responding to violent incidents by apprehending and prosecuting perpetrators. However, with the exception of incapacitating violent offenders through lengthy state and federal prison sentences, **suppression strategies alone don't work to significantly reduce gang activity or youth violence over the long run.** To achieve such reductions over time, suppression strategies must be coordinated with intervention strategies like community outreach and correctional supervision and prevention strategies that focus on youth at risk of joining gangs.
- Local efforts to reduce gang and youth violence have generally been disappointing because they have emphasized **short-term tactics at the expense of long-term strategies** by focusing primarily on the latest neighborhood "hot spots" and gang rivalries, for example, rather than measurable outcomes with statistical significance such as violent crime rates in affected communities measured over substantial periods of time.
- Successful efforts to reduce gang and youth violence adopt a **comprehensive, three-pronged approach that coordinates suppression, intervention and prevention strategies** in pursuit of common, well-defined, long-term goals and outcomes.
- The most effective efforts have also incorporated the insights of **public health professionals and epidemiological analysis** in strategic planning and development processes as part of a comprehensive, three pronged approach.

¹ See, e.g., the "Selected References" at the end of this proposal.

- Efforts to reduce gang and youth violence have been unsuccessful without **the support of affected communities** through their meaningful participation in the design, implementation and evaluation of gang and violence reduction strategies, thereby ensuring that these strategies are culturally appropriate and address problems of real concern to the affected communities.
- Most local efforts to reduce gang and youth violence are unsuccessful in achieving measurable, long-term results due to the lack of a **formal organizational structure**, which ensures
 - a proper balance and coordination among suppression, intervention and prevention strategies,
 - strategies and operations that focus on common goals and outcomes,
 - participating agencies and community organizations are held accountable for achieving common goals and outcomes,
 - meaningful participation by the affected communities and stakeholders and
 - sustainable efforts that persist in addressing gang and youth violence on a long-term basis, rather than tactical responses that are intermittent and temporary.

A Proposal

This proposal is based upon (1) the foregoing empirical research and practical experience, (2) a history of balanced, comprehensive and community-based approaches to public safety by Multnomah County and cities in the County, (3) the many accomplishments of Multnomah County's Local Public Safety Coordinating Council (LPSCC) and (4) the opportunities for coordination and collaboration presented by the co-chairmanship of LPSCC by Portland City Commissioner Dan Saltzmann and Multnomah County Chair Ted Wheeler. Accordingly, **efforts to reduce gang and youth violence in Multnomah County should include the following components:**

- **A comprehensive, three-pronged approach** that balances and coordinates suppression, intervention and prevention efforts by city and county agencies in Multnomah County;
- **Policy and planning guidance and oversight of these efforts by LPSCC** through a Working Group established by the Council and made up of representatives of participating agencies, affected communities and key stakeholder organizations;
- **A partnership between LPSCC's Working Group and the Coalition of Communities of Color** to ensure (a) the support of affected communities, (b) coordination and balance among suppression, intervention and prevention strategies and (c) the development of strategies, policies and operations that are culturally appropriate and that address problems of real concern to those communities;

Next Steps

- 1. At LPSCC's April 7, 2009 meeting, present this proposal for discussion and approval by the Council, propose LPSCC members to co-chair the Working Group and request expressions of interest in participating on the Working Group from LPSCC members and stakeholders.**
- 2. Convene representatives of the Coalition of Communities of Color as soon as possible to consider participation in a partnership with LPSCC.**
- 3. At LPSCC's May 5, 2009 meeting, announce the membership of the Working Group and confirm the partnership between the Working Group with the Coalition of Communities of Color.**
- 4. On or about May 15, 2009, convene the first meeting of this partnership to begin identifying the most effective continuum of gang services and strategies and a Strategic Plan to (a) coordinate suppression, intervention and prevention strategies, (b) establish goals and measurable outcomes and (c) select the communities in the County subject to the Strategic Plan.**
- 5. Submit the Strategic Plan for review and approval by LPSCC at its June 2, 2009 meeting.**

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Appendix D: A Comprehensive Approach to Combating Youth & Gang Violence in Multnomah County

In July of 2009, a wave of seven shootings in as many days startled residents of Multnomah County. Although these tragic incidents occurred throughout the county and are not believed to be related, they do share two important characteristics:

- All of the known suspects and victims were under the age of 25
- Most of the shootings involved disputes between gang members

These tragic incidents involving youth, gangs and guns, coupled with recent police reports that gang membership is increasing throughout our community and in East Multnomah County in particular, might suggest that little has been or is being done to address the problem of youth and gang violence. However, the recent shootings came as a surprise to those who have witnessed the significant progress Multnomah County has made in reducing gang and youth violence.

Moreover, the steady drumbeat of media coverage of violent incidents – especially homicides – has fueled a perception that Multnomah County is a particularly dangerous place to live. Yet the violent crime rate in this region and across the state trails the rates for the rest of the country; and all of these rates have been steadily dropping over the past decade.

In Portland, for example, homicides averaged 47 a year from 1994 to 1997, while cities of similar size experienced homicide rates of 200 or 300. From 1998 through 2000, Portland's average homicide rate dropped to 27. By 2008, there were a total of 24 homicides in Portland; and during the first half of this year, there have been nine.

A History of Combating Youth & Gang Violence

For over a decade local governments, public officials, law enforcement agencies, service providers, community organizations and individual citizens throughout the county have been combining forces to implement coordinated, nationally-recognized strategies to combat youth and gang violence. These strategies, which focus on **enforcement** of the law through concentrated patrols and aggressive prosecution, **intervention** with youth and young adults who are at-risk for or have already committed serious delinquent acts, and **prevention** of risk factors for violence within the community, have already led to impressive results:

- Reports of shots fired in Portland have dropped from 3193 in 1996 to 1609 in 2008.
- Aggravated assaults with a handgun have plummeted in Portland, from 867 in 1994 to 244 in 2000 to a low of 151 in 2007. There were 163 assaults with a handgun in 2008.
- The number of youth referred to the Department of Community Justice for criminal activity has steadily decreased since 2001, even as the population of individuals under 18 grows within Multnomah County.
- In 2006, the most recent year for which the department has data, juvenile recidivism was at its lowest level in six years.

One homicide, one assault or one gang-related shooting is one too many. However, the above statistics suggest that the overall rate of youth and gang-related violence has dropped dramatically in recent years, in part due to growing coordination and collaboration between law enforcement and prevention efforts.

A Comprehensive Approach

Drawing on existing relationships and efforts, local governments, public officials, public safety agencies and community organizations are poised to respond quickly and aggressively to future incidents involving violent youth. With a shared recognition that efforts across the nation to reduce youth and gang violence fail when participants stop working together and return to their organizational "silos," Multnomah County, Portland, Gresham, the other East County cities, along with their public safety and social service agencies, service providers and community organizations, have renewed their shared commitment to combat youth and gang violence through coordinated law enforcement, social service and prevention strategies.

LPSCC's Youth and Gang Violence Workgroup

For over 15 years, public safety stakeholders have met monthly as Multnomah County's Local Public Safety Coordinating Council (LPSCC) to coordinate their public safety policies and operations and to collectively address issues critical to public safety. With Portland City Commissioner Dan Saltzman and County Chair Ted Wheeler serving as co-chairs, and with a Youth and Gang Violence Workgroup chaired by Gresham's Chief of Police, the Director of the Department of County Human Services and a Program Manager at Self Enhancement, Inc., one of Portland's leading community-based, youth development organizations, LPSCC has adopted a comprehensive approach to reduce youth and gang violence. This approach recognizes the need to:

1. Plan, coordinate and sustain law enforcement, corrections and youth outreach suppression and intervention strategies and social service, public health and community-based prevention strategies; and
2. Directly engage representatives of affected neighborhoods and communities of color in the development and implementation of those strategies.¹

As its first order of business, the Youth and Gang Violence Workgroup, in partnership with the Coalition of Communities of Color, is focusing on the county's network of prevention programs and services in order to identify (a) opportunities to maximize the collective impact of existing prevention programs and services through planning, coordination and realignment; (b) critical gaps in those prevention programs and services; (c) evidence-based prevention strategies from other jurisdictions that have proven to reduce youth and gang violence; and (d) methods to coordinate these prevention strategies with ongoing suppression and intervention strategies.

¹ A more detailed description of this approach, including its three principal strategies, entitled "A Proposal for a Comprehensive and Coordinate Response to Gang and Youth Violence," is attached.

In order to gain further expertise and additional perspectives and resources regarding the factors leading to youth and gang violence, LPSCC and its Youth and Gang Violence Workgroup have forged partnerships with Multnomah County's Juvenile Justice Council, an interagency group that serves functions similar to LPSCC's for the county's juvenile justice system, and the county's Health Department. The Chair of the Juvenile Justice Council, Presiding Juvenile Judge Nan Waller, is a member of both LPSCC and the Workgroup. The Director of the county's Health Department's is a member of LPSCC and the department's epidemiologist and community outreach manager are members of the Workgroup.

Portland's Office of Youth Violence Prevention

The City of Portland has implemented another critical component of this comprehensive and coordinated approach. Under the leadership of Commissioner Saltzman in his role as Police Commissioner, and in collaboration with community and non-profit organizations throughout the City, Portland's Office of Youth Violence Prevention and Police Bureau are employing problem-oriented policing and youth outreach and prevention strategies to combat youth and gang violence, including strategies to (a) develop and maintain a coordinated network of youth and gang outreach workers with city funding support, (b) allow police officers to refer delinquent and at-risk youth to community-based youth prevention and support programs and (c) deliver prevention and education services to gang and crime-affected neighborhoods.

As part of this effort, a Gang Prevention Task Force chaired by Commissioner Saltzman meets regularly with police officers, community members, youth outreach workers, youth service providers and probation and parole officers to identify critical problems and emerging trends throughout the city involving youth and gang violence. A related Gang Violence Coordination Team works directly with the Police Bureau's Gang Unit to coordinate law enforcement strategies with youth outreach and community-based prevention programs.

Moving Toward a Sustainable Approach

This kind of comprehensive approach to reduce youth and gang violence must be coordinated under the auspices of an established intergovernmental organization like LPSCC for such an approach to be sustained and for its impacts to be maximized. However, the programs and services provided by the participating agencies, service providers and community-based organizations are even more essential. Despite steadily decreasing levels of public funding and of the resources that depend on that funding over the past decade, the following three strategies, and the programs and services in furtherance of those strategies, have been critical factors in the steadily decreasing levels of violent crime in Multnomah County:

- Our partners **enforce** by establishing specialty gang units that arrest youth and gang members engaged in crime and delinquency; by prosecuting those offenses or delinquent acts, with convictions of the most serious offenses resulting in incarceration or detention; and by returning offenders on probation and parole to

prison, jail or juvenile detention for serious violations of the conditions of their supervision.

- Our partners **intervene** by establishing teams of police officers, probation and parole officers and youth outreach workers to track, monitor and regularly contact high-risk youth and gang members likely to be engaged in crime and violence; by providing a visible presence at potentially violent neighborhood "hot spots" and other community events that pose a high risk for violence and other serious crimes; and by providing high-risk offenders and gang-involved youth with critical programs and services, including alcohol and drug treatment, mental health treatment, behavior training, family outreach and counseling, life skills and job training, education, and employment help.
- Our partners **prevent** through contractual and working relationships between local government partners, such as law enforcement, corrections, social service and public health departments, and community partners, such as non-profit service and treatment providers and community organizations. Using evidenced-based, culturally relevant service delivery models, these relationships allow government and community to provide wraparound services, one-stop service centers and intensive, interdisciplinary case management to individuals and families who may be at risk for later violent behavior. School-based and after school education, training, health and recreation programs represent some of the most powerful prevention tools at our disposal.

Get involved:

LPSCC general meetings are held on the first Tuesday of every month at the Multnomah Building and are open to the public. Contact lpssc.staff@co.multnomah.or.us for more information.

The Office of Youth Violence Prevention meets regularly every other Friday; meetings are open to the public. Contact Rob Ingram for more information.

Learn more about the efforts in Multnomah County:

For a more detailed description of the foregoing programs and services, see the updated editions of LPSCC's two September 2004 reports entitled "Healthy Communities: A Youth Gang Prevention Strategy for Portland and Multnomah County" and "Healthy Communities: A Youth Gang Prevention Strategy for Gresham and East Multnomah County," both of which can be found on LPSCC's website: <http://www.lpssc.org>.

2008 Multnomah County Juvenile Crime Report:

http://www.co.multnomah.or.us/dcj/jsd_juvenile_crime_trends082808.pdf

Multnomah County Department of Community Justice Gang Information

<http://www.co.multnomah.or.us/dcj/gangresources.shtml>

Portland Office of Youth Violence Prevention

<http://www.portlandonline.com/Saltzman/index.cfm?c=49710>

Appendix E: Summary of DSS-J Strategic Actions

Strategy 1: Increase the overall demand for public safety data

1. Urge the Board of County Commissioners and LPSCC's Executive Committee to continue to demand system-wide data and analysis from affected justice agencies and LPSCC as a precondition to their support for new or existing public safety strategies, programs and budget requests; examples of system-wide data that should be included in these analyses are recidivism, re-arrest, failure-to-appear and program completion. The burden of providing data should be placed on the proponent of the new policy or program. Such persistent demand for data and analysis will ensure that the value of DSS-J is fully realized and encourage the adoption of data-driven public safety policies and evidence-based practices that reduce crime and recidivism.

Lead: Peter Ozanne

Strategy 2: Expand the use of DSS-J data in reports used by LPSCC and its member agencies

2. Determine feasibility of establishing a direct DSS-J feed into data analysis software (e.g., Excel, SPSS)

Lead: County IT

3. Develop dashboard reporting, mapping and other features on the DSS-J web tool that would help analysts identify trends that they want to investigate further.

Lead: Elizabeth Davies / County IT / PSAT

4. Identify additional data and topical areas (such as domestic violence) to include as a supplement to the monthly Safety Priorities Brief.

Lead: Elizabeth Davies

5. Explore opportunities to use DSS-J data for regular updates on performance measures included in agency program offers.

Lead: Elizabeth Davies / County IT / Budget Office Rep

Strategy 3: Establish clear lines of authority and refine the organizational structure of DSS-J

6. While retaining the essence of DSS-J's prior organization, formalize the following four-tiered organizational structure in order to (a) bring more focus and direction to the Council's efforts to improve and maintain the system and (b) ensure that the appropriate people and organization participate in the decisions necessary to accomplish these objectives.

Lead: Peter Ozanne

Strategy 4: Reduce the technology costs associated with DSS-J

7. Critically assess the DSS-J technology platform with an eye to the expanding and changing business needs, technology options and cost control requirements. Based on that assessment, recommend an appropriate "toolset" to ensure that DSS-J keeps pace with the LPSCC strategic goals.

Lead: County IT

Strategy 5: Improve the accessibility of DSS-J's data tools

8. Survey current and prospective users of DSS-J to determine (a) the extent to which agency managers, practitioners and researchers rely on DSS-J, (b) how to increase the accessibility and "user friendliness" of DSS-J and (c) how DSS-J can be changed to meet more of the operational needs of justice agencies and the research needs of the county.

Lead: Elizabeth Davies

9. Expand the number of DSS-J "General Users" by examining the list of current users who have logged in over the past six months and identifying additional agencies or users.

Lead: Elizabeth Davies / Gail McKeel

10. Expand the number of DSS-J advanced users, either by replacing Cognos with another software that is easy to use and does not restrict the number of users (such as SQL Query Analyzer) or by obtaining additional Cognos licenses and ensuring that distribution is fair to all agencies (i.e., preference given to analysts from agencies in which no other analyst has access to Cognos).

Lead: County IT

11. Develop a data dictionary and training manual for General Users of DSS-J Online and Power Users of Cognos (or its replacement).

Lead: Elizabeth Davies / County IT

Strategy 6: Improve the breadth, depth, and accuracy of data in DSS-J

12. Determine the feasibility of including data from GPD, CIS-DOC, SPIN, LEDS, and MPD within DSS-J. If feasible, begin process of obtaining permissions and validating data.

Lead: County IT / DSS-J Security Committee

13. Continue to validate DOC data and ensure that most appropriate data is sourced from the DOC system in order to make corrections and community corrections data accessible to analysts and other DSS-J users through the Web tool and Cognos (or its replacement).

Lead: Gail McKeel and Diana Manthe

14. Expand data linking between systems by training DSS-J advanced users how to link data between systems in Cognos and by encouraging DSS-J general users to make requests of DSS-J staff when they would like to collect cross-agency, linked data.

Lead: County IT / Elizabeth Davies

15. Develop a shared drive or website for DSS-J users to report and help troubleshoot data problems and anomalies. County IT will be responsible for ensuring that all problems reported are resolved or forwarded onto the appropriate source agency.

Lead: County IT / Elizabeth Davies

16. Expand the Sentencing Support Tool by allowing users to access common combinations of dispositions (versus independent sentencing elements) and by including more offender-based variables (such as program outcomes and risk and need assessments) and more sophisticated measures of recidivism (such as frequency and severity).

Lead: Sentencing Support Focus Group / Elizabeth Davies / DSS-J County IT

Strategy 7: Capitalize on the knowledge and expertise of DSS-J staff and users

17. Subject to further analysis and a determination of feasibility, begin to address the needs identified in the CJIS feasibility study for increases in interagency data and connectivity.

Lead: Elizabeth Davies / County IT / Public Safety Plan Workgroup

18. Use DSS-J database knowledge to provide technical assistance and suggestions as individual agencies change their existing systems.

Lead: County IT

19. Encourage data analysts and program managers to attend policy-level meetings (such as LPSCC, CJAC, etc.) in order to stimulate the development of relevant research questions.

Lead: Elizabeth Davies

20. Encourage additional analysts to use DSS-J and consult County IT for help in creating their own reports (rather than making special requests on already limited DSS-J IT staff time).

See Strategy 5.

21. Formalize the DSS-J project request process and prioritize DSS-J staff time for certain projects.

Lead: County IT



A Strategic Action Plan for DSS-J

Submitted to LPSCC by the DSS-J Policy Committee

Prepared by Peter Ozanne and Elizabeth Davies

January 2010

Executive Summary

In 1996, Multnomah County's Board of Commissioners and public safety officials obtained voter approval of a \$7.5 million bond to improve information technology among the county's law enforcement and justice agencies. This bond money was used to fund the development of DSS-J, a common data warehouse that would integrate public safety data from local sources while allowing individual agencies to continue their operations and data systems without interference.

Over the past decade, DSS-J has allowed users to query justice agency data, track events such as criminal incidents, arrests, case dispositions and criminal histories, and respond to requests for research regarding operational and policy issues affecting the public safety system. The system is used by research analysts and DSS-J staff to evaluate programs and policies, design and generate recurring reports, and provide relevant notifications to partners in the justice system.

In its FY 2010 adopted budget, Multnomah County's Board of Commissioners formally transferred responsibility for the administration of DSS-J to the County's Local Public Safety Coordinating Council (LPSCC), which agreed to oversee the development of DSS-J through a Policy Committee and ensure data security through a Security Committee. This Policy Committee, recognizing the tremendous benefit already demonstrated by this data warehouse, also determined that an action plan was needed to identify strategies that would improve the administration and operation of DSS-J and ensure the realization of the system's full potential. Those strategies seek to:

1. Increase the overall demand for public safety data;
2. Expand the use of DSS-J data in reports used by LPSCC and its member agencies;
3. Establish clear lines of authority and refine the organizational structure of DSS-J;
4. Reduce the technology costs associated with DSS-J;
5. Improve the accessibility of DSS-J's data tools;
6. Improve the breadth, depth, and accuracy of data in DSS-J and
7. Capitalize on the knowledge and expertise of DSS-J staff and users.

The Policy Committee believes that the implementation of these strategies will (a) improve the focus and direction of DSS-J, (b) ensure the realization of the system's full potential of this critical public safety data system (c) justify the county's continuing financial support for the system and (d) most importantly, ensure that Multnomah County's public safety policies and practices are data-driven, evidence-based and cost-effective in reducing crime and recidivism.

**Serving
Public
Safety
Agencies in
Multnomah
County**

A Strategic Action Plan for DSS-J

Multnomah County's Decision Support System - Justice (DSS-J), as the foundation for data-driven policy making and evidence-based practices in public safety, represents one of the County's most valuable assets. However, growing technological costs and years of budget cuts have prevented realization of the full value of this critical interagency data system. In light of a pressing need to increase the cost-effectiveness of local government, including the public safety system, and Multnomah County's strong commitment to data-driven policies and evidence-based practices, the DSS-J Policy Committee developed a Strategic Action Plan that (a) reviews the development of the system; (b) discusses its current operation and uses and (c) identifies strategic actions that could improve the administration and operation of DSS-J and ensure the realization of the system's full potential.

History of DSS-J

In 1996, Multnomah County's Board of Commissioners and public safety officials obtained voter approval of a \$7.5 million Criminal Justice Information Technology Bond to improve information technology among the county's law enforcement and justice agencies. In June 1997, following a review of 22 requests for funding by nine agencies, a committee chaired by District Attorney Mike Schrunck recommended a proposal by the Local Public Safety Coordinate Council (LPSCC) to develop a repository for public safety data extracted from the county's key justice agencies: DSS-J.

DSS-J was envisioned as a data warehouse that would regularly extract *copies* of public safety data from local sources and then integrate those data into a central, linked repository while allowing individual agencies to continue their operations and data systems without interference.¹ Research analysts could then access public safety data that was mutually-intelligible and stored in a common format, making analysis and evaluation more accurate and efficient. Justice professionals could also use the data included in the warehouse to track offenders throughout the system and to manage their caseloads better. Ultimately, LPSCC Council Members and other agency heads would use the reports and analysis gleaned from DSS-J to inform budget decisions and ensure programs and policies are evidence-based and supported by data.

In order to realize this vision, DSS-J was designed to provide users with:

- a simple, cost-effective way to access public safety data;
- accurate and adaptable reporting of aggregate public safety statistics;
- complete and reliable tracking of individual cases and offenders across justice agencies and throughout the public safety system;
- case linking that allows for in-depth analysis of system-wide issues; and
- reports that support effective case management.

By 2000, DSS-J was fully operational, with administrative oversight provided by LPSCC through a DSS-J Policy Committee chaired by Jim Hennings, Executive Director of Metropolitan Public Defenders, with technical support and ongoing system maintenance provided by Multnomah County's Information Technology Division (County IT).

¹ A common *operational* data system was judged to be prohibitively expensive and would cause intolerable disruption to daily justice operations; see Riles, Suzanne B. (2000). Increasing Justice Program Evaluation Capacity with a Data Warehouse. Honolulu, HI: American Evaluation Association Conference.

In its FY 2010 adopted budget, Multnomah County's Board of Commissioners formally transferred responsibility for the administration of DSS-J to the County's Local Public Safety Coordinating Council (LPSCC), which agreed to oversee the development of DSS-J through a Policy Committee and ensure data security through a Security Committee. At the same time, LPSCC also hired a Public Safety System Analyst² based on a recommendation from the 2008 Multnomah County Public Safety System Planning Report, which described the short-term need to:

Enhance criminal justice research capacity. Fund a dedicated, independent systems researcher to examine cross-agency criminal justice system data to identify and quantify improvements to the criminal justice system.³

For the past decade, DSS-J has become a critical asset of the county's public safety system. In a 2006 report, LPSCC listed DSS-J first among its 11 major initiatives over the preceding decade, reflecting the importance of this data warehouse to the county's public safety community.

Current Operation and Uses of DSS-J

DSS-J extracts data nightly from the databases of participating justice agencies⁴ and then links that data together for storage in a common database. This process enables DSS-J to provide information in a timely and cost-effective manner that would otherwise be unavailable or would require too much time and effort to make the task feasible.

DSS-J's data warehouse permits the development of aggregate statistics on cases, defendants and offenders as they cycle through each agency. Users of DSS-J are able to query justice agency data and track events such as criminal incidents, arrests, case dispositions and criminal histories. The system also allows research staff at LPSCC and affected justice agencies to respond to requests for research regarding operational and policy issues affecting those agencies or the entire public safety system. In the first half of 2009, the DSS-J Online Application was accessed by 36 users, who represent 11 different agencies, both internal and external to the county. These analysts have used DSS-J to generate reports, evaluate programs, and inform policy⁵:

Development of Reports and Evaluation Tools

With Multnomah County's strong commitment to evidence-based practices, evaluations of public safety strategies and programs have become a precondition of county funding and increasingly of outside grant funding. The importance of outcome evaluations in validating public safety strategies and programs and the need for system-wide, interagency outcome data to conduct these evaluations, makes DSS-J extremely valuable to Multnomah County.

² Elizabeth Davies was hired to fill the position of Public Safety System Analyst on July 1, 2009. County IT continues to provide DSS-J with technical staffing and support.

³ Crime and Justice Institute, Multnomah County Public Safety System Planning Report, 2008, p. 17

⁴ Participating agencies include the Oregon Judicial Department, the Sheriff's Office, the District Attorney's Office, the Portland Police Bureau and the State Department of Corrections.

⁵ For further examples of the research reports and special projects generated by DSS-J and its staff, see **Appendix A** to this plan.

In its 10 Year Report, LPSCC cited numerous examples of influential research based upon data generated by DSS-J, including the Support Services Division's report, "If Crime Is Down, Why Is Our Workload Up?" (March 2000) by Jim Carlson, LPSCC's October 2003 report, "A Focused Look at Sentencing in Multnomah County: Addressing Over-Representation of Racial and Ethnic Minorities," and the Budget Office Evaluation, "Overdose Trends in Multnomah County" (2005) by Matt Nice. DSS-J was also used to track failure to appear rates of defendants' released on recognizance for the purpose of validating the Department of Community Justice's "Recog" risk assessment instrument and to evaluate the success of the STOP Drug Court; DSS-J staff are currently working with analysts from DCJ and LPSCC to develop a standardized FTA report that would allow users to track court appearance rates for a variety of offender sub-populations.

DSS-J has also been integral in the development of the Sentencing Support Tool, which was designed as part of an effort to (1) promote the use of evidence-based practices in a sentencing process that traditionally fails to focus on "what works," and 2) encourage consideration and advocacy of evidence-based practices based on the outcomes of *actual* sentencing decisions in Multnomah County. The tool allows judges, attorneys and other justice professionals to examine recidivism rates for similar offenders (age, ethnicity, gender and criminal history) that were given different sentences. The results of the Sentencing support tool are routinely used as part of presentence investigation reports, and the impact on recidivism is a required subject in PSI reports. Although the tool cannot be used to determine the "best sentence" or causation, it invites further analysis and discussion of what sentences are most likely to reduce recidivism for a certain population of people.⁶

Design and Generation of Recurring Publications

Data obtained through DSS-J has also been used to generate weekly, monthly and annual reports of public safety data. Examples include:

- Weekly probation notification reports for judges, listing offenders on bench probation who were recently arrested or booked into jail;
- Monthly reports of defendants held in jail for more than 90 days, permitting the Circuit Court, the District Attorneys Office and public defense attorneys to identify delays in court proceedings and the unnecessary use of jail;
- Reports for the Circuit Court on jail sentences for Driving Under the Influence of Intoxicants (DUI) to determine the extent to which these sentences change as a result of subsequent DUI convictions;
- MCSO monthly jail statistics reports;
- Status reports on the County's Court Appearance Notification System;
- Data on protective orders in the Sheriff's jail management system database (aka SWIS – Sheriff's Warrant Information System), which enables searches for protective, restraining and stalking orders; and
- LPSCC's Safety Priorities Brief, a monthly report that tracks key trends and processes in the county's public safety system.⁷

⁶ For more on the Sentencing Support Tool, see Strategy 1 of this plan and Judge Michael Marcus's Smart Sentencing website, available at <http://www.smartsentencing.info/whatwrks.html>

⁷ For a discussion of improvements to the Safety Priority Brief, see Strategy 2 in this plan.

Cost Savings and Benefits

Although it is difficult to quantify the cost-savings and benefits to the public safety system of having DSS-J, it is generally accepted that each report generated through DSS-J would take analysts significantly more time to complete. For example, one DSS-J staff member can put together the Jail Longevity Report in three hours, compared to the previous process that took two analysts three to four days to complete.

Further, once a standard report has been developed in DSS-J, it can be used to generate recurring reports simply by selecting new parameters (such as a date range or filter). DSS-J has helped standardized methodology for certain activities, has provided notifications that lead to faster case processing, and has helped to ensure that the County evaluates its programs with reliable data.

Strategic Actions in FY 2010 and 2011 to Improve DSS-J

Over the past ten years, DSS-J had proven a valuable resource to Multnomah County. However, there are several strategies⁸ that, if implemented, could make DSS-J an even more effective and useful tool to a wider variety of analysts. Subject to the approval of LPSCC, the DSS-J Policy Committee recommends that the following actions be taken in fiscal years 2010 and 2011 in order to realize the full potential of DSS-J and to reduce the cost to the County of this critical asset:

Strategy 1: Increase the overall demand for public safety data

Multnomah County has a long tradition of demanding data and analysis to support the development, implementation and evaluation of public safety strategies, policies and programs. Although this demand for quantitative analysis is not unique, relatively few local governments have been willing to invest in an integrated database as complex, versatile and easy to use as DSS-J. Over the past decade, the system has made public safety data more accessible to all justice partners and has revealed inconsistencies between data reporting that encourage coordination and agreement among source systems. With this shift toward greater data accessibility and consistency also emerges an increased demand for greater transparency and accountability: no longer mysterious and accessible to only a select few, public safety data (and analysis) can be requested by policy makers and County officials to test the philosophies, opinions and anecdotes typically used to support budget, policy and individual sentencing, release and probation violation decisions.

Despite this wealth of public safety data and ever-increasing accessibility and accuracy, many programs within the County still do not utilize DSS-J or the cross-agency data available in its warehouse to measure program performance. For example, the Sentencing Support Tool (see page 4) has advanced data transparency and accessibility and empowered justice professionals to understand how their decisions impact community and offender outcomes. Unfortunately, only a handful of judges, attorneys, and other justice professionals actually make use of this tool.

⁸ A summary of these strategies can be found in **Appendix B**.

For DSS-J to realize its potential as the foundation for data-driven public safety policy, Multnomah County's policy makers and justice professionals must continue to demand meaningful data and statistics to support their policies and practices. The demand for data by the county's leaders is essential to ensuring DSS-J's value to the county and to justifying the county's substantial ongoing investment in this data system.

Action

- Urge the Board of County Commissioners and LPSCC's Executive Committee to continue to demand system-wide data and analysis from affected justice agencies and LPSCC as a *precondition* to their support for new or existing public safety strategies, programs and budget requests; examples of system-wide data that should be included in these analyses are recidivism, re-arrest, failure-to-appear and program completion. The burden of providing data should be placed on the proponent of the new policy or program. Such persistent demand for data and analysis will ensure that the value of DSS-J is fully realized and encourage the adoption of data-driven public safety policies and evidence-based practices that reduce crime and recidivism.

Lead: Peter Ozanne

Strategy 2: Expand the use of DSS-J data in reports used by LPSCC and its member agencies

All reports generated by DSS-J should be relevant, accurate, objective, visually compelling and understandable to non-professionals, but with sufficient background and analysis to engage justice professionals. These reports should encourage a robust exchange of ideas among affected agencies and interested stakeholders regarding the causes of and solutions to problems in public safety, based upon data rather than opinion or anecdote. Reports with these features will not only increase the likelihood of identifying and solving operational and systemic problems in public safety; such reports will increase the demand by justice policy makers and professionals for even more relevant data and reports, leading to greater reliance on DSS-J and more effective public safety policies and practices.

The Safety Priority Brief is a notable example of a report with this potential. Using data pulled from DSS-J and other sources, the monthly Brief displays a set of key trends and developments throughout the public safety system and is intended to alert policy makers to inefficient or ineffective processes, operations, programs and policies and to help identify changes to improve system efficiency and effectiveness. However, a recent survey of readers of the Brief revealed a demand for additional analysis and in-depth commentary regarding the significance of public safety trends and developments tracked by the report. The survey recommended that LPSCC staff expand the Brief to include an analytical quarterly supplement, which would include narrative and analysis that suggests (a) the causes of problematic trends and developments in the public safety system, (b) inefficient or ineffective policies, strategies and practices that may be contributing to these trends and (c) potential improvements in these policies, strategies and practices.

In order to realize the full potential of this report and others generated through DSS-J, analysts must have more time to analyze data and spend less time collecting and managing data. For example, while DSS-J Online offers many reports that feed directly

into the Brief, an analyst still must take the time to rerun several reports each month, copy and paste the data into Excel, check it for accuracy, and then generate a graph. If this process could be further automated by establishing a direct connection between the data and the Excel chart used to generate the graphs in the Brief, then the analyst would have more time to spend on additional analysis.

Actions

- Determine feasibility of establishing a direct DSS-J feed into data analysis software (e.g., Excel, SPSS).
Lead: County IT
- Develop dashboard reporting, mapping and other features on the DSS-J web tool that would help analysts identify trends that they want to investigate further.
Lead: Elizabeth Davies / County IT / PSAT
- Identify additional data and topical areas (such as domestic violence) to include as a supplement to the monthly Safety Priorities Brief.
Lead: Elizabeth Davies
- Explore opportunities to use DSS-J data for regular updates on performance measures included in agency program offers.
Lead: Elizabeth Davies / County IT / Budget Office Rep

Strategy 3: Establish clear lines of authority and refine the organizational structure of DSS-J

In the past, responsibility for the administration and direction of DSS-J has fallen to County IT and two oversight committees⁹. This structure allowed those involved with the system to address issues as they emerged and to maintain a basic operating standard for DSS-J. It also provided a point of continuity in a changing political landscape and among shifting DSS-J funding sources. County IT staff have described the challenge of maintaining such a large and complex data system and expressed regret that DSS-J has lacked consistent champions to guide the direction of future projects and initiatives. In FY 2010, the funding for DSS-J was consolidated and assigned to LPSCC, whose leadership and staff members are prepared to guide and oversee DSS-J's future direction.

Actions

- While retaining the essence of DSS-J's prior organization, formalize the following four-tiered organizational structure in order to (a) bring more focus and direction to the Council's efforts to improve and maintain the system and (b) ensure that the appropriate people and organization participate in the decisions necessary to accomplish these objectives.
Lead: Peter Ozanne
1. Chaired by Commissioner Judy Shiprack and Trial Court Administrator Doug Bray, the DSS-J Policy Committee is made up of representatives of those county justice agencies most likely to rely on DSS-J, including the Sheriff's Office, the District Attorney's Office and the Department of Community Justice, as well as the Circuit Court, the Portland Police Bureau, the Gresham Police Department and LPSCC's staff. The Policy

⁹ A list of committee members can be found in **Appendix C**.

Committee also includes a representative of County IT to serve as a technical consultant to the committee. Additional agency representatives will be added to this committee as the uses and applications of DSS-J increase. In effect, serving as a board of directors of DSS-J, the Policy Committee will guide the development and improvement of the system and oversee its administration on behalf of LPSCC.

2. DSS-J Security Committee is responsible for proposing to the Policy Committee access restrictions for DSS-J data and for approving access to DSS-J and its related data. If the committee is ever unable to determine whether access should be granted to an individual or institution, the matter is forwarded to the Policy Committee.
3. The Senior Advisory Team is be made up of senior researchers and data users from agencies represented on the Policy Committee, County IT staff responsible for the maintenance and development of DSS-J, and LPSCC's staff. This team will advise the Policy Committee regarding the direction, improvement and use of DSS-J.
4. DSS-J users on the Public Safety Analysts Team, a group composed of analysts from across the justice system, will advise the Senior Advisory Team and LPSCC's staff on (a) the current operation and expanded use of DSS-J, (b) potential improvements to the system, (c) the development of analytical justice system reports using DSS-J, (d) the collection and use of public safety data and (e) the feasibility of proposed projects involving DSS-J.

Strategy 4: Reduce the technology costs associated with DSS-J

DSS-J was developed ten years ago using state-of-the-art technology and tools. At the time, DSS-J was envisioned to be the first of many data warehouses to fill research and reporting needs. Since that time, some of the County priorities and strategies have been modified and plans have changed. With the development of a Strategic Action Plan for DSS-J, there is an opportunity to review the DSS-J technology platform and plan for its future to ensure that DSS-J is able to meet the business needs of the users with cost-effective and stable solutions.

There are two major reasons why this review and assessment should be done as part of DSS-J's strategic planning process. First, strategic planning may identify new capabilities, options and uses for the DSS-J data and system. There is no guarantee that the current technology platform will support this new or modified vision, or that it will be able to provide the services at an acceptable cost. Secondly, the uniqueness of the DSS-J technology platform is resulting in rapidly escalating costs of operation. Ten years ago, other applications used this same technology, so the operational costs could be shared. Those applications have been steadily moving to other technologies, leaving DSS-J as the sole application remaining – with no one to share in the operational costs. Each year, licensing and support costs rise and DSS-J bears all of those increased costs.

Action

- Critically assess the DSS-J technology platform with an eye to the expanding and changing business needs, technology options and cost control requirements. Based on that assessment, recommend an appropriate "toolset" to ensure that DSS-J keeps pace with the LPSCC strategic goals.

Lead: County IT

Strategy 5: Improve the accessibility of DSS-J's data tools

Analysts can access DSS-J data in one of two ways: (1) by logging online to DSS-J's password-protected website and running one of the many existing reports or (2) by using Cognos to directly access DSS-J and develop a customized query for extracting DSS-J data.

1. DSS-J Online. This online data tool allows general users of DSS-J to easily access DSS-J data through a series of over 30 pre-made, customizable reports. The website is easy to navigate, processes data requests quickly, and offers several tools for displaying and exporting data. Users who routinely need the same data each month find the webtool especially handy; they can run an identical report each month without worrying about whether statistics will be consistent across time.

One of the limitations of DSS-J online lies in its user-friendly and simple construction; by providing consistent reports, it also limits analysts' ability to modify the parameters and link data according to their specific research question. For example, an analyst could use DSS-J Online to examine the number of people booked for a person crime in a given month, but could not use it to analyze that individual's length of stay in the jail or the final disposition of their case. As a result, analysts often use Cognos or other "power" tools to access the appropriate data or make special requests of other analysts (including DSS-J IT staff) to collect the data.

The online tool may also be too complex for users who either are not familiar with certain aspects of the public safety system or do not have the same in-depth data knowledge as expert DSS-J users. For example, users seeking information about the DA's issuing practices may be unaware that selecting case "review date" would result in considerably different results than selecting case "start date."

One opportunity for improving DSS-J Online would be to provide more extensive user training and system documentation. Currently, when a new user gains access to the system, he or she will typically meet for a few hours with the DSS-J customer advocate to learn the basics of system navigation and terminology. However, there is no user's manual, online training, or data dictionary for novice and veteran users to *reference*. This lack of ongoing and formal training and support for county analysts may lead some users to abandon use of the web tool.

2. Cognos. This tool provides advanced users of DSS-J with complete and direct access to available data and, as a result, with greater ability to construct queries, link information between systems, set parameters, and group values according to their specifications. Although Cognos does not have “pre-made” reports to the extent offered by DSS-J Online, users have the ability to save their reports for future reference. Cognos users can also alter report formatting and print directly from the screen.

Unfortunately, new users of Cognos face a steep learning curve and even after “mastering” the software, may find it difficult to use. Analysts cannot write or edit queries and instead must rely on a pick list of options that makes constructing certain reports arduous, especially if several filters need to be applied. Further, it is difficult to look up the list of values associated with a field; analysts typically need to know the exact wording of a value in order to filter correctly.¹⁰ Further, once a query has been written, analysts do not have the ability to easily and consistently share these files with colleagues – although there is a shared drive, a lack of naming conventions and required descriptors make it difficult for analysts to know which file to use.

These technical difficulties also point to a need for training in using this software. DSS-J staff members do not routinely train analysts in how to use Cognos, in part because there are so few Cognos licenses available that DSS-J staff members rarely encounter new users to the system. Regardless, current and new analysts do not have access to any training materials or to a data dictionary, requiring them to learn Cognos through trial-and-error and through assistance from other Cognos users.

Actions

- Survey current and prospective users of DSS-J to determine (a) the extent to which agency managers, practitioners and researchers rely on DSS-J, (b) how to increase the accessibility and “user friendliness” of DSS-J and (c) how DSS-J can be changed to meet more of the operational needs of justice agencies and the research needs of the county.

Lead: Elizabeth Davies

- Expand the number of DSS-J “General Users” by examining the list of current users who have logged in over the past six months and identifying additional agencies or users.

Lead: Elizabeth Davies / Gail McKeel

- Expand the number of DSS-J advanced users, either by replacing Cognos with another software (such as SQL Query Analyzer) or by obtaining additional Cognos licenses and ensuring that distribution is fair to all agencies (i.e., preference given to analysts from agencies in which no other analyst has access to Cognos).

Lead: County IT

- Develop a data dictionary and training manual for General Users of DSS-J Online and Power Users of Cognos (or its replacement).

Lead: Elizabeth Davies / County IT

¹⁰ For example, in order to look up cases associated with a specific attorney, analysts must know exactly how that attorney’s name is entered into the system: Joe Smith could be listed as “Joe Smith,” “Smith, Joe,” “Smith, Joe A.,” “Smith, Joe A.,” and other similar combinations.

Strategy 6: Improve the breadth, depth, and accuracy of data in DSS-J

Breadth: DSS-J currently collects data from six major sources.¹¹ Together, these systems represent most of the agencies that offenders will encounter as they move throughout the justice system, from the time an incident is first reported (BOEC), to the arrest (PPDS), to the booking and pre-trial custody (SWIS), to the District Attorney's charging decision (CRIMES), to the final case disposition (OJIN). However, there are significant gaps in this continuum that DSS-J must fill in order to fully represent the justice system:

- *CIS-DOC:* Although DSS-J receives data from DOC on a regular basis, most of the data has yet to be validated and linked with other system data. CIS data includes information on inmates within Oregon Department of Corrections (such as housing placement, length of stay, classification, etc.) as well as post-prison clients placed on community supervision.
- *Gresham Police Department:* Over 11,000 crimes were reported last year in Gresham; about seven percent of the Multnomah County Sheriff's Office bookings result from arrests made by Gresham Police. Despite the significant levels of crime in Gresham, DSS-J does not collect data from the Gresham Police Department. Integration of this data may be delayed as the current system is incorporated into PPDS's new data management system.
- *LEDS:* The Oregon LEDS (Law Enforcement Data System) contains the state's criminal history database and includes information on offenders for crimes committed outside of Multnomah County; data from this system is not currently available in DSS-J. Previous attempts to integrate this data have met with failure due to LEDS' strict access and data security requirements.
- *MPD:* Metropolitan Public Defenders keeps data on clients, caseloads, and other information that would provide a more complete image of people's journey through the justice system; data from this system is not currently available in DSS-J.

Depth: In addition to including data from additional sources in DSS-J, the system also needs to allow users to quickly and accurately link data from different systems in order to explore the associations between system activities and outcomes. As the CJIS 2008 Feasibility Study indicates,

Justice partners need the ability to access complete and accurate information through the justice process... DSSJ provides some valuable interagency statistics, but there is a need for summary information that is not available in DSSJ... This information is unavailable largely because the cross-agency linking that is required to provide this analysis is not available (pp. 46-47).

¹¹ Portland Police Data System (PPDS), Sheriff's Warrants Identification System (SWIS), MCDA's Case Management System (CRIMES), Oregon Judicial Information Network (OJIN), Bureau of Emergency Communications data system (BOEC), and Department of Corrections Information System (CIS-DOC).

Several existing reports in DSS-J would benefit from the inclusion of cross-agency data, such as Recidivism reports, Sentencing Support Tools, and the FTA report (in development).

Accuracy: Although the data in DSS-J has been validated to ensure that the codes and links are made correctly, the system still encounters data anomalies, often as the result of differing methodologies between systems, similar names for vastly different variables and delays in data entry. In order to maintain confidence in DSS-J's data, inconsistencies in data across agency databases must be systematically addressed.

Actions

- Determine the feasibility of including data from GPD, LEDS, and MPD within DSS-J. If feasible, begin process of obtaining permissions and validating data.
Lead: County IT / DSS-J Security Committee
- Continue to validate DOC data and ensure that most appropriate data is sourced from the DOC system in order to make corrections and community corrections data accessible to analysts and other DSS-J users through the Web tool and Cognos (or its replacement).
Lead: Gail McKeel and Diana Manthe
- Expand data linking between systems by training DSS-J advanced users how to link data between systems in Cognos and by encouraging DSS-J General Users to make requests of DSS-J staff when they would like to collect cross-agency, linked data.
Lead: County IT / Elizabeth Davies
- Develop a shared drive or website for DSS-J users to report and help troubleshoot data problems and anomalies. County IT will be responsible for ensuring that all problems reported are resolved or forwarded onto to the appropriate source agency.
Lead: County IT / Elizabeth Davies
- Enhance the Sentencing Support Tool by allowing users to access common combinations of dispositions (versus independent sentencing elements) and by including more offender-based variables (such as program outcomes and risk and need assessments) and more sophisticated measures of recidivism (such as frequency and severity).
Lead: Sentencing Support Focus Group/ Elizabeth Davies / DSS-J County IT

Strategy 7: Capitalize on the knowledge and expertise of DSS-J staff and users

LPSCC Council Members often point out that although the County has a wealth of public safety data, what is really needed are individuals who ask the right questions and know how to use existing data and resources to find the right answers. Indeed, a 2006 LPSCC report described how "staffing cuts over the past several years have reduced capacity for new projects and [led to] a large backlog of unmet [research] requests"¹²

Although analytical capacity can always be expanded by hiring additional staff, the County must also empower its existing arsenal of research analysts with

¹² LPSCC, 10 Year Report 1996 – 2006, p. 8.

additional resources and with opportunities to network and communicate with others in the public safety system; analysts and technical experts must be placed into situations where they can observe (and participate in) relevant policy discussions, answer questions about data, offer recommendations and learn more from policy makers, program managers, and each other.

Agency analysts are typically absent from LPSCC meetings and other policy discussions where the seed for many of these “right questions” forms. An analyst conversant with public safety data could respond to policy discussions and broad questions with clarity and specificity: “Yes, we have the data to research this policy, and “Yes, I can work on that with another analyst.” The current process, at best, involves a relay in which questions are passed on to the analyst through a series of managers; at worst, the question is never conveyed to an analyst and never answered.

Several analysts and DSS-J IT staff could also provide technical assistance on existing County initiatives involving improvements to public safety data. For example, in April 2007, LPSCC’s Executive Committee voted to become the sponsoring agency for a new interagency Criminal Justice Information System (CJIS)¹³, which would provide real time connectivity among justice agencies throughout Multnomah County to support both public safety operations and policy making. In 2008, MTG Management Consultants, the contractor selected to develop a design for such a system, produced a series of reports that evaluated the feasibility of a Multnomah County CJIS and established an implementation plan. Although the county’s fiscal circumstances and the absence of outside grant funding have thus far prevented this multimillion dollar IT project from going forward, the feasibility report includes recommendations for several incremental changes that could be implemented regardless of whether a CJIS is eventually developed. For example, the report calls for more advanced notification and subscription capabilities; although these notices would be easier to facilitate under an integrated system, they are still possible using existing resources.¹⁴ DSS-J staff could serve as an important resource in evaluating the feasibility of some of those recommendations within the existing system.

As the County explores the feasibility of a CJIS, individual agencies are in the process of updating their own data management systems; most notably, Portland Police and the Oregon Judicial Department intend to update their systems (PPDS and OJIN, respectively) in the next few years in order to make data entry, management, and analysis more efficient and effective. While any improvements to these systems will likely improve communication and data sharing between systems, some improvements may be overlooked because they *only* benefit communication and data sharing between systems. DSS-J staff already has identified several improvements that could be made to communication and data sharing, they simply need a forum for sharing their recommendations; for example, as PPDS expands officers’ use of electronic reports, programmers could also prompt the system to automatically assign new arrest case numbers to any report filed. This small change would instantly increase the ability of DSS-J staff and other IT staff to link data between PPDS, SWIS, OJIN, and CRIMES.

¹³ The name “CJIS” was subsequently changed to “RJNet”; for the purposes of this report, the system will be referred to as “CJIS.”

¹⁴ For example, MCSO recently developed a notice that is sent to judges when inmates are released from the Oregon State Hospital and will be returning to jail.

Actions

- Subject to further analysis and a determination of feasibility, begin to address the needs identified in the CJIS feasibility study for increases in interagency data and connectivity.

Lead: Elizabeth Davies / County IT / Public Safety Plan Workgroup

- Use DSS-J database knowledge to provide technical assistance and suggestions as individual agencies change their existing systems.

Lead: County IT

- Encourage data analysts and program managers to attend policy-level meetings (such as LPSCC, CJAC, etc.) in order to stimulate the development of relevant research questions.

Lead: Elizabeth Davies

- Encourage additional analysts to use DSS-J and consult County IT for help in creating their own reports (rather than making special requests on already limited DSS-J IT staff time).

See Strategy 5.

- Formalize the DSS-J project request process and prioritize DSS-J staff time for certain projects.

Lead: County IT

Conclusion

In light of a pressing need to increase the cost-effectiveness of local government, including the public safety system, and because of Multnomah County's strong commitment to data-driven policies and evidence-based practices, the DSS-J Policy Committee recommends that LPSCC approve this Strategic Action Plan and direct its implementation without delay. The Policy Committee believes that the implementation of this plan will (a) improve the focus and direction of DSS-J, (b) ensure the realization of the system's full potential of this critical public safety data system, (c) justify the county's continuing financial support for the system and (d) most importantly, ensure that Multnomah County's public safety policies and practices are data-driven, evidence-based and cost-effective in reducing crime and recidivism.

The Policy Committee would like to thank Matt O'Keefe, Judge Michael Marcus, Shea Marshman, Charlene Rhyne and Liang Wu for their thoughtful feedback on this plan.

Appendix A: Specific Agency Projects

Department of Community Justice

- Produced several custom extracts of recidivism data for DCJ researchers
- Provided data on potential impact to the County's public safety system based on the implementation of Measure 57 in January 2009.
- Provide custom extract of data to support project to validate the recog tool used by the pre-trial release staff.
- Provide users with number of reported assaults and robberies for 3 calendar years to be used in a grant proposal.
- Provide users with a list of offenders booked under various categories of local control.
- Provided data to the Department of Community Justice researching the effectiveness of jail sanctions vs. offenders with no jail sanctions and how the cohorts from each group fared.
- Provided data to the Department of Community Justice researching the effectiveness of Project 57 – a joint project between the Portland Police and Sheriff's office whereby PPB funds 57 beds to be used specifically to hold offenders arrested on livability crimes until their arraignment. The data included selecting offenders booked in August 2004 who would have been P57 offenders based on their charges and FTA data related to those offenders.
- Provided extract of persons convicted of menacing, harassment or interfering with making a report who were then placed on formal or bench probation.

Criminal Justice Advisory Committee (CJAC)

- Continued to provide a monthly list of deputy district attorneys and defense attorneys assigned to inmates who have been house in County jails for over 90 days. Report distributed to MCSO, District Attorney, Circuit Court, Metropolitan Public Defender's office. (This eliminates the need for staff in the Public Defender's office and District Attorney's office to look up these cases manually and determine the attorneys assigned to the case.)
- Provide data regarding weekend matrix releases and outcomes of those cases. Data was to be used in determining the feasibility of staffing a weekend arraignment court.
- Determined the number of people released from jail pre-trial who then failed to appear for their court event. This required extracting data from 2 different computer systems (SWIS and OJIN) and programmatically creating a link between the two.
- Determined the number of people released from jail pre-trial, broken down by the type of pre-trial release (Recog, Bail, Matrix, etc.)
- Determined the number of people sitting in jail with a meth charge associated to their case.

Multnomah County Circuit Court

- Created and expanded the use of an automated email notification for judges with offenders on bench probation alerting them of new law enforcement contact during the probation period.
- Created custom reports regarding DUI sentencing related to jail days over a span of 8 years and recidivism rate for those offenders.
- Routinely provided a list of SID numbers missing in OJIN for offenders.
- Provided statistics on misdemeanor case outcomes for calendar year 2008 for Judge Ed Jones.

- Created an automated email notification for judges with offenders on bench probation alerting them of new law enforcement contact during the probation period.
- Provided a list of SID numbers missing in OJIN for offenders on community probation.
- Participated in the feasibility phase of the State's proposed development of a state-wide sentencing support tool based on the model developed for DSSJ. We provided extensive documentation on the complexities of the person linking process, and how successful linking in this type of system is highly dependant on having data from multiple sources for validation purposes. Because our linking process is so well-established, and has been through years of refinement, we saved the State's project lead many weeks of effort in re-discovering pros, cons and pitfalls that we've already had to address.
- Provided a recidivism report, broken down by crime category, for offenders with cases filed within the past 2 years in Multnomah County Circuit Court. This would not have been possible using OJIN data directly since, unlike DSSJ, OJIN is case-based and not offender-based. And, because of our linking process, offenders that may appear as separate individuals in OJIN, can be joined under one person record in DSSJ.

Multnomah County District Attorney's Office

- DA's office has requested that the probation judge report be sent to them so issuing deputies can see if someone on a new arrest is on bench probation.
- Provided custom reports concerning Project 57 offenders

Multnomah County Sheriff's Office

- Provide data about impact to jails if previously cited-in-lieu Class A misdemeanors were to start being booked.
- Provided a spreadsheet of all charges in their lookup table for records management. To be used to help clean up the charge table details.
- Created a list of INS holds by charge disposition for 2007 bookings.
- Provided a list of ORS numbers that were non-bookable prior to July 2009
- Provided a list of inmates serving time on misdemeanor sentences only to Capt. Bobbi Luna.
- Provided a list of arrests/bookings between 2004 – 2006 for a group of persons from City Center Concern.
- Provided a count of bookings where the booking reason was a Detainer, and the case had a hold of PROB or APRO (probation violations) and the case had a charge of PCS II (ORS 475.840 or 475.992 w/ a modifier of P2) for Records Unit Supervisor.
- Provided information on U.S. Marshal holds in support of MCSO re-negotiating their contract with the U.S. Marshal's office.
- Provided statistics regarding the number of bookings, by booking type and by hour during a 3-week period. Used to help determine workload impacting staffing requirements.
- Determined the number of people currently in jail on murder charges and their assigned facilities. Requested by MCSO Records Supervisor after an inmate was beaten by a cellmate. This report was used to help explain why it was not possible to house these inmates in their own cells (due to the large number of inmates with these charges).
- Created a report listing all persons who had been in jail over the past 5 years for murder or aggravated murder, and a separate list of all persons who had been in jail over the past 5 years for attempted murder or attempted aggravated murder.
- Created a file of states of birth for inmates born in the U.S. Requested by MCSO staff in response to a LEDS /FBI audit requirement.

Auditor's Office:

- Provided extract of drug and non-drug arrests by offender zip code for Multnomah County addresses; provided the same data for arrest zip codes in Multnomah County for FY 05/06. This information was going to be used to evaluate where best to spend tax dollars on intervention and treatment programs for the County based on locations with high numbers of offenders living in their community.
- Provided a list of offenders who had been released from jail on their own recognizance, and subsequently failed to appear for their arraignment. This required extracting data from 2 different computer systems (SWIS and OJIN) and programmatically creating a link between the two. Without DSSJ, this would have taken hundreds of man-hours to manually extract and compare the data from these systems.

Other Agencies

- Provide data for LPSCC analyst used to analyze stream of offenders through the criminal justice system.
Provided arrest information for index crimes in 2005 broken down by felony and misdemeanor for the Criminal Justice Commission in Salem.
- NPC Research was given a grant to study the effectiveness of Multnomah County's drug court (STOP = Sanctions, Treatment, Opportunity, Progress). Their study included identifying a cohort group of over 20,000 offenders who either participated in the STOP program, or were eligible but declined to participate. DSSJ was able to provide them with demographic, arrest, prosecution outcome and booking information. Without DSSJ, this would have taken thousands of man-hours to manually extract and compare the data from four different computer systems.

Appendix B: Summary of Strategic Actions

Strategy 1: Increase the overall demand for public safety data

1. Urge the Board of County Commissioners and LPSCC's Executive Committee to continue to demand system-wide data and analysis from affected justice agencies and LPSCC as a precondition to their support for new or existing public safety strategies, programs and budget requests; examples of system-wide data that should be included in these analyses are recidivism, re-arrest, failure-to-appear and program completion. The burden of providing data should be placed on the proponent of the new policy or program. Such persistent demand for data and analysis will ensure that the value of DSS-J is fully realized and encourage the adoption of data-driven public safety policies and evidence-based practices that reduce crime and recidivism.

Lead: Peter Ozanne

Strategy 2: Expand the use of DSS-J data in reports used by LPSCC and its member agencies

2. Determine feasibility of establishing a direct DSS-J feed into data analysis software (e.g., Excel, SPSS)

Lead: County IT

3. Develop dashboard reporting, mapping and other features on the DSS-J web tool that would help analysts identify trends that they want to investigate further.

Lead: Elizabeth Davies / County IT / PSAT

4. Identify additional data and topical areas (such as domestic violence) to include as a supplement to the monthly Safety Priorities Brief.

Lead: Elizabeth Davies

5. Explore opportunities to use DSS-J data for regular updates on performance measures included in agency program offers.

Lead: Elizabeth Davies / County IT / Budget Office Rep

Strategy 3: Establish clear lines of authority and refine the organizational structure of DSS-J

6. While retaining the essence of DSS-J's prior organization, formalize the following four-tiered organizational structure in order to (a) bring more focus and direction to the Council's efforts to improve and maintain the system and (b) ensure that the appropriate people and organization participate in the decisions necessary to accomplish these objectives.

Lead: Peter Ozanne

Strategy 4: Reduce the technology costs associated with DSS-J

7. Critically assess the DSS-J technology platform with an eye to the expanding and changing business needs, technology options and cost control requirements. Based on that assessment, recommend an appropriate "toolset" to ensure that DSS-J keeps pace with the LPSCC strategic goals.

Lead: County IT

Strategy 5: Improve the accessibility of DSS-J's data tools

8. Survey current and prospective users of DSS-J to determine (a) the extent to which agency managers, practitioners and researchers rely on DSS-J, (b) how to increase the accessibility and "user friendliness" of DSS-J and (c) how DSS-J can be changed to meet more of the operational needs of justice agencies and the research needs of the county.

Lead: Elizabeth Davies

9. Expand the number of DSS-J "General Users" by examining the list of current users who have logged in over the past six months and identifying additional agencies or users.

Lead: Elizabeth Davies / Gail McKeel

10. Expand the number of DSS-J advanced users, either by replacing Cognos with another software that is easy to use and does not restrict the number of users (such as SQL Query Analyzer) or by obtaining additional Cognos licenses and ensuring that distribution is fair to all agencies (i.e., preference given to analysts from agencies in which no other analyst has access to Cognos).

Lead: County IT

11. Develop a data dictionary and training manual for General Users of DSS-J Online and Power Users of Cognos (or its replacement).

Lead: Elizabeth Davies / County IT

Strategy 6: Improve the breadth, depth, and accuracy of data in DSS-J

12. Determine the feasibility of including data from GPD, CIS-DOC, SPIN, LEDS, and MPD within DSS-J. If feasible, begin process of obtaining permissions and validating data.

Lead: County IT / DSS-J Security Committee

13. Continue to validate DOC data and ensure that most appropriate data is sourced from the DOC system in order to make corrections and community corrections data accessible to analysts and other DSS-J users through the Web tool and Cognos (or its replacement).

Lead: Gail McKeel and Diana Manthe

14. Expand data linking between systems by training DSS-J advanced users how to link data between systems in Cognos and by encouraging DSS-J general users to make requests of DSS-J staff when they would like to collect cross-agency, linked data.

Lead: County IT / Elizabeth Davies

15. Develop a shared drive or website for DSS-J users to report and help troubleshoot data problems and anomalies. County IT will be responsible for ensuring that all problems reported are resolved or forwarded onto to the appropriate source agency.

Lead: County IT / Elizabeth Davies

16. Expand the Sentencing Support Tool by allowing users to access common combinations of dispositions (versus independent sentencing elements) and by including more offender-based variables (such as program outcomes and risk and need assessments) and more sophisticated measures of recidivism (such as frequency and severity).

Lead: Sentencing Support Focus Group / Elizabeth Davies / DSS-J County IT

Strategy 7: Capitalize on the knowledge and expertise of DSS-J staff and users

17. Subject to further analysis and a determination of feasibility, begin to address the needs identified in the CJIS feasibility study for increases in interagency data and connectivity.

Lead: Elizabeth Davies / County IT / Public Safety Plan Workgroup

18. Use DSS-J database knowledge to provide technical assistance and suggestions as individual agencies change their existing systems.

Lead: County IT

19. Encourage data analysts and program managers to attend policy-level meetings (such as LPSCC, CJAC, etc.) in order to stimulate the development of relevant research questions.

Lead: Elizabeth Davies

20. Encourage additional analysts to use DSS-J and consult County IT for help in creating their own reports (rather than making special requests on already limited DSS-J IT staff time).

See Strategy 5.

21. Formalize the DSS-J project request process and prioritize DSS-J staff time for certain projects.

Lead: County IT

Appendix C: DSS-J Committee Members

Security Committee:

Judge Michael Marcus	Circuit Court
Lisa Dunn	Portland Police Records Supervisor
John Hoover	District Attorney's office
Dave Braaksma	MCSO
Wende Hickman	DCJ

Policy Committee:

Judy Shiprack	County Commissioner, District 3
Doug Bray	Trial Court Administrator
Mike Schrunk	District Attorney
Peter Ozanne	Public Safety Advisor to the Chair / LPSCC Director
Scott Taylor	Director, Department of Community Justice
Larry Aab	Director, Sherriff's Office Business Services
Judy Hadley	Citizen Representative
John Connors	Metropolitan Public Defender's Office
Capt. Jim Maciag	Portland Police

Other regular attendees:

Judge Michael Marcus	Circuit Court Judge
Gail McKeel	DSS-J Customer Advocate
Elise Nicholson	Manger of County IT Public Safety Applications
Jann Brown	DCJ IT Manager
Elizabeth Davies	LPSCC Analyst

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MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(Revised 12/31/09)

Board Clerk Use Only

Meeting Date: 03/30/2010
Agenda Item #: PD-2
Est. Start Time: 10:45 AM
Date Submitted: 02/08/2010

Agenda Title: Briefing and Policy Discussion on Current Construction Projects, Funding, Capital Facilities Needs Projected in the Next 5-10 Years, and Update on Space Optimization Plan

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

Requested Meeting Date: March 30, 2010
Amount of Time Needed: 1 hour, 15 minutes
Department: Non-Departmental
Division: Commission District 1
Contact(s): Beckie Lee, Jana McLellan
Phone: 503-988-6796 Ext. 86796
I/O Address: 503/6th
Presenter(s): Bob Thomas, John Lindenthal

General Information

1. What action are you requesting from the Board?

No action required.

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.

Board briefing and discussion on current construction projects, funding, facilities needs projected in the next 5-10 years, and update on space optimization plan.

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

None.

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

None.

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

None.

Required Signature

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

Date: 02/05/2010

Multnomah County 2010 Facilities Capital Improvement Program Briefing

March 30, 2010

Multnomah County Board of Commissioners

1. FY 2010 Capital Projects
2. Funding
3. 5 to 10 Year Capital Need
4. Space Optimization Update

Facilities Capital Mission

- *Extend the life of County buildings, optimize the performance of building systems, and create accessible, functional, and energy efficient facilities that meet County program needs.*

Capital Focus

- Reduce long term facilities cost to the County
- Prioritize projects to sustain and upgrade building infrastructure and equipment
- Improve functionality and usefulness for programs
- Increase flexibility of space
- Achieve a sustainable balance between facility maintenance and funding

Definitions

- Tier I Asset Preservation (AP)
 - Retain good building for long term use
 - Provide scheduled maintenance from Asset Preservation Fund 2509
- Tier II Capital Improvement Program (CIP)
 - Retain and improve fair buildings needing capital improvement
 - Schedule improvements to bring up to Tier 1 status from Capital Improvement Fund 2507
 - If not being upgraded, do only emergency repairs or system/component replacements
- Tier III Capital Improvement Program (CIP)
 - Maintain functionality
 - Minimal capital investment

Fund 2507 CIP Projects	FY 2010 Adopted
Court House	\$ 948,300
Justice Center	\$ 2,310,400
McCoy	\$ 1,850,000
Mead	\$ 957,500
Lincoln	\$ 10,600
Hansen	\$ 504,000
Inverness Jail	\$ 855,500
Library Administration	\$ 25,000
Inverness Jail Laundry	\$ 149,300
Walnut Park	\$ 212,600
Animal Services	\$ 321,000
Kelly Building	\$ 2,445,000
Yeon Shops	\$ 106,900
Skyline Road Shop	\$ 48,000
Wikman Building	\$ 3,000
Central Office	\$ 18,000
Central Library	\$ 177,924
Title Wave	\$ 144,100
Small Energy Projects	\$ 50,000
Building Safety Emergency Repair	\$ 500,000
FLS Fire Life Safety	\$ 175,000
RACC	\$ 50,000
A&E Consultation for CIP	\$ 150,000
Building Disposition Summary	\$ 403,000
Emergency Expenditures	\$ 33,000
Total Routine Projects	\$ 12,448,124
Deferred Maintenance and Energy Bond Projects	\$ 12,000,000
New downtown courthouse	\$ 15,700,000
East County Justice Center(ECJC)	\$ 4,880,000
Total Non Routine Projects	\$ 32,580,000
Grand Total FY10 Fund 2507	\$ 45,028,124

Fund 2509 AP Projects	FY 2010 Adopted
Juvenile Justice	\$ 438,000
North Portland Health	\$ 11,000
Elections	\$ 98,000
Southeast Health	\$ 292,000
Mid-County Health	\$ 200,000
MCE	\$ 74,000
GCC MDT Bldg	\$ 180,000
GCC Service Bldg	\$ 163,000
Yeon Annex	\$ 12,000
TMB	\$ 788,000
TMB Garage	\$ 414,000
Central Library	\$ 405,000
Gregory Heights Library	\$ 40,000
Midland Library	\$ 97,000
North Portland Library	\$ 15,000
Space Optimization	\$ 387,000
ADA-American Disabilities Act	\$ 50,000
Interior Finishes	\$ 100,000
Small Energy Projects	\$ 50,000
Capital Repair	\$ 175,000
RACC	\$ 30,000
A&E Consultation for AP	\$ 100,000
Emergency Expenditures	\$ 86,806
Unappropriated Balance	\$ 450,000
Grand Total FY10 Fund 2509	\$ 4,655,806

FY 2010 Adopted Projects

March 30, 2010

Multnomah County Adopted FY 2010 Financial and Budget Policies

An Asset Preservation Fee (and Capital Improvement Fee) shall be assessed on tenants within all Tier I (and Tier 2 and 3 for CIP Fund) buildings. This fee is established to be \$2.55 / rentable square foot in the initial year and shall be adjusted in future years to reflect the facilities' needs and County funding capacity.

It is the goal of the Board to fund the County's capital needs at approximately 2% of the cost of County buildings. (Two percent is equivalent to depreciating the facilities over a 50-year period.) While the County currently funds facilities at a rate equivalent to approximately 1% of the cost of County buildings, and does not have the capacity to fund facilities at the policy rate, the Board will consider this goal when establishing the rate in future years.

10 Year Projected Capital Revenue & Estimated Deferred Maintenance

FY	Capital Rate per sq ft *	Total Capital Revenue per year	Estimated Total Deferred Maintenance
2011	\$2.75	\$6.2 M	\$21.3 M
2012	\$2.95	\$6.6 M	\$14.7 M
2013	\$3.20	\$7.1 M	\$11.8 M
2014	\$3.45	\$7.7 M	\$7.3 M
2015	\$3.75	\$8.3 M	\$6.6 M
2016	\$4.05	\$9.1 M	\$3.9 M
2017	\$4.35	\$9.7 M	\$16.8 M
2018	\$4.70	\$10.5 M	\$22.1 M
2019	\$5.05	\$11.3 M	\$16.2 M
2020	\$5.45	\$12.1 M	\$21.3 M

* 8% Annual increase per 2005 Adopted Facilities Strategic Plan

Space Optimization Update

Multnomah Building Project (2nd, 3rd and 4th floors)

- Programs consolidated: IT, DCJ, Tax Title, MCSO, HR
>40% space efficiency with new 120° layout
Current: 102 work stations
After: 151 work stations
- Net annual operating savings from Kelly Bldg: \$110 K
- Total project cost *estimate*: \$980 K

Countywide vacancy rate is 3.3%

- Yeon/Vance Campus has the largest vacancy –
working on future options
 - Yeon Fuel Tank Repairs
 - Overall Site Assessment

Upcoming FY 2011 Budget Worksession

Late May:

Annual FY 2011 Capital Budget Worksession

- Finance report on County debt and financing
- Facilities 5 Year Capital Program
- Seismic Liability

5



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST BUDGET MODIFICATION

(revised 12/31/09)

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-1 DATE 4/1/10
LYNDA GROW, BOARD CLERK

Board Clerk Use Only

Meeting Date: 4/01/10
Agenda Item #: C-1
Est. Start Time: 10:00 am
Date Submitted: 3/23/10

BUDGET MODIFICATION: HD-10-26

BUDGET MODIFICATION - HD-26 authorizing one position re-classification within the Human Resources Division of the Health Department as determined by the Class/Comp Unit of Central Human Resources.

Note: For all other submissions (i.e. Notices of Intent, Ordinances, Resolutions, Orders or Proclamations) please use the APR short form.

Requested Meeting Date:	<u>April 1, 2010</u>	Amount of Time Needed:	<u>N/A - Consent</u>
Department:	<u>Health Department</u>	Division:	<u>Human Resources</u>
Contact(s):	<u>Lester A. Walker - Budget & Finance Manager</u>		
Phone:	<u>(503) 988-3663</u>	Ext.	<u>26457</u>
		I/O Address:	<u>167/2/210</u>
Presenter(s):	<u>N/A (Consent Agenda)</u>		

General Information

1. What action are you requesting from the Board?

Approval of staffing adjustment resulting from the re-classification of one position. This change will not impact the Health Department's total FTE for FY 2010.

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.

Reclassify a 1.0 HR Analyst Senior to a 1.0 HR Manager 1, position 702654, in the Human Resources division of the Health Department. Class Comp approved reclassification effective on 07/20/2009 (reclass #1395). This position serves as the Operations Manager of the Health Department Human Resources unit. Essential functions include: provide operational leadership and direct supervision of four HR generalist positions and one support position; provide advise, counsel and direction to 70% of the department's business units on a wide range of HR issues; and determine staffing, performance and operational needs of the department. This change impacts program offers

40039 – Business and Quality - Human Resources and Training.

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

There is no financial impact for FY10.

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

N/A

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

N/A

ATTACHMENT A

Budget Modification

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

- What revenue is being changed and why? If the revenue is from a federal source, please list the Catalog of Federal Assistance Number (CFDA).

No change in revenues.

- What budgets are increased/decreased?

The Health Department's budget will have the following changes:

- Permanent personnel budget will increase by \$4,237.
- Salary related expense budget will increase by \$1,333.
- Insurance benefits budget will increase by \$318.
- Travel and Training budget will decrease by \$2,000.
- Professional Services budget will decrease by \$3,888.

These changes will have no financial impact on the budget and do not change the Health Department's total FTE.

- What do the changes accomplish?

Change of classification of position 702654 to better fit the duties of that position as determined by the Class/Comp Unit of the Central Human Resources.

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

Reclassify a 1.0 HR Analyst Senior to a 1.0 HR Manager 1, position 702654, in the Human Resources division of the Health Department.

- If a grant, is 100% of the central and department indirect recovered? If not, please explain why.

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? When the grant expires, what are funding plans? Are there any particular stipulations required by the grant (i.e. cash match, in kind match, reporting requirements etc)?

N/A

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: HD-10-26

Required Signatures

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

Lillian Shirley

Date: 3/11/2010

[Signature]

Budget Analyst:

Shannon Busby

Date: 3/12/2010

Department HR:

[Signature]

Date: 3/10/2010

Countywide HR:

Date: _____

FM Side			PS/CO Side			Cost Element/ Commitment Item	Notes
FM Fund Center	FM Fund Code	Functional Area	Internal Order	Cost Center	WBS Element		
General Fund Contingency				9500001000		60470	Reduce available General Fund Contingency
19	1000	0020		xxx	xxx	xxxxx	Increase Expenditure
xx-xx	xxxxx	0020					
Indirect Central					xxx	60350	Indirect Expenditure
xx-xx	xxxxx					50310	Indirect reimbursement revenue in General Fund
19	1000	0020		9500001000		60470	CGF Contingency expenditure
19	1000	0020		9500001000			
Departmental					xxx	60355	Indirect Department Expenditure
xxx	xxxxx				xxx	50370	Indirect Dept reimbursement revenue in General Fund
xx-xx	1000			xxx	xxx	xxx	Off setting Dept expenditure in General Fund
xx-xx	1000			xxx	xxx		
Telecommunications					xxx	60370	Departmental telecommunication expenditure
xx-xx	xxxxx					50310	Budgets receipt of reimbursement
72-60	3503	0020		709525		60200	Budgets offsetting expenditure in telecommunications fund
72-60	3503	0020		709525			
Data Processing					xxx	60380	Departmental data processing expenditures
xx-xx	xxxxx					50310	Budgets receipt of Data Processing reimbursement
72-60	3503	0020		709000		60240	Budgets offsetting expenditures
72-60	3503	0020		709000			
PC Flat Fee (Flat Fee is no longer in effect for most Departments beginning in FY 2007)					xxx	60390	Departmental PC Flat Fee expenditure
xx-xx	xxxxx			between 709201 & 709211		50310	Budgets receipt of PC Flat Fee
72-60	2508	0020		between 709201 & 709211		60240	Budgets offsetting expenditure
72-60	2508	0020		709211			
Electronic Service Reimbursement						60420	Departmental Electronics expenditure
xx-xx	xxxxx					50310	Receipt of Electronics service reimbursement
72-55	3501	0020		904200		60240	Budgets offsetting expenditure
72-55	3501	0020		904200			
Motor Pool					xxx	60410	Departmental Motor Pool expenditure
xx-xx	xxxxx					50310	Budgets receipt of Motor Pool service reimbursement
72-55	3501	0020		904100		60240	Budgets offsetting expenditure
72-55	3501	0020		904100			
Building Management					xxx	60430	Departmental Building Management expenditure
xx-xx	xxxxx					50310	Budgets receipt of Building Management service reimbursement
72-50	3505	0020		902575		60170	Budgets offsetting expenditure
72-50	3505	0020		902575			
Insurance Service Reimbursement						60140 or 60145	Departmental Insurance expenditure
xx-xx	xxxxx					50316	Insurance Revenue
72-10	3500	0020		705210		60330	Offsetting expenditure
72-10	3500	0020		705210			
Lease Payments to Capital Lease Retirement Fund						60450	Departmental Capital Lease Retirement expenditure
xx-xx	xxxxx						Contact your Budget Analyst to complete this.
Mail & Distribution					xxx	60460	Mail & Distribution expenditure
xx-xx	xxxxx					50310	Budgets receipt of service reimbursement
72-55	3504	0020		904400		60230	Budgets offsetting expenditure
72-55	3504	0020		904400			
Records					xxx	60460	Records expenditure
xx-xx	xxxxx					50310	Budgets receipt of service reimbursement
72-55	3504	0020		904500		60240	Budgets offsetting expenditure
72-55	3504	0020		904500			
Stores					xxx	60460	Stores expenditure
xx-xx	xxxxx					50310	Budgets receipt of service reimbursement
72-55	3504	0020		904800		60240	Budgets offsetting expenditure
72-55	3504	0020		904600			

How are functional areas assigned to cost objects?

For the most part, functional area is related to what department has recorded the revenue or expenditure (i.e. the District Attorney is reported in Public Safety and Justice). There are some exceptions to this rule that require certain funds to be assigned to a particular functional area, regardless of what department the revenues or expenditures are recorded in.

Functional Area Assignments ~ Based on Fund		
1501 – Road Fund	Roads and Bridges	80
1502 – Emergency Communications Fund	Community Services	60
1503 – Bike Path Fund	Community Services	60
1504 – Recreation Fund	Community Services	60
1506 – County School Fund	Community Services	60
1509 – Willamette River Bridges Fund	Roads and Bridges	80
1510 – Library Fund	Library	70
1512 – Land Corner Preservation Fund	Roads and Bridges	80
2500 – Justice Bond Project Fund	Public Safety and Justice	50
2501 – Revenue Bond Project Fund	Community Services	60
2502 – SB 1145 Fund	Public Safety and Justice	50
2504 – Building Project Fund	Community Services	60
2505 – Deferred Maintenance Fund	Community Services	60
2506 – Library Construction / 1996 Bonds Fund	Library	70
2507 – Capital Improvement Fund	Community Services	60
2509 – Asset Preservation Fund	Community Services	60
2510 – Library Property Fund	Library	70
3000 – Dunthorpe-Riverdale Service Dist #14 Fund	Dunthorpe-Riverdale Service Dist #14	500
3001 – Mid County Service District #1 Fund	Mid County Service District #1	510
3002 – Behavioral Health Managed Care Fund	Behavioral Health Managed Care	520

If a cost object is not in one of the funds listed above, then the functional area should be assigned based on the department that the cost object is in.

Functional Area Assignments ~ Based on Department (Fund Center)		
Non-Departmental (10, except 10-50)	General Government	20
Non-Departmental – CCFC (10-50)	Social Services	40
District Attorney (15)	Public Safety and Justice	50
Countywide (18 & 19)	General Government	20
Human Services (20, 25, 26, 30 & 31)	Social Services	40
School and Community Partnerships (21)	Social Services	40
Health (40)	Health Services	30
Community Justice (50)	Public Safety and Justice	50
Sheriff's Office (60)	Public Safety and Justice	50
County Management (72)	General Government	20
Community Services (91)	General Government	20
Library (80)	Library	70

If you have any questions or comments, please contact Susan Luce in General Ledger at ext. 22138.

ANNUALIZED PERSONNEL CHANGE							ANNUALIZED			
Fund	Job #	HR Org	CC/WBS/IO	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1000	9748	65278	409300	HR ANALYST SENIOR	702654	(1.00)	(76,034)	(23,928)	(17,009)	(116,971)
1000	9715	65278	409300	HR MANAGER 1	702654	1.00	80,448	25,317	17,340	123,105
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
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										0
										0
										0
										0
										0
										0
										0
										0
				TOTAL ANNUALIZED CHANGES		0.00	4,414	1,389	331	6,134

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

							ANNUALIZED			
Fund	Job #	HR Org	CC/WBS/IO	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1000	9748	65278	409300	HR ANALYST SENIOR	702654	(1.00)	(76,034)	(23,928)	(17,009)	(116,971)
1000	9715	65278	409300	HR MANAGER 1	702654	1.00	80,448	25,317	17,340	123,105
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
				TOTAL ANNUALIZED CHANGES		0.00	4,414	1,389	331	6,134

1395

CURRENT YEAR PERSONNEL DOLLAR CHANGE										
							CURRENT YEAR			
Fund	Job #	HR Org	CC/WBS/IO	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1000	9748	65278	409300	HR ANALYST SENIOR	702654	(0.96)	(72,993)	(22,971)	(16,328)	(112,292)
1000	9715	65278	409300	HR MANAGER 1	702654	0.96	77,230	24,304	16,646	118,180
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
				TOTAL ANNUALIZED CHANGES		0.00	4,237	1,333	318	5,888

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

							CURRENT YEAR			
Fund	Job #	HR Org	CC/WBS/IO	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1000	9748	65278	409300	HR ANALYST SENIOR	702654	(0.96)	(72,993)	(22,971)	(16,328)	(112,292)
1000	9715	65278	409300	HR MANAGER 1	702654	0.96	77,230	24,304	16,646	118,180
										0
										0
										0
										0
										0
										0
										0
										0
										0
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										0
										0
										0
										0
										0
										0
										0
TOTAL ANNUALIZED CHANGES						0.00	4,237	1,333	318	5,888

1395



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST BUDGET MODIFICATION

(revised 12/31/09)

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-2 DATE 4/1/10
LYNDA GROW, BOARD CLERK

Board Clerk Use Only

Meeting Date: 4/1/10
Agenda Item #: C-2
Est. Start Time: 10:00 am
Date Submitted: 3/25/10

BUDGET MODIFICATION: DCHS - 30

**BUDGET MODIFICATION DCHS-30, Reclassify one 1.00 FTE Data
Agenda Technician to a Data Analyst in the Mental Health & Addiction Services
Title: Division, as determined by the Class/Comp unit of Central Human Resources.**

Note: For all other submissions (i.e. Notices of Intent, Ordinances, Resolutions, Orders or Proclamations) please use the APR short form.

Requested Meeting Date: Next Available Amount of Time Needed: N/A
Department: County Human Services Division: Mental Health and
Addiction Services
Contact(s): Kathy Tinkle
Phone: 988-3691 Ext. 26858 I/O Address: 167/620
Presenter(s): Consent Agenda

General Information

1. What action are you requesting from the Board?

The Department of County Human Services recommends approval of budget modification DCHS-30, which reclassifies one 1.00 FTE Data Technician to a Data Analyst in the Mental Health and Addiction Services Division (MHASD) Business Operations Unit, as approved by the Class/Comp unit of Central Human Resources.

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.

MHASD management initiated the reclassification request. In Program Offer 25054, Business

Operations, 1.00 FTE Data Technician is being reclassified to Data Analyst. Class/Comp reviewed the duties and responsibilities of this position and determined that the responsibilities as outlined in the position description best fit the criteria for Data Analyst (6073) rather than Data Technician (6073).

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

The position pay grade for Data Analyst is \$23.16 (step 1) versus Data Technician \$18.27 (step 1) and the reclassification is retroactive to August 5, 2009. The current year fiscal impact are additional personnel charges of \$12,784, which will be covered by reclassifying budgeted Premium expenses (60120) that are not being incurred in FY10.

Personnel costs will continue to increase over time, as the pay scale for the Data Analyst is higher than a Data Technician. This position will continue to be funded by OHP (Medicaid) to oversee data collection and report creation. These reports will be utilized to promote sound management decisions to increase mental health services to Verity insured adults & children.

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

N/A

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

N/A

ATTACHMENT A

Budget Modification

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

- What revenue is being changed and why? If the revenue is from a federal source, please list the Catalog of Federal Assistance Number (CFDA).

N/A

- What budgets are increased/decreased?

N/A

- What do the changes accomplish?

Approval of a classification decision from Human Resources Class/Comp unit to reclassify the Data Technician to a Data Analyst better reflects the functions and duties of the position involved.

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

Yes. The approval of this budget modification will result in reclassifying one 1.00 FTE position in MHASD from a Data Technician to a Data Analyst, as determined by the Class/Comp unit of Central Human Resources.

- If a grant, is 100% of the central and department indirect recovered? If not, please explain why.

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?

The OHP/Medicaid funding is received via monthly premiums based on currently enrolled Verity members.

- If a grant, what period does the grant cover? When the grant expires, what are funding plans? Are there any particular stipulations required by the grant (i.e. cash match, in kind match, reporting requirements etc)?

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: DCHS - 30

Required Signatures

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

Kathy Sinkov for Joanne Stiller

Date: 03/18/10

[Signature]

3/17/2010

Budget Analyst:

Date: _____

Department HR:

Carolyn L. Edgett

Date: 03/19/20

Joe E. Doi

March 24, 2010

Countywide HR:

Date: _____

Budget Modification ID: **DCHS-30****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2010

Line No.	Fund Center	Fund Code	Program #	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Internal Order	Cost Center	WBS Element						
1	20-80	3002	25054	40			MA SA BA 1 XIX	60000	253,589	262,821	9,232		Permanent
2	20-80	3002	25054	40			MA SA BA 1 XIX	60130	76,031	78,936	2,905		Salary Related
3	20-80	3002	25054	40			MA SA BA 1 XIX	60140	80,618	81,265	647		Insurance Benefits
4	20-80	3002	25054	40			MA SA BA 1 XIX	60120	17,683	4,899	(12,784)		Premium
5										0			
6										0			
7										0			
8										0			
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	CC/WBS/IO	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
3002	6074	63314	MA SA BA 1 XIX	Data Technician	712028	(1.00)	(38,148)	(12,005)	(13,976)	(64,129)
3002	6073	63314	MA SA BA 1 XIX	Data Analyst	712028	1.00	48,358	15,218	14,691	78,267
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
TOTAL ANNUALIZED CHANGES						0.00	10,210	3,213	715	14,138

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	CC/WBS/IO	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
3002	6074	63314	MA SA BA 1 XIX	Data Technician	712028	(0.90)	(34,494)	(10,855)	(12,637)	(57,986)
3002	6073	63314	MA SA BA 1 XIX	Data Analyst	712028	0.90	43,726	13,760	13,284	70,770
										0
										0
										0
										0
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										0
										0
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										0
										0
										0
TOTAL CURRENT FY CHANGES						0.00	9,232	2,905	647	12,784

FM Side			PS/CO Side			Cost Element/ Commitment Item	Notes
FM Fund Center	FM Fund Code	Functional Area	Internal Order	Cost Center	WBS Element		
General Fund Contingency				9500001000		60470	Reduce available General Fund Contingency
	19	1000		xxx	xxx	xxxxx	Increase Expenditure
	xx-xx	xxxxx					
Indirect Central							
	xx-xx	xxxxx			xxx	60350	Indirect Expenditure
	19	1000		9500001000		50310	Indirect reimbursement revenue in General Fund
	19	1000		9500001000		60470	CGF Contingency expenditure
Departmental							
	xxx	xxxxx			xxx	60355	Indirect Department Expenditure
	xx-xx	1000		xxx	xxx	50370	Indirect Dept reimbursement revenue in General Fund
	xx-xx	1000		xxx	xxx	xxx	Off setting Dept expenditure in General Fund
Telecommunications							
	xx-xx	xxxxx			xxx	60370	Departmental telecommunication expenditure
	72-60	3503		709525		50310	Budgets receipt of reimbursement
	72-60	3503		709525		60200	Budgets offsetting expenditure in telecommunications fund
Data Processing							
	xx-xx	xxxxx			xxx	60380	Departmental data processing expenditures
	72-60	3503		709000		50310	Budgets receipt of Data Processing reimbursement
	72-60	3503		709000		60240	Budgets offsetting expenditures
PC Flat Fee (Flat Fee is no longer in effect for most Departments beginning in FY 2007)							
	xx-xx	xxxxx			xxx	60390	Departmental PC Flat Fee expenditure
				between 709201 & 709211			
	72-60	2508		between 709201 & 709211		50310	Budgets receipt of PC Flat Fee
	72-60	2508		709211		60240	Budgets offsetting expenditure
Electronic Service Reimbursement							
	xx-xx	xxxxx				60420	Departmental Electronics expenditure
	72-55	3501		904200		50310	Receipt of Electronics service reimbursement
	72-55	3501		904200		60240	Budgets offsetting expenditure
Motor Pool							
	xx-xx	xxxxx			xxx	60410	Departmental Motor Pool expenditure
	72-55	3501		904100		50310	Budgets receipt of Motor Pool service reimbursement
	72-55	3501		904100		60240	Budgets offsetting expenditure
Building Management							
	xx-xx	xxxxx			xxx	60430	Departmental Building Management expenditure
	72-50	3505		902575		50310	Budgets receipt of Building Management service reimbursement
	72-50	3505		902575		60170	Budgets offsetting expenditure
Insurance Service Reimbursement							
	xx-xx	xxxxx				60140 or 60145	Departmental Insurance expenditure
	72-10	3500		705210		50316	Insurance Revenue
	72-10	3500		705210		60330	Offsetting expenditure
Lease Payments to Capital Lease Retirement Fund							
	xx-xx	xxxxx				60450	Departmental Capital Lease Retirement expenditure
							Contact your Budget Analyst to complete this.
Mail & Distribution							
	xx-xx	xxxxx			xxx	60460	Mail & Distribution expenditure
	72-55	3504		904400		50310	Budgets receipt of service reimbursement
	72-55	3504		904400		60230	Budgets offsetting expenditure
Records							
	xx-xx	xxxxx			xxx	60460	Records expenditure
	72-55	3504		904500		50310	Budgets receipt of service reimbursement
	72-55	3504		904500		60240	Budgets offsetting expenditure
Stores							
	xx-xx	xxxxx			xxx	60460	Stores expenditure
	72-55	3504		904600		50310	Budgets receipt of service reimbursement
	72-55	3504		904600		60240	Budgets offsetting expenditure

How are functional areas assigned to cost objects?

For the most part, functional area is related to what department has recorded the revenue or expenditure (i.e. the District Attorney is reported in Public Safety and Justice). There are some exceptions to this rule that require certain funds to be assigned to a particular functional area, regardless of what department the revenues or expenditures are recorded in.

Functional Area Assignments ~ Based on Fund		
1501 – Road Fund	Roads and Bridges	80
1502 – Emergency Communications Fund	Community Services	60
1503 – Bike Path Fund	Community Services	60
1504 – Recreation Fund	Community Services	60
1506 – County School Fund	Community Services	60
1509 – Willamette River Bridges Fund	Roads and Bridges	80
1510 – Library Fund	Library	70
1512 – Land Corner Preservation Fund	Roads and Bridges	80
2500 – Justice Bond Project Fund	Public Safety and Justice	50
2501 – Revenue Bond Project Fund	Community Services	60
2502 – SB 1145 Fund	Public Safety and Justice	50
2504 – Building Project Fund	Community Services	60
2505 – Deferred Maintenance Fund	Community Services	60
2506 – Library Construction / 1996 Bonds Fund	Library	70
2507 – Capital Improvement Fund	Community Services	60
2509 – Asset Preservation Fund	Community Services	60
2510 – Library Property Fund	Library	70
3000 – Dunthorpe-Riverdale Service Dist #14 Fund	Dunthorpe-Riverdale Service Dist #14	500
3001 – Mid County Service District #1 Fund	Mid County Service District #1	510
3002 – Behavioral Health Managed Care Fund	Behavioral Health Managed Care	520

If a cost object is not in one of the funds listed above, then the functional area should be assigned based on the department that the cost object is in.

Functional Area Assignments ~ Based on Department (Fund Center)		
Non-Departmental (10, except 10-50)	General Government	20
Non-Departmental – CCFC (10-50)	Social Services	40
District Attorney (15)	Public Safety and Justice	50
Countywide (18 & 19)	General Government	20
Human Services (20, 25, 26, 30 & 31)	Social Services	40
School and Community Partnerships (21)	Social Services	40
Health (40)	Health Services	30
Community Justice (50)	Public Safety and Justice	50
Sheriff's Office (60)	Public Safety and Justice	50
County Management (72)	General Government	20
Community Services (91)	General Government	20
Library (80)	Library	70

If you have any questions or comments, please contact Susan Luce in General Ledger at ext. 22138.



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(revised 12/31/09)

Board Clerk Use Only

Meeting Date: 4/01/10
Agenda Item #: C-3
Est. Start Time: 10:00 am
Date Submitted: 3/25/2010

Agenda Title: **ORDER Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody**

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

Requested Meeting Date: Next Available Amount of Time Needed: N/A
Department: DCHS Division: MHASD
Contact(s): Jean Dentinger/Karen Zarosinski (x26468)
Phone: 503-988-5464 Ext. 27297 I/O Address: 167/1/520
Presenter(s): Consent Calendar

General Information

1. What action are you requesting from the Board?

Requesting adoption of order and approval of designees. The Mental Health and Addiction Services Division is recommending approval of the designees in the accordance with ORS 426.215.

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.

Outpatient mental health agencies depend upon certain staff having the ability to assess clients for "Director Designee Custody". This certification allows the designee to direct a police officer or secure transportation provider to take into custody any individual with mental health issues who is found to be dangerous to self or to others. Police then transport the individual to a hospital or other approved treatment facility for further evaluation. As agencies experience staffing turnover or increases, new staff need to be trained and certified as designees.

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

None.

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

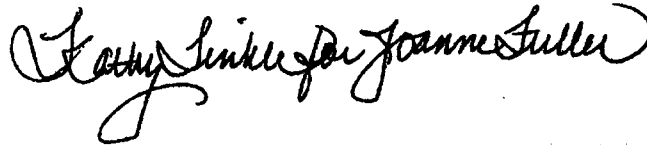
In accordance with ORS 426.215

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

None.

Required Signature

Elected Official
or Department/
Agency Director:



Date: 3/17/10

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 2010-30

Authorizing a Designee of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

The Multnomah County Board of Commissioners Finds:

- a) If authorized by a county governing body, a designee of a mental health program director may direct a peace officer to take into custody a person whom the designee has probable cause to believe is dangerous to self or others and whom the designee has probable cause to believe is in need of immediate care, custody, and treatment of mental illness.
- b) There is a current need for specified designees of the Multnomah County Mental Health Program Director to have the authority to direct a peace officer to take an allegedly mentally ill person into custody.
- c) The designee listed below has been specifically recommended by the Mental Health Program Director and meets the standards established by the Mental Health Division.

The Multnomah County Board of Commissioners Orders:

1. The individual listed below is authorized as a designee of the Mental Health Program Director for Multnomah County to direct any peace officer to take into custody a person whom the designee has probable cause to believe is dangerous to self or others and whom the designee has probable cause to believe is in need of immediate care, custody or treatment for mental illness.
2. Added to the list of designees are:

Slavica Kojadinovic
Anna Booth
Andrea McKee O'Leary
Paige Hirt

Heather Skellie
Jocelyn Kline-Johnson
Laurel Mansoor
Lindzee Chicas

Heather Gillies
Elizabeth Niemitz O'Rourke
Kirsten Peterson

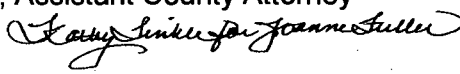
ADOPTED this 1st day of April, 2010.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Jeff Cogen, Chair

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

BY: _____
Patrick Henry, Assistant County Attorney

SUBMITTED BY: 
Joanne Fuller, Director, Dept. of County Human Services



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(revised 12/31/09)

Board Clerk Use Only

Meeting Date: 4/01/10
Agenda Item #: C-4
Est. Start Time: 10:00 am
Date Submitted: 3/22/10

Agenda Title: Intergovernmental Revenue Agreement 0910069 with the State of Oregon Office of State Fire Marshal for Regional Hazardous Materials Emergency Response Team Services

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

Requested Meeting Date: April 1, 2010 **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 0910069.

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

In order to protect life and property against the dangers of emergencies involving hazardous materials, the Oregon State Fire Marshal (OSFM) may assign and make available for use in any county, city or district, any part of a regional hazardous materials emergency response team. The OSFM desires to enter into an agreement with Multnomah County and the City of Gresham to establish a regional team consisting of personnel from the Sheriff's Office and Gresham Fire and Police. The OSFM will reimburse the County for costs related to emergencies involving hazardous materials, limited only by the funds available in the State Spill Response Fund. This includes emergency response to monitor, assess, and evaluate hazardous spills or releases, provide first aid or medical service that may be required, and containment, confinement, clean-up or other actions appropriate to prevent, minimize or mitigate damage to public health and safety. Also included are funds for equipment and personnel training.

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

Response services are provided on an as-needed basis, so the amount of revenue cannot be forecast, but the OSFM believes that sufficient funds will be available for the term of the agreement.

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

The Agreement is authorized under ORS 453.374 to 453.390. The County Attorney's office has reviewed the Agreement.

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

None, other than described above.

Required Signature

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

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

Date: 03/01/10

MULTNOMAH COUNTY CONTRACT APPROVAL FORM (CAF)

Contract #: 0910069

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: 03/03/10

Originator: Captain Jason Gates

Phone: 503-255-3600

Bldg/Room: 313

Contact: Brad Lynch

Phone: 503-988-4336

Bldg/Room: 503/350

Description of Contract: Emergency hazardous materials response services.

RENEWAL: ☐ PREVIOUS CONTRACT #(S) 0708056, 0506136

EEO Exhibit 5 required if amount over \$75k

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

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	State of Oregon Fire Marshal			Remittance address	
Address	4760 Portland Road NE			(If different)	
City/State	Salem, Oregon			Payment Schedule / Terms:	
ZIP Code	97305			<input type="checkbox"/> Lump Sum \$	<input type="checkbox"/> Due on Receipt
Phone	503-373-1540			<input type="checkbox"/> Monthly \$	<input type="checkbox"/> Net 30
				<input type="checkbox"/> Other \$	<input type="checkbox"/> Other
Contract Effective Date	upon sig.	Term Date	06/30/11	<input type="checkbox"/> Price Agreement (PA) or Requirements Funding Info:	
Amendment Effect Date		New Term Date			
Original Contract Amount	\$	Original PA/Requirements Amount	\$ 20,000.00		
Total Amt of Previous Amendments	\$	Total Amt of Previous Amendments	\$		
Amount of Amendment	\$	Amount of Amendment	\$		
Total Amount of Agreement	\$	Total PA/Requirements Amount	\$ 20,000.00		

REQUIRED SIGNATURES:

Department Manager

DATE

County Attorney

DATE

CPCA Manager

DATE

County Chair

DATE

Sheriff

DATE

Contract Administration

DATE

COMMENTS:

**INTERGOVERNMENTAL AGREEMENT FOR
REGIONAL HAZARDOUS MATERIALS EMERGENCY
RESPONSE TEAM SERVICES**

Between

**THE STATE OF OREGON, ACTING BY AND THROUGH
THE OFFICE OF STATE FIRE MARSHAL**

And

**CITY OF GRESHAM
MULTNOMAH COUNTY**

**STATE OF OREGON
Theodore R. Kulongoski, Governor**

Randy Simpson, State Fire Marshal

July 1, 2009

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Approving Signatures.....

Addenda

Addendum #1 - Hourly Rate worksheets

**INTERGOVERNMENTAL AGREEMENT FOR REGIONAL
HAZARDOUS MATERIALS
EMERGENCY RESPONSE TEAM SERVICES**

General Agreement Information

City of Gresham 3196

**This Intergovernmental Agreement constitutes the entire agreement between
the Office of State Fire Marshal and the Contractor.**

Agreement Type: This Agreement is between the State of Oregon, acting by and through the Office of State Fire Marshal (hereinafter "OSFM") and the City of Gresham and Multnomah County (hereinafter "Contractor") for the provision of regional hazardous materials emergency response services as described herein and authorized under ORS 453.374 to 453.390.

1.1 Recitals: In order to protect life and property against the dangers of emergencies involving hazardous materials, the State Fire Marshal may assign and make available for use in any county, city or district, any part of a regional hazardous materials emergency response team.

The OSFM desires to enter into this Agreement to establish Contractor as a Regional Hazardous Materials Emergency Response Team, and Contractor desires to be so designated and to enter into this Agreement.

1.2 Agreement Term: This Agreement shall be from the date of the last required signature to June 30, 2011. Subject to Legislative approval, future Agreements will be awarded on a biennial basis. The OSFM has sufficient funds currently available and authorized for expenditure to finance the costs of the Agreement within the OSFM's biennial appropriation or limitation. Contractor understands and agrees that the OSFM's payment of amounts under this Agreement attributable to work performed after the last day of the current biennium is contingent upon the OSFM receiving from the Oregon Legislative Assembly appropriations, limitations, or other expenditure authority sufficient to allow the OSFM, in the exercise of its reasonable administrative discretion, to continue to make payments under this Agreement.

Standard Agreement Terms and Conditions

2.0 Definitions:

"Agreement" means this Intergovernmental Agreement and addenda.

“Automatic Response” means the authority to respond to any incident beyond the capabilities of local responders without approval prior to team response by the OSFM Duty Officer. Incident must involve a hazardous spill, leak, explosion, or injury, or potential thereof, with immediate threat to life, environment, or property.

“Clean-up” means the measures taken after emergency response to permanently remove the hazard from the incident site.

“Contractor” means the local government agency(s) by which the service or services will be performed under this Agreement, including those agencies under an approved inter-governmental / agency agreement.

“Emergency Response” means:

- a. Actions taken to monitor, assess and evaluate a spill or release or threatened spill or release of hazardous materials;
- b. First aid, rescue or medical services that may be required as the result of a spill or release or threatened spill or release of hazardous materials;
- c. Fire suppression, containment, confinement, or other actions appropriate to prevent, minimize or mitigate damage to the public health, safety, welfare or the environment which may result from a spill or release or threatened spill or release of a hazardous material if action is not taken.

“Emergency Response Costs” means the total emergency response expense, including team response costs, arising from a hazardous materials emergency. Such costs generally include, but are not limited to, all OSFM and local government expenses that result from the assessment and emergency phases of the response activity. Emergency response costs do not include clean up or disposal costs of hazardous materials, except, as may be reasonably necessary and incidental to preventing a release or threat of release of a hazardous material or in stabilizing the emergency response incident.

“Hazardous Materials” means "hazardous substance" as that term is defined in ORS 453.307(5).

“Incident” means any actual or imminent threat of a release, rupture, fire or accident that results, or has the potential to result, in the loss or escape of a hazardous material into the environment.

“Intergovernmental Agreement” means an agreement between an agency or agencies and one or more units of local government of the State of Oregon.

“Local Government Agency” means a city, county, special district or subdivision thereof.

“Oregon-OSHA” means the Oregon Occupational Safety and Health Act as administered by the Occupational Safety and Health Division of the Department of Insurance and Finance.

“ORS” means Oregon Revised Statutes.

“Primary Response Area” means that geographical region where the Contractor is principally responsible for providing regional Hazardous Materials Emergency Response services.

“Regional Hazardous Materials Emergency Response Team” (RHMERT) means the designated employees of the Contractor who are expected to respond to, control, and/or stabilize actual or potential emergency releases of hazardous substances. A Regional Hazardous Materials Emergency Response Team operates within the limits discussed in Oregon-OSHA's OAR 437, Division 2, which is incorporated herein by this reference.

“Release” shall have the same meaning as that in ORS 465.200(22).

“Responsible Party” means the person or persons responsible for causing the emergency to which the Contractor responded. (See, e.g. ORS 453.382).

“State” means the State of Oregon acting by and through the State Fire Marshal.

“State Owned Equipment” means all vehicles, equipment, and supplies provided to Regional Hazardous Materials Emergency Response Teams as described in this Agreement.

“State Spill Response Fund” means the response fund established under ORS 453.390.

“Teams Advisory Group” means a group consisting of one appointed member from each RHMERT, who provide technical advice to the State Fire Marshal on equipment, vehicles, operating guidelines and similar operational issues.

“Team Response Costs” means those Contractor expenses, which are expressly allowed under this Agreement and are approved by the OSFM. Team Costs under this Agreement do not include the wide range of emergency response costs associated with a hazardous materials emergency, but shall be limited to approved

expenses directly related to Regional Hazardous Materials Emergency Response Team operations.

2.1 Statement of Work:

2.1.1 Services to be Provided by Contractor: During the term of this Agreement the Contractor agrees to provide Regional Hazardous Material Emergency Response Team services within the boundaries of Contractor assigned Primary Response Area as generally depicted and described in "Exhibit A", and by this reference incorporated herein. Contractor is hereby designated "**HM03**".

Contractor response activities under this Agreement shall be limited to emergency operations, reporting and documentation activities arising from a hazardous materials emergency response. Contractor shall not provide under this Agreement any services with respect to the sampling, testing and analysis, treatment, removal, remediation, recovery, packaging, monitoring, transportation, movement of hazardous materials, cleanup, storage and disposal of hazardous materials except as these may be reasonably necessary and incidental to preventing a release or threat of release of a hazardous material or in stabilizing the incident.

Contractor shall not be required to maintain general security and/or safety perimeters at or near sites and vessels, locate underground utilities, insure appropriate traffic control services, conduct hydrological investigations and analysis, or provide testing, removal and disposal of underground storage tanks at or near the emergency response incident to which the Contractor is dispatched.

Contractor shall make no representation(s) or warranty(s) to third parties with regard to the ultimate outcome of the hazardous materials services to be provided, but shall respond to the best of its abilities, subject to the terms of this Agreement.

Contractor personnel shall perform only those actions and duties for which they are trained and equipped.

2.1.2 Compliance with Regulatory Requirements: Contractor certifies that its employees, equipment, and vehicles meet or exceed applicable regulatory requirements.

2.1.3 Personnel: Contractor shall provide an adequate number of trained, medically monitored, competent, and supervised Regional Hazardous Materials Emergency Response Team (RHMERT) personnel as is necessary to operate within the safety levels of a Regional Hazardous Materials Emergency Response Team as specified in OR-OSHA's OAR 437, Division 2. Contractor shall limit its

team activities to that within the safety and training levels specified by Oregon-OSHA for a Hazardous Materials response team.

To document training and/or experience, team members shall complete the tasks in the Hazardous Material Technician Task Book within the established 24 month period. Contractor shall strive to meet the competency requirements set by the OSFM's Key Performance Measure. Contractor shall submit annually the Task Book reporting form to the OSFM no later than 10th of January each year.

2.1.4 Vehicles and Equipment: Contractor may utilize such vehicles and equipment as it currently has available as provided in 2.1.2 herein. The Contractor will operate a hazardous materials emergency response team using hazmat vehicle(s) and emergency response team equipment as specified in Exhibit "B" of this Agreement, on loan from the OSFM. State owned vehicles shall meet or exceed all regulatory requirements. Routine maintenance of state owned and local vehicles and equipment shall be the sole responsibility of the Contractor. Contractor shall limit its activities to that which can be safely accomplished within the technical limitations of the vehicles and equipment provided by the Contractor or the OSFM.

Physical damage specified in section 2.19.6 of this Agreement and routine maintenance shall be the responsibility of the Contractor. All repairs to State owned vehicles and equipment shall be the responsibility of the OSFM. For purposes of this Agreement, routine maintenance means:

- A. Apparatus and Vehicles
 - 1. Daily/weekly/monthly checks of vehicle and equipment.
 - 2. Semiannual and/or mileage-related lubrication, oil and filter changes.
 - 3. Annual tune-up as required for preventive maintenance.
- B. Equipment checks and testing as outlined in the Oregon-OSHA standards and manufacturer's recommendations.
- C. Protective clothing to be tested as per Oregon-OSHA standards and manufacturer's recommendations.
- D. Communications equipment checked regularly.

The Contractor may use state owned emergency response vehicles and equipment in conjunction with other non-hazardous materials emergency response activities. The vehicle and equipment shall at all times be immediately available for emergency response with hazardous materials incidents having highest priority.

State owned vehicle(s) and equipment shall not be used by other than Contractor RHMERT employees, except as approved by the team leader/administrator. The RHMERT vehicles shall not be used during state mobilizations, conferences, or meetings not pertaining to the RHMERT program.

When the state owned emergency response vehicles and equipment are used in conjunction with other non-hazardous materials emergency response activities, including assistance to local government entities at events not meeting state authorized response criteria. Contractor is liable for major repairs or replacement directly attributable to that use. Contractor is also liable for abuse or neglect of state owned emergency response vehicles and equipment when equipment is used in conjunction with other non-hazardous materials emergency response activities.

Contractor shall submit a monthly vehicle usage log to the OSFM no later than the 10th of the following month. Beginning and ending mileage for each trip must be recorded, whether it is incident response, training, maintenance, or any other activity.

2.1.5 Right of Refusal: The OSFM recognizes that the obligations of the Contractor in its own jurisdiction are paramount. If, on occasion, a response under this Agreement would temporarily place an undue burden on the Contractor because Contractor resources are otherwise limited or unavailable within the Contractor Primary Response Area, and if prior or immediate notice has been provided to the OSFM Duty Officer, the Contractor may decline a request for a regional emergency response, however, the state owned emergency response vehicles and equipment shall remain available for OSFM's use in this instance.

2.1.6 Standard Operating Guidelines: Contractor and OSFM agree that regional response team operations will be conducted in accordance with the OSFM's Standard Operating Guidelines as reviewed and recommended by the Teams Advisory Group and as mutually approved by the parties to this Agreement.

2.1.7 Administrative Rules: The parties acknowledge that the OSFM has adopted OAR 837, Division 120 and that this Agreement is consistent with those administrative rules. If those rules are amended, such amendments are incorporated into this Agreement and may require modification of the procedures, terms and conditions of this Agreement.

2.2 Contractor Compensation: There are three types of Contractor compensation under this Agreement: (1) Contractor stand-by costs, (2) Contractor team response costs, and (3) Contractor administrative costs. Each of these is discussed more fully below.

2.2.1 Contractor Stand-by Costs: Contractor shall be compensated by the OSFM under this Agreement for its OSFM-approved stand-by costs. Such stand-by costs include:

Specialized Training Costs: The OSFM will provide funding for advanced training and education to Contractor RHMERT employees as specified in Exhibit "D" and if approved by the OSFM in advance. All such training and selection of training/training providers must comply with all federal, state and local rules and regulations. If training is approved, the OSFM agrees to pay the cost of tuition, and per diem/travel expenses at OSFM-approved rates. With prior approval by the OSFM, up to fifty percent of the funding specified in Exhibit "D" may be used to reimburse personnel costs incurred by employees attending training.

Medical Surveillance: The OSFM will provide funding for baseline, maintenance and exit physicals for Contractor RHMERT employees as specified in Exhibit "E" of this Agreement. Cost will be based on competitive bid for the protocols covered in the OSFM Hazardous Materials Emergency Response Team Standard Operating Guideline T-015. Selection of health care provider must comply with all federal, state and local rules and regulations. Additionally, the OSFM will provide funding from the State's Spill Response Fund for exposure exams where no responsible party or parties is identified.

Vehicle(s) and Equipment Loans: The OSFM agrees to loan the Contractor emergency response vehicle(s) and emergency response equipment as specified in Exhibit "B" of this Agreement. Equipment and materials will be provided by the OSFM as specified in Exhibit "C" of this Agreement.

Level A/B Personal Protective Equipment (PPE) Acquisition: Contractor shall be exclusively responsible for its selection of PPE suits, suit types or models to meet its own specific needs. The OSFM encourages contractor to follow recommendation of the HazMat Equipment Committee; however the OSFM shall have no involvement in, and no responsibility or liability whatsoever arising out of Contractor's choice of suits, their safety or reliability, or their testing or maintenance. The OSFM will pay for, and Contractor is authorized to purchase, only PPE suits that meet or exceed all applicable regulatory requirements and National Fire Protection Association guidelines.

Contractor shall comply with all applicable public procurement laws, including the applicable provisions of ORS chapters 279A and 279B and Contractor's own procurement ordinances, codes, rules and regulations, in contracting for the acquisition of the suits. The suits shall be procured according to the procedure established in Standard Operating Guideline T-021. Upon their acquisition, the

suits become part of the state-owned equipment on loan to the Contractor as specified in Exhibit "B" of this Agreement.

2.2.2 Contractor's Team Response Costs: Contractor shall be compensated by the OSFM under this Agreement for its OSFM-approved team response costs. The funding available for team response costs as specified in Exhibit "J" of this Agreement is in addition to Contractor stand-by costs as specified in section 2.2.1. Such team response costs shall be limited only by the funds available in the State Spill Response Fund established under ORS 453.390 for the 2009-2011 biennium. Such Team response costs may include, but are not limited to:

Compensation for Contractor Vehicle(s) and Apparatus: Where the OSFM has approved the use of Contractor vehicles and equipment, OSFM shall compensate Contractor at the rates described in Exhibit "F" of this Agreement.

Compensation for Contractor Personnel Response Costs: Contractor RHMERT personnel response costs, which are approved and authorized under this Agreement are compensable at the rates described in Exhibit "G". Hourly personnel rates for the 2009-2011 biennium will be calculated as follows:

- a) Base Hourly Rate/Non-officer - will be calculated at the hourly overtime rate, plus benefits, for the highest paid, technician trained team member who is not an officer.
- b) Base Hourly Rate/Officer (eligible for overtime) – will be calculated at the overtime rate, plus benefits for the highest paid, technician trained officer on the team.
- c) Base Hourly Rate/Salaried Officer (not eligible for overtime) - will be calculated at the salary rate, plus benefits, of the highest paid, technician trained officer on the team.

OSFM and Contractor understand that the base hourly rate of non-officers, officers, and salaried officers referred to in this section is subject to change pursuant to any collective bargaining agreement entered into between Contractor and Contractor's employees. It is the intent of OSFM and Contractor that if, during the term of this Agreement, the base hourly rate of Contractor's employees for non-officers, officers, or salaried officers changes due to a change in a collective bargaining agreement between Contractor and Contractor's employees, that on the date those changes become effective under a collective bargaining agreement, those changes will be incorporated in this Agreement and used for purposes of calculating compensation for Contractor's Personnel Response Costs.

A Response Availability Rate of \$15.5788 will be added to each base hourly rate to determine the total hourly personnel response rate for each category. Contractor will be required to document total hourly personnel response rates for each category utilizing OSFM provided format. That documentation will be entered into this Agreement as addendum #1. Contractor RHMERT personnel response costs shall be billed to the nearest one-fourth (1/4) hour period worked.

Emergency Expenses: Contractor necessary and reasonable emergency response costs related to services rendered under this Agreement are reimbursable. All such costs must be based on actual expenditures and documented by the Contractor. Original receipts must be submitted with the response billing. Emergency response purchases of up to \$100 per emergency response incident may be made at the Contractor's discretion without prior approval by the OSFM. The Team Leader or authorized Contractor representative will attempt to contact the OSFM Duty Officer for approval of Contractor emergency expenses exceeding \$100. Contractor claim for reimbursement must clearly document the nature of the purchases and extent of the OSFM prior verbal approval of Contractor emergency expenditures. The OSFM reserves the right to deny any payment of unjustifiable Contractor expenditures.

2.2.3 Contractor Administrative Costs: Team administrative costs, not to exceed 8% of the Contractor team response costs, may be billed as part of the emergency response costs, and will be reimbursed to Contractor upon receipt from responsible party or parties.

2.2.4 Billing System: Contractor will notify the OSFM's Emergency Response Unit within 24 hours of a hazardous materials emergency response. An OSFM incident number will be assigned to the response at that time. Contractor shall leave a voice-mail message if notification is made after business hours. Contractor call will be returned the next business day. Contractor will provide an estimate of team emergency response costs to the OSFM within 10 working days of the response. An expenditure report and invoice shall be submitted to the OSFM within 30 days of the response. Contractor claim for reimbursement shall be on OSFM approved forms and shall contain such documentation as is necessary to support OSFM cost-recovery operations and financial audits.

The State shall bill the responsible party or parties within 30 days of receipt of Contractor invoice. The OSFM agrees to bill responsible parties for team emergency response costs and may bill for the total emergency response costs. Team emergency response costs include such items as vehicle and equipment use, expendables, and personnel costs. Normally Contractor team emergency response costs shall be collected by the OSFM from the responsible party or parties before payment is made to the Contractor. Where payment has not been received by the

OSFM within 30 days after the second billing to the responsible party or parties, then the Contractor approved team emergency response costs shall be paid to the Contractor from the State Spill Response Fund. In no case shall the OSFM payment to the Contractor exceed 63 days after receipt of the Contractor invoice by OSFM, provided responsible party information supplied by the Contractor is correct to the best of the Contractor knowledge or belief.

Billing for State Owned Equipment Only: All responses to incidents utilizing state owned equipment will be billed for state owned equipment use only, including those incidents within the Contractor's local jurisdiction. A statement for equipment used will be prepared by the Office of State Fire Marshal, and forwarded to the identified responsible party any time the state owned vehicle or equipment is used for hazmat response. If there is no responsible party identified, the local first responder will not be billed for the use of the equipment.

Option for Waiver: The Contractor shall have the option of requesting a waiver of state owned equipment charges for response to any public agency within the jurisdictional boundaries of the Contractor. In addition, the Contractor may request a waiver of charges when there are extenuating circumstances, which would preclude a billing to the responsible party or parties. Requests for waiver will be subject to review and approval by the State Fire Marshal.

Billing for Personnel/Incidents not meeting OSFM Response Criteria: If Contractor opts to bill for personnel cost during a local response not meeting state authorized response criteria, the OSFM will pursue billing for those personnel costs. Those personnel costs will be reimbursed to the Contractor only upon collection from the responsible party or parties, and will not be subject to reimbursement from the State Spill Response Fund.

Priority of Reimbursements: If the OSFM successfully recovers payment from the responsible party or parties it shall first be used to pay the Contractor team emergency response costs, if these have not been paid in their entirety, then used to reimburse the State Spill Response Fund for the amount previously paid to the Contractor and the OSFM administrative costs. Any remaining funds will be used to pay emergency response costs as billed. Contractor agrees to cooperate with the OSFM as is reasonable and necessary in order to bill third parties and pursue cost recovery actions.

If a disputed billing is resolved in favor of the responsible party or parties then the Contractor shall not be required to reimburse the OSFM for payments previously made.

2.2.5 Interest: If the OSFM fails to make timely payments to Contractor as described in 2.2.2, interest shall be paid to Contractor by the OSFM on amounts past due at the rate of interest specified in ORS 293.462(3). Interest payments will be made only if emergency response costs are invoiced by the Contractor on OSFM-approved forms and responsible party information supplied by the Contractor is correct to the best of the Contractor knowledge or belief.

2.2.6 State Funding Available: The OSFM believes that sufficient funds will be available and authorized within the OSFM 2009-2011 appropriation or limitation. State funding for standby costs available under this Agreement for the 2009-2011 biennium shall be the sum of the amounts specified in exhibits C, D, E and H to this Agreement and are summarized in Exhibit I of this Agreement.

The funding available as specified in Exhibits C, D, E and H to this Agreement does not include Contractor team emergency response costs as specified in 2.2.2. Such team emergency response costs are available in addition to Contractor standby costs and shall be limited only by the funds available in the State Spill Response Fund established under ORS 453.390 for the 2009-2011 biennium and identified in Exhibit J to this Agreement.

Additional Contractor compensation shall be paid under this Agreement only if specifically agreed to by the OSFM and the Contractor in writing. OSFM payments under the terms of this Agreement shall be considered full compensation for work performed or services rendered and for all labor, materials, supplies, equipment, and incidentals necessary to complete the work authorized under this Agreement. Acceptance of payment by the Contractor shall release the OSFM from all claims by Contractor for reimbursement of team emergency response costs except where partial payment has been made due to limitations of the State's Spill Response Fund and subject to further payment as set forth above.

2.2.7 Prior Approval: Contractor, when acting under this Agreement, may not respond without prior written or verbal approval by OSFM as set forth in Section 2.2.8. Granting of response approval by the OSFM Duty Officer constitutes the OSFM agreement to pay Contractor team emergency response costs from the State Spill Response Fund if recovery from a responsible party or parties is not obtained in a timely manner. Contractor agrees to make reasonable and good faith efforts to minimize responsible party and/or OSFM expenses.

2.2.8 Response Procedures and Limitations/Automatic Response: If the Contractor has received state authority for automatic response, Contractor may, upon receipt of an emergency response request, provide emergency response services as specified under the terms of this Agreement and the OSFM's Standard Operating Guidelines, which is incorporated herein by this reference. Contractor

shall immediately thereafter notify the OSFM Duty Officer.

If the Contractor has *not* received state authority for automatic response or if the emergency response request does not meet the Standard Operating Guideline criteria, the Contractor shall refer the response request to the OSFM Duty Officer who will evaluate the situation and either authorize the Contractor response or decline the response request.

2.2.9 Spill Response Fund: If the Spill Response Fund becomes depleted or fiscally unsound, the OSFM shall immediately notify Contractor, who may upon receipt of such notice suspend response actions under this Agreement.

For purposes of this section, "fiscally unsound" shall mean the balance in the Spill Response Fund is less than \$20,000, and "immediately" shall mean within twelve (12) hours of a Contractor receiving the emergency response request, which reduces the fund below the \$20,000 threshold.

If Contractor commences an emergency response action subsequent to notification of fiscally unsound State Spill Response Fund balance, Contractor assumes the risk of non-payment if the OSFM is unable to obtain additional funding for the Spill Response Fund, recover the Contractor team emergency response costs from a responsible party or if there is no identifiable responsible party. Contractor shall immediately notify the OSFM Duty Officer of all emergency response activities undertaken pursuant to this Agreement.

If, after becoming depleted or fiscally unsound, additional funds become available in the Spill Response Fund and Contractor has billed the OSFM as set forth in Section 2.2.2, Contractor shall be reimbursed for unpaid team emergency response costs to the extent funds are available.

2.3 Where No Responsible Party Can Be Identified: As previously mentioned in Section 2.2, OSFM agrees to bill the party or parties responsible for causing the hazardous materials emergency for total emergency response costs. Where there is no identifiable responsible party, or if the responsible party is unable to pay, the OSFM agrees to pay Contractor team emergency response costs from the State's Spill Response Fund provided funds are available and Contractor has complied with 2.2. herein.

2.4 Contractor Status: Contractor certifies it is not an employee of the State of Oregon and is a local government agency or agencies.

2.5 Retirement System Status: Contractor is not entitled under this Agreement to any Public Employees Retirement System benefits and will be

responsible for payment of any applicable federal or State taxes. Contractor is not entitled under this Agreement to any benefits for payments of federal Social Security, employment insurance, or workers' compensation from the State of Oregon.

2.6 Assignments/Subcontracts: Contractor shall not assign, sell, transfer, subcontract or sublet rights, or delegate responsibilities under this Agreement, in whole or in part, without the prior written approval of OSFM. Such written approval will not relieve Contractor of any obligations of this Agreement, and any assignee, transferee or subcontractor shall be considered the agent of Contractor. Except where OSFM expressly approves otherwise, Contractor shall remain liable as between the original parties to this Agreement as if no such assignment had occurred.

Contractor shall not agree in writing or otherwise with other local governmental entities to provide the state owned emergency response vehicles and equipment to assist those entities at events not meeting OSFM authorized response criteria unless the OSFM also is a party to that agreement.

2.7 Successors in Interest: The provisions of this Agreement shall be binding upon and shall inure to the benefit of the parties to this Agreement and their respective successors and assigns.

2.8 Compliance With Government Regulations: Contractor agrees to comply with federal, state and local laws, codes, regulations and ordinances applicable to the work performed under this Agreement including, but not limited to, OAR 437-002-100 (18) which adopts 29 CFR 1910.120(q) and its Appendix B.

2.9 Force Majeure: Neither party to this Agreement shall be held responsible for delay or default caused by fire, riots, acts of God and/or war, which is beyond that party's reasonable control. OSFM or Contractor may terminate this Agreement upon written notice after determining such delay or default will reasonably prevent performance of the Agreement.

2.10 State Tort Claims Act:

2.10.1 Scope: During operations authorized by this Agreement, Contractor and Contractor's RHMERT employees shall be agents of the state and protected and defended from liability under ORS 30.260 to 30.300. For purposes of this section, operations means activities directly related to a particular emergency response involving a hazardous material by a Regional Hazardous Materials Emergency Response Team. Operations also include advanced training activities provided

under this Agreement to the Contractor's Hazardous Materials Emergency Response Team employees, but do not include travel to and from the training.

2.10.2 Limitations: Except as provided in Section 2.1.4, this Agreement in no way limits a Contractor from responding with State owned vehicles, equipment and supplies under local authority, mutual-aid agreements, or other contracts under local authority.

2.10.3 Notifications: Contractor shall immediately report by telephone and in writing any demand, request, or occurrence that reasonably may give rise to a claim against the State. Such reports shall be directed to:

State Fire Marshal Hazardous Materials Duty Officer
4760 Portland Road NE
Salem, Oregon 97305

Copies of such written reports shall also be sent to:

State Risk Management Division
1225 Ferry Street SE.
Salem, Oregon 97310

2.11 Indemnification: When performing operations not authorized under ORS 453.374 – 453.390, while using state's vehicles, equipment, procedures, or training, the Contractor shall indemnify, defend and hold harmless the State, its officers, divisions, agents, employees, and members, from all claims, suits or actions of any nature arising out of the activities or omissions of Contractor, its officers, subcontractors, agents or employees, subject to the Oregon Tort Claims Act, ORS 30.260 to 30.300, and the Oregon Constitution.

2.12 Severability: If any provision of this Agreement is declared by a court to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected; and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.

2.13 Access to Records: Subject to the state's Public Record Laws, each party to this Agreement, the federal government, and their duly authorized representatives shall have access to the other party's books, documents, investigative reports, papers and records which are directly pertinent to this Agreement for the purpose of making financial, maintenance or regulatory audit. Such records shall be maintained for at least three (3) years, or longer where required by law.

2.13.1 Confidentiality: Except as otherwise provided by law, each party to this Agreement agrees that they shall not in any way, disclose each other's confidential information to a third party. The rights and obligations set forth in this section shall survive termination of the Agreement.

2.14 Amendments: The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever without prior written approval of OSFM and Contractor.

2.15 Payment of Contractor Obligations: Contractor agrees to make payment promptly, as due, to all persons furnishing services, equipment or supplies to Contractor. If Contractor fails, neglects, or refuses, to pay any such claims as they become due and for which the OSFM may be held liable, the proper officer(s) representing the OSFM, after ascertaining that the claims are just, due and payable, may, but shall not be required to, pay the claim and charge the amount of the payment against funds due Contractor under this Agreement. The payment of claims in this manner shall not relieve Contractor of any duty with respect to any unpaid claims.

2.16 Nondiscrimination: Contractor shall comply with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations. Contractors are encouraged to recruit qualified women and minorities as RHMERT personnel.

2.17 Dual Payment: Contractor shall not be compensated for work performed under this Agreement by any state agency or person(s) responsible for causing a hazardous materials emergency except as approved and authorized under this Agreement.

2.18 Payment for Medical Care: Contractor agrees to make payment promptly, as due, to any person, partnership, association or corporation furnishing medical, surgical, hospital or other needed medical care to Contractor employees, except as noted in 2.2.1, Medical Surveillance. Such payment shall be made from all sums, which Contractor has agreed to pay for such services, and from all sums, which Contractor has collected or deducted, from the wages of employees pursuant to any law, contract or agreement for the purpose of providing or paying for such service. It is the intent of the parties that this section includes any collective bargaining agreements that the Contractor has entered into with Contractor employees.

2.19 Insurance Coverage:

2.19.1 Worker Compensation: Contractor, its subcontractors (if any), and all employers working under this Agreement are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide workers' compensation coverage for all their subject workers. Nothing in this Agreement is intended or shall be construed to create the relationship of employer and employee as between the OSFM and Contractor. If, however, the Contractor Workers' Compensation costs increase as a direct result of an injury, illness or participation as Regional Hazardous Materials Emergency Response Team, the OSFM will compensate the Contractor for the increased costs.

2.19.2 Comprehensive or Commercial General Liability: Contractor shall maintain at its own expense, and keep in effect during the term of this Agreement, comprehensive or commercial general liability insurance, or its equivalent for self-insured Contractor, covering personal injury and property damage. This insurance shall include coverage for contractual liability related to the indemnity provisions of this Agreement. Contractor general liability coverage limits shall not be less than five hundred thousand dollars (\$500,000) in the aggregate, or the equivalent.

2.19.3 Automobile Liability: Contractor and OSFM shall obtain and keep in effect automobile liability insurance or its equivalent for self-insured Contractor, for their respective vehicle(s) during the term of this Agreement. The Contractor shall obtain separate automobile liability insurance providing primary coverage for OSFM vehicles when Contractor uses OSFM vehicles as provided in Section 2.10.2 of this Agreement. Auto liability coverage limits shall not be less than five hundred thousand dollars (\$500,000) combined single limit occurrence, or equivalent.

2.19.4 Notice of Cancellation or Change: Contractor and OSFM agree there shall be no cancellation, material change, exhaustion of aggregate limits or intent not to renew their respective insurance coverage without 30 days' written notice to the other party.

2.19.5 Certificate(s) of Insurance: As evidence of the insurance coverage required by this Agreement, both OSFM and Contractor shall furnish copies or updates of previously provided Certificates of Insurance or Certificates of Self-Insurance as the case may be, to each other prior to the beginning of work under this Agreement.

2.19.6 Physical Damage Clause: Excluding ordinary wear and tear, Contractor is responsible for any physical damage to or loss of, State-owned vehicle(s) and equipment that is directly attributable to local response, regardless of fault. When Contractor acts under OSFM authority, the OSFM will be responsible for physical

damage to or loss of state-owned vehicles and equipment regardless of fault, subject to the terms and conditions of the Oregon Risk Management Division Policy 125-7-101 (Property Self-Insurance Policy Manual).

2.20 Governing Law; Venue; Consent to Jurisdiction: This Agreement shall be governed and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of laws. Any claim, action, suit or proceeding (collectively, "Claim") between OSFM (and any other agency or department of the State of Oregon) and Contractor that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Marion County for the State of Oregon; provided, however, if a Claim must be brought in a federal forum, then it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. In no event shall this section be construed as a waiver by the State of Oregon of any form of defense of immunity, whether it is sovereign immunity or governmental immunity, immunity based on the Eleventh Amendment to the Constitution of the United States or otherwise, from any Claim or from the jurisdiction of any court. CONTRACTOR, BY EXECUTION OF THIS CONTRACT, HEREBY CONSENTS TO THE IN PERSONAM JURISDICTION OF SAID COURTS.

2.21 Termination: This Agreement may be terminated by mutual consent of both parties, or by either party upon 180 days notice, in writing, and delivered by certified mail or in person.

The OSFM or Contractor may terminate this Agreement at will effective upon delivery of written notice to the Contractor or OSFM, or at such later date as may be established by the OSFM or Contractor, under any of the following conditions:

- a. if State Fire Marshal funding from federal, state, or other sources is not obtained or continued at levels sufficient to allow for payment of costs under the terms of this Agreement. The Agreement may be modified to accommodate a reduction in funding.
- b. if federal or state laws, rules, regulations, or guidelines are modified, changed, or interpreted in such a way that the services are no longer allowable or appropriate for purchase under this Agreement or is no longer eligible for the funding proposed for payments by this Agreement.
- c. if any license or certification required by law or regulation to be held by the Contractor to provide the services required by this Agreement is for any reason denied, revoked, or not renewed.

Any termination of the Agreement shall be without prejudice to any obligations or liabilities of either party already accrued prior to such termination.

2.21.1 Default: The OSFM or Contractor, by written notice of default (including breach of contract) to the other party, delivered by certified mail or in person, may terminate the whole or any part of this Agreement:

- a. if the other party fails to provide services called for by this Agreement within the time specified herein or any extension thereof; or,
- b. if the other party fails to perform any other provision of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and, after receipt of written notice from the other party, fails to correct such failures within 10 days or such longer period as the notice may authorize.

2.22 Approval Authority: Contractor representatives certify by their signature herein that he or she, as the case may be, has the necessary and lawful authority to enter into contracts and Agreements on behalf of the local government entity.

2.23 Insufficient Funds: The obligation of the Contractor under this Agreement is contingent upon the availability and allotment of funds for response costs by the OSFM to Contractor. Contractor may, upon thirty (30) days' prior written notice, terminate this contract if funds are not available.

2.24 Written Notifications: Any written notifications required for the administration of this Agreement shall be sent to the following:

Office of State Fire Marshal
4760 Portland Rd. NE
Salem, OR 97305

City of Gresham/Multnomah County
c/o Gresham Fire Department
1333 NW Eastman Parkway
Gresham, OR 97030

2.25 Merger; Waiver: This Agreement and attached exhibits constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification, or change of terms of this Agreement shall bind all parties unless in writing and signed by both parties and all necessary state approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of OSFM to enforce any provision of this Agreement shall not constitute a waiver by OSFM of that or any other provision.

2.26 Remedies In the event that Contractor violates any term or condition under this Agreement, OSFM shall have all remedies available to it under law, in equity, and under this Agreement.

EXHIBIT A

Regional Team Primary Response Area Boundary Description

Beginning at the Columbia River at the City of Gresham's western boundary, south along the Gresham service boundary to the Clackamas County line, then west of the Clackamas county line to the Willamette River. South along the Willamette to the northern boundary of Canby Fire District. Continue east, south and west along the Canby RFD boundary to Highway 99E. South along Highway 99E to the Clackamas/Marion County line. South and east on Clackamas County border to the western boundary of the Warm Springs Indian Reservation. North and East on Warm Springs border to Highway 26 at its junction with Highway 216. East on Highway 216 to the Wasco Sherman County line then south and east along the Wasco County line to the John Day River. North along John Day River to the Columbia River. West on Columbia River to the point of beginning.

EXHIBIT B

INVENTORY OF
OSFM-PROVIDED VEHICLES AND EQUIPMENT
05/01/09

On File with OSFM

EXHIBIT C

ESTIMATED COST OF STATE-PROVIDED EQUIPMENT TO BE PURCHASED 2009-2011 Biennium Funding

Funds for approved equipment purchases are available under this Agreement as follows:

Training Equipment, Materials and Supplies	\$1,000.00
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Replacement of capital equipment and expendable items will be provided as necessary, by prior approval of the Office of State Fire Marshal, not to exceed a maximum of \$15,000.00

Funding Available for Equipment	\$16,000.00
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EXHIBIT D
TRAINING
2009-2011 Biennium Funding

Funds for approved Technician level training are available under this Agreement as follows:

Funding Available for Training	\$46,904.00
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Contractor may elect to use up to 50% of funding available in this exhibit for the reimbursement of personnel costs incurred as a result of RHMERT employees attending advanced training. Reimbursement for personnel cost during 2009-2011 biennium is not to exceed \$23,452.00.

EXHIBIT E

MEDICAL SURVEILLANCE 2009-2011 Biennium Funding

Funds for approved medical surveillance exams are available for Contractor RHMERT employees under this Agreement as follows:

Up to **22** personnel may receive medical surveillance exam(s), up to a maximum of \$700 per person, not to exceed total funding available for medical surveillance shown below.

This amount shown above is the per-person maximum payable for medical surveillance exam(s) during the 2009-2011 biennium. It is understood that costs will vary for baseline, maintenance and exit exams, and therefore, the total funding available for medical surveillance *is not* based on the maximum per-person allowance, but rather on \$700 per person *average* cost. This allows *flexibility* in the per-person cost *within* the maximum funding available for medical surveillance.

Funding Available for Medical Surveillance exams up to	\$15,400.00
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EXHIBIT F

Compensation for Vehicles and Apparatus 2009-2011

State to provide the compensation for use of Contractor's vehicles and apparatus in response to a hazardous materials incident at the following rates:

<u>Vehicles</u>	<u>Rate Per Hour</u>
Each engine	\$100.00
Each aerial ladder	150.00
Each utility/staff vehicle	50.00

Contractor Equipment Charges

Cellular/Mobile/Specialized Mobile Radio (SMR) Telephone Charge
\$50.00 per incident per phone

Other Associated Costs

Replacement and/or repair costs for damaged and/or expended equipment and supplies will be charged on an actual cost basis.

EXHIBIT G

CONTRACTOR'S RESPONSE PERSONNEL 2009-2011

OSFM to provide compensation for Contractor personnel utilized in response to a hazardous materials incident as follows:

<u>Personnel Category</u>	<u>Rate per hour</u>
Gresham Fire Department	
HazMat Team Member-Non Officer	\$72.99
HazMat Team Member – Officer	\$83.56
Multnomah Co. Sheriff Office	
HazMat Team Member-Non Officer	\$121.32
HazMat Team Member – Officer	\$99.96
Gresham Police Department	
HazMat Team Member-Non Officer (Police Officer)	\$83.12
HazMat Team Member – Non Officer (Police Specialist)	\$86.43

All other support personnel at actual costs.

Pursuant to section 2.2.2. of this Agreement, it is the intent of OSFM and Contractor that if, during the term of this Agreement, the base hourly rate of Contractor's employees for non-officers, officers, or salaried officers changes due to a change in any collective bargaining agreement between Contractor and Contractor's employees, that on the effective date those changes become effective under a collective bargaining agreement, those changes will be incorporated in this Agreement and used for purposes of calculating compensation for Contractor's Personnel Response Costs.

EXHIBIT H

OUTREACH TRAINING 2009-2011 Biennium Funding

Funds for approved outreach training, allowing team personnel to interface with, educate and train other local agencies.

Funding Available for Outreach Training	\$6,342.00
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EXHIBIT I

Summary –2009-2011 Biennium Funding Available for Standby Costs

Equipment Purchases – 2009-2011 Biennium Funding - (See Exhibit C)	\$16,000.00
Training –2009-2011 Biennium Funding - (See Exhibit D)	\$46,904.00
Medical Surveillance –2009-2011 Biennium Funding - (See Exhibit E)	\$15,400.00
Outreach Training –2009-2011 Biennium Funding	\$6,342.00
Total 2009-2011 Biennium Funding Available for Standby Costs	\$84,646.00

EXHIBIT J

State's Spill Response Fund

2009 -2011 Biennium Funding

\$ 300,000.00

This is the *Total* State's Spill Response Funding limitation available for the 2009-2011 biennium RHMERT services by *all* Contracted RHMERT's. This does *not* guarantee that any Contractor will be reimbursed for any specific amount from the State's Spill Response Fund; only that funding in this amount is available for reimbursement of emergency response team costs is available within the OSFM limitation or appropriation.

Approving Signatures:

On Behalf of the State of Oregon,

Dated this _____ day of _____, 2010

Randy Simpson
State Fire Marshal

On Behalf of The City of Gresham

Dated this 17th **day of** February, 2010

Signature 

Printed Name Erik Kvarsten

Title City Manager

Address 1333 NW Eastman Parkway

City Gresham, Oregon **Zip** 97030

On Behalf of The Multnomah County Sheriff's Office

Dated this 1 **day of** March, 2010

Signature 

Printed Name Daniel Staton

Title Sheriff

Address 501 1st Hawthorne St. 350

City Portland **Zip** 97214

On Behalf of _____

Dated this _____ **day of** _____, 2010

Signature _____

Printed Name _____

Title _____

Address _____

City _____ **Zip** _____

On Behalf of _____

Dated this _____ day of _____, 2010

Signature _____

Printed Name _____

Title _____

Address _____

City _____ Zip _____

On Behalf of _____

Dated this _____ day of _____, 2010

Signature _____

Printed Name _____

Title _____

Address _____

City _____ Zip _____

On Behalf of _____

Dated this _____ day of _____, 2010

Signature _____

Printed Name _____

Title _____

Address _____

City _____ Zip _____

On Behalf of _____

Dated this _____ day of _____, 2010

Signature _____

Printed Name _____

Title _____

Address _____

City _____ Zip _____

On Behalf of _____

Dated this _____ day of _____, 2010

Signature _____

Printed Name _____

Title _____

Address _____

City _____ Zip _____

On Behalf of _____

Dated this _____ day of _____, 2010

Signature _____

Printed Name _____

Title _____

Address _____

City _____ Zip _____

Addendum #1
Hourly Personnel Response Rate
Calculation Worksheet

NON-OFFICER

GRESHAM FIRE DEPARTMENT

Complete calculations for each line item and enter amount in column to the right. When calculations are complete, add together all amounts in the right hand column for a total, which will determine the contracted hourly personnel rate for non-officer team members.

NOTE: Base Hourly Rate/Non-Officer is calculated at the overtime rate for the highest paid, technician trained team member who is not an officer.

BASE SALARY	\$ 41.28
Regular hourly rate $27.52 \times 1\frac{1}{2} =$	
INSURANCE/BENEFITS	\$ 5.21
Premium paid per month $\$1,233.93 \div 237$ hours worked per month =	
PERS	\$ 5.87
Employer's contribution 4.31% + 6% pickup + 3.91% pension bond payment x base rate =	
WORKERS COMP INSURANCE*	\$ 1.49
Gresham worker's compensation rate for Firefighters =	
<u>FICA* (Medicare 1.45%, OASDI 6.2%)</u>	\$ 3.16
Base hourly rate $41.28 \times 7.65\% =$	
UNEMPLOYMENT TAX**	\$.12
Base hourly rate $41.28 \times 0.30\% =$	
PAYROLL TAX**	\$.28
Base hourly rate $41.28 \times .6718\%$ TriMet Tax=	
INCENTIVE/PREMIUM PAY	\$
Incentive, which is eligible for overtime, is included in the base rate.	
RESPONSE AVAILABILITY RATE	\$15.5788
TOTAL HOURLY RATE	\$ 72.99

* Percentage for calculation provided by Oregon State Police Payroll System, effective May 28, 2009.

** Unemployment and Payroll Taxes are local taxes which, if applicable, are calculated by the percentage allowed by local laws.

Hourly Personnel Response Rate Calculation Worksheet

OFFICER (Eligible for Overtime)

GRESHAM FIRE DEPARTMENT

Complete calculations for each line item and enter amount in column to the right. When calculations are complete, add together all amounts in the right hand column for a total, which will determine the contracted hourly personnel rate for officer team members.

BASE SALARY	\$ 49.70
Regular hourly rate $33.13 \times 1 \frac{1}{2} =$	
INSURANCE/BENEFITS	\$ 5.44
Premium paid per month $\$1,289.97 \div 237$ hours worked per month =	
PERS	\$ 7.07
Employer's contribution 4.31% + 6% pickup + 3.91% pension bond payment x base rate =	
WORKERS COMP INSURANCE*	\$ 1.49
Gresham worker's compensation rate for Firefighters =	
<u>FICA* (Medicare 1.45%, OASDI 6.2%)</u>	\$ 3.80
Base hourly rate $49.70 \times 7.65\% =$	
UNEMPLOYMENT TAX**	\$.15
Base hourly rate $49.70 \times 0.30\% =$	
PAYROLL TAX**	\$.33
Base hourly rate $49.70 \times .6718\%$ TriMet Tax=	
INCENTIVE/PREMIUM PAY	\$
Incentive, which is eligible for overtime, is included in the base rate.	
RESPONSE AVAILABILITY RATE	\$15.5788
TOTAL HOURLY RATE	\$ 83.56

* Percentage for calculation provided by Oregon State Police Payroll System, effective May 28, 2009.

** Unemployment and Payroll Taxes are local taxes which, if applicable, are calculated by the percentage allowed by local laws.

Hourly Personnel Response Rate Calculation Worksheet

NON-OFFICER

MULTNOMAH COUNTY SHERIFF'S OFFICE

Complete calculations for each line item and enter amount in column to the right. When calculations are complete, add together all amounts in the right hand column for a total, which will determine the contracted hourly personnel rate for non-officer team members.

BASE SALARY

Regular hourly rate $46.52 \times 1 \frac{1}{2} =$ \$ 69.78

INSURANCE/BENEFITS

Premium paid per month $(\$942.16) \div 174$ hours worked per month = \$ 5.41

PERS

Employer's contribution paid per \div hours worked per month = \$ 19.28
(PERS & PERS Bond Surcharge) $27.63\% \times 69.78$

WORKERS COMP INSURANCE*

Base hourly rate $69.78 \times .015 =$ \$ 1.04

FICA* (Medicare 1.45%, OASDI 6.2%)

Base hourly rate $69.78 \times 7.65\% =$ \$ 5.33

UNEMPLOYMENT TAX**

Base hourly rate $69.78 \times .4\% =$ \$.27

PAYROLL TAX**

Base hourly rate $69.78 \times .6718\%$ TriMet Tax= \$.46

INCENTIVE/PREMIUM PAY

Incentive pay paid per month \div hours worked per month = \$ 4.18
($6\% \times 69.78$)

RESPONSE AVAILABILITY RATE

\$15.5788

TOTAL HOURLY RATE

\$ 121.3288

* Percentage for calculation provided by Oregon State Police Payroll System, effective May 28, 2009.

** Unemployment and Payroll Taxes are local taxes which, if applicable, are calculated by the percentage allowed by local laws.

Hourly Personnel Response Rate
Calculation Worksheet

OFFICER (Eligible for Overtime)

MULTNOMAH COUNTY SHERIFF'S OFFICE

Complete calculations for each line item and enter amount in column to the right. When calculations are complete, add together all amounts in the right hand column for a total, which will determine the contracted hourly personnel rate for non-officer team members.

BASE SALARY

Regular hourly rate $36.61 \times 1 \frac{1}{2} =$ \$ 54.92

INSURANCE/BENEFITS

Premium paid per month $(\$942.16) \div 174$ hours worked per month = \$ 5.41

PERS

Employer's contribution paid per \div hours worked per month = \$ 15.17
(PERS & PERS Bond Surcharge) $27.63\% \times 54.92$

WORKERS COMP INSURANCE*

Base hourly rate $54.92 \times .015 =$ \$.82

FICA* (Medicare 1.45%, OASDI 6.2%)

Base hourly rate $54.92 \times 7.65\% =$ \$ 4.20

UNEMPLOYMENT TAX**

Base hourly rate $54.92 \times .4\% =$ \$.21

PAYROLL TAX**

Base hourly rate $54.92 \times .67\%$ TriMet Tax= \$.36

INCENTIVE/PREMIUM PAY

Incentive pay paid per month \div hours worked per month = \$ 3.29
($6\% \times 54.92$)

RESPONSE AVAILABILITY RATE

\$15.5788

TOTAL HOURLY RATE

\$ 99.9588

* Percentage for calculation provided by Oregon State Police Payroll System, effective May 28, 2009.

** Unemployment and Payroll Taxes are local taxes which, if applicable, are calculated by the percentage allowed by local laws.

Hourly Personnel Response Rate Calculation Worksheet

NON-OFFICER (Police Officer)

GRESHAM POLICE DEPARTMENT

Complete calculations for each line item and enter amount in column to the right. When calculations are complete, add together all amounts in the right hand column for a total, which will determine the contracted hourly personnel rate for non-officer team members.

NOTE: Base Hourly Rate/Non-Officer is calculated at the overtime rate for the highest paid, technician trained team member who is not an officer.

BASE SALARY	\$ 48.47
Regular hourly rate $32.32 \times 1 \frac{1}{2} =$	
INSURANCE/BENEFITS	\$ 7.13
Premium paid per month $\$1,233.93 \div 173$ hours worked per month =	
PERS	\$ 6.89
Employer's contribution 4.31% + 6% pickup + 3.91% pension bond payment x base rate =	
WORKERS COMP INSURANCE*	\$.86
Gresham worker's compensation rate for Police Officers =	
<u>FICA* (Medicare 1.45%, OASDI 6.2%)</u>	\$ 3.71
Base salary + insurance/benefits x 7.65% =	
UNEMPLOYMENT TAX**	\$.15
Base salary + insurance/benefits x 0.30 % =	
PAYROLL TAX**	\$.33
Base salary + insurance/benefits x .6718% =	
INCENTIVE/PREMIUM PAY	\$
Incentive pay, which is eligible for overtime, is included in the base rate.	
RESPONSE AVAILABILITY RATE	\$15.5788
TOTAL HOURLY RATE	\$ 83.12

* Percentage for calculation provided by Oregon State Police Payroll System, effective May 28, 2009.

** Unemployment and Payroll Taxes are local taxes which, if applicable, are calculated by the percentage allowed by local laws.

Hourly Personnel Response Rate
Calculation Worksheet

NON-OFFICER (Police Specialist)

GRESHAM POLICE DEPARTMENT

Complete calculations for each line item and enter amount in column to the right. When calculations are complete, add together all amounts in the right hand column for a total, which will determine the contracted hourly personnel rate for non-officer team members.

NOTE: Base Hourly Rate/Non-Officer is calculated at the overtime rate for the highest paid, technician trained team member who is not an officer.

BASE SALARY	\$ 51.18
Regular hourly rate $34.12 \times 1 \frac{1}{2} =$	
INSURANCE/BENEFITS	\$ 7.13
Premium paid per month $\$1,233.93 \div 173$ hours worked per month =	
PERS	\$ 7.28
Employer's contribution 4.31% + 6% pickup + 3.91% pension bond payment x base rate =	
WORKERS COMP INSURANCE*	\$.86
Gresham worker's compensation rate for Police Officers =	
<u>FICA* (Medicare 1.45%, OASDI 6.2%)</u>	\$ 3.91
Base salary + insurance/benefits x 7.65% =	
UNEMPLOYMENT TAX**	\$.15
Base salary + insurance/benefits x 0.30 % =	
PAYROLL TAX**	\$.34
Base salary + insurance/benefits x .6718% =	
INCENTIVE/PREMIUM PAY	\$
Incentive pay, which is eligible for overtime, is included in the base rate.	
RESPONSE AVAILABILITY RATE	\$15.5788
TOTAL HOURLY RATE	\$ 86.43

* Percentage for calculation provided by Oregon State Police Payroll System, effective May 28, 2009.

** Unemployment and Payroll Taxes are local taxes which, if applicable, are calculated by the percentage allowed by local laws.

**INTERGOVERNMENTAL AGREEMENT FOR
REGIONAL HAZARDOUS MATERIALS EMERGENCY
RESPONSE TEAM SERVICES**

Between

**THE STATE OF OREGON, ACTING BY AND THROUGH
THE OFFICE OF STATE FIRE MARSHAL**

And

**CITY OF GRESHAM
MULTNOMAH COUNTY**

**STATE OF OREGON
Theodore R. Kulongoski, Governor**

Randy Simpson, State Fire Marshal

July 1, 2009

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Addenda

Addendum #1 - Hourly Rate worksheets

**INTERGOVERNMENTAL AGREEMENT FOR REGIONAL
HAZARDOUS MATERIALS
EMERGENCY RESPONSE TEAM SERVICES**

General Agreement Information

City of Gresham Contract # 3196

**This Intergovernmental Agreement constitutes the entire agreement between
the Office of State Fire Marshal and the Contractor.**

Agreement Type: This Agreement is between the State of Oregon, acting by and through the Office of State Fire Marshal (hereinafter "OSFM") and the City of Gresham and Multnomah County (hereinafter "Contractor") for the provision of regional hazardous materials emergency response services as described herein and authorized under ORS 453.374 to 453.390.

1.1 Recitals: In order to protect life and property against the dangers of emergencies involving hazardous materials, the State Fire Marshal may assign and make available for use in any county, city or district, any part of a regional hazardous materials emergency response team.

The OSFM desires to enter into this Agreement to establish Contractor as a Regional Hazardous Materials Emergency Response Team, and Contractor desires to be so designated and to enter into this Agreement.

1.2 Agreement Term: This Agreement shall be from the date of the last required signature to June 30, 2011. Subject to Legislative approval, future Agreements will be awarded on a biennial basis. The OSFM has sufficient funds currently available and authorized for expenditure to finance the costs of the Agreement within the OSFM's biennial appropriation or limitation. Contractor understands and agrees that the OSFM's payment of amounts under this Agreement attributable to work performed after the last day of the current biennium is contingent upon the OSFM receiving from the Oregon Legislative Assembly appropriations, limitations, or other expenditure authority sufficient to allow the OSFM, in the exercise of its reasonable administrative discretion, to continue to make payments under this Agreement.

Standard Agreement Terms and Conditions

2.0 Definitions:

"Agreement" means this Intergovernmental Agreement and addenda.

“Automatic Response” means the authority to respond to any incident beyond the capabilities of local responders without approval prior to team response by the OSFM Duty Officer. Incident must involve a hazardous spill, leak, explosion, or injury, or potential thereof, with immediate threat to life, environment, or property.

“Clean-up” means the measures taken after emergency response to permanently remove the hazard from the incident site.

“Contractor” means the local government agency(s) by which the service or services will be performed under this Agreement, including those agencies under an approved inter-governmental / agency agreement.

“Emergency Response” means:

- a. Actions taken to monitor, assess and evaluate a spill or release or threatened spill or release of hazardous materials;
- b. First aid, rescue or medical services that may be required as the result of a spill or release or threatened spill or release of hazardous materials;
- c. Fire suppression, containment, confinement, or other actions appropriate to prevent, minimize or mitigate damage to the public health, safety, welfare or the environment which may result from a spill or release or threatened spill or release of a hazardous material if action is not taken.

“Emergency Response Costs” means the total emergency response expense, including team response costs, arising from a hazardous materials emergency. Such costs generally include, but are not limited to, all OSFM and local government expenses that result from the assessment and emergency phases of the response activity. Emergency response costs do not include clean up or disposal costs of hazardous materials, except, as may be reasonably necessary and incidental to preventing a release or threat of release of a hazardous material or in stabilizing the emergency response incident.

“Hazardous Materials” means "hazardous substance" as that term is defined in ORS 453.307(5).

“Incident” means any actual or imminent threat of a release, rupture, fire or accident that results, or has the potential to result, in the loss or escape of a hazardous material into the environment.

“Intergovernmental Agreement” means an agreement between an agency or agencies and one or more units of local government of the State of Oregon.

“Local Government Agency” means a city, county, special district or subdivision thereof.

“Oregon-OSHA” means the Oregon Occupational Safety and Health Act as administered by the Occupational Safety and Health Division of the Department of Insurance and Finance.

“ORS” means Oregon Revised Statutes.

“Primary Response Area” means that geographical region where the Contractor is principally responsible for providing regional Hazardous Materials Emergency Response services.

“Regional Hazardous Materials Emergency Response Team” (RHMERT) means the designated employees of the Contractor who are expected to respond to, control, and/or stabilize actual or potential emergency releases of hazardous substances. A Regional Hazardous Materials Emergency Response Team operates within the limits discussed in Oregon-OSHA's OAR 437, Division 2, which is incorporated herein by this reference.

“Release” shall have the same meaning as that in ORS 465.200(22).

“Responsible Party” means the person or persons responsible for causing the emergency to which the Contractor responded. (See, e.g. ORS 453.382).

“State” means the State of Oregon acting by and through the State Fire Marshal.

“State Owned Equipment” means all vehicles, equipment, and supplies provided to Regional Hazardous Materials Emergency Response Teams as described in this Agreement.

“State Spill Response Fund” means the response fund established under ORS 453.390.

“Teams Advisory Group” means a group consisting of one appointed member from each RHMERT, who provide technical advice to the State Fire Marshal on equipment, vehicles, operating guidelines and similar operational issues.

“Team Response Costs” means those Contractor expenses, which are expressly allowed under this Agreement and are approved by the OSFM. Team Costs under this Agreement do not include the wide range of emergency response costs associated with a hazardous materials emergency, but shall be limited to approved

expenses directly related to Regional Hazardous Materials Emergency Response Team operations.

2.1 Statement of Work:

2.1.1 Services to be Provided by Contractor: During the term of this Agreement the Contractor agrees to provide Regional Hazardous Material Emergency Response Team services within the boundaries of Contractor assigned Primary Response Area as generally depicted and described in "Exhibit A", and by this reference incorporated herein. Contractor is hereby designated "HM03".

Contractor response activities under this Agreement shall be limited to emergency operations, reporting and documentation activities arising from a hazardous materials emergency response. Contractor shall not provide under this Agreement any services with respect to the sampling, testing and analysis, treatment, removal, remediation, recovery, packaging, monitoring, transportation, movement of hazardous materials, cleanup, storage and disposal of hazardous materials except as these may be reasonably necessary and incidental to preventing a release or threat of release of a hazardous material or in stabilizing the incident.

Contractor shall not be required to maintain general security and/or safety perimeters at or near sites and vessels, locate underground utilities, insure appropriate traffic control services, conduct hydrological investigations and analysis, or provide testing, removal and disposal of underground storage tanks at or near the emergency response incident to which the Contractor is dispatched.

Contractor shall make no representation(s) or warranty(s) to third parties with regard to the ultimate outcome of the hazardous materials services to be provided, but shall respond to the best of its abilities, subject to the terms of this Agreement.

Contractor personnel shall perform only those actions and duties for which they are trained and equipped.

2.1.2 Compliance with Regulatory Requirements: Contractor certifies that its employees, equipment, and vehicles meet or exceed applicable regulatory requirements.

2.1.3 Personnel: Contractor shall provide an adequate number of trained, medically monitored, competent, and supervised Regional Hazardous Materials Emergency Response Team (RHMERT) personnel as is necessary to operate within the safety levels of a Regional Hazardous Materials Emergency Response Team as specified in OR-OSHA's OAR 437, Division 2. Contractor shall limit its

team activities to that within the safety and training levels specified by Oregon-OSHA for a Hazardous Materials response team.

To document training and/or experience, team members shall complete the tasks in the Hazardous Material Technician Task Book within the established 24 month period. Contractor shall strive to meet the competency requirements set by the OSFM's Key Performance Measure. Contractor shall submit annually the Task Book reporting form to the OSFM no later than 10th of January each year.

2.1.4 Vehicles and Equipment: Contractor may utilize such vehicles and equipment as it currently has available as provided in 2.1.2 herein. The Contractor will operate a hazardous materials emergency response team using hazmat vehicle(s) and emergency response team equipment as specified in Exhibit "B" of this Agreement, on loan from the OSFM. State owned vehicles shall meet or exceed all regulatory requirements. Routine maintenance of state owned and local vehicles and equipment shall be the sole responsibility of the Contractor. Contractor shall limit its activities to that which can be safely accomplished within the technical limitations of the vehicles and equipment provided by the Contractor or the OSFM.

Physical damage specified in section 2.19.6 of this Agreement and routine maintenance shall be the responsibility of the Contractor. All repairs to State owned vehicles and equipment shall be the responsibility of the OSFM. For purposes of this Agreement, routine maintenance means:

- A. Apparatus and Vehicles
 - 1. Daily/weekly/monthly checks of vehicle and equipment.
 - 2. Semiannual and/or mileage-related lubrication, oil and filter changes.
 - 3. Annual tune-up as required for preventive maintenance.
- B. Equipment checks and testing as outlined in the Oregon-OSHA standards and manufacturer's recommendations.
- C. Protective clothing to be tested as per Oregon-OSHA standards and manufacturer's recommendations.
- D. Communications equipment checked regularly.

The Contractor may use state owned emergency response vehicles and equipment in conjunction with other non-hazardous materials emergency response activities. The vehicle and equipment shall at all times be immediately available for emergency response with hazardous materials incidents having highest priority.

State owned vehicle(s) and equipment shall not be used by other than Contractor RHMERT employees, except as approved by the team leader/administrator. The RHMERT vehicles shall not be used during state mobilizations, conferences, or meetings not pertaining to the RHMERT program.

When the state owned emergency response vehicles and equipment are used in conjunction with other non-hazardous materials emergency response activities, including assistance to local government entities at events not meeting state authorized response criteria. Contractor is liable for major repairs or replacement directly attributable to that use. Contractor is also liable for abuse or neglect of state owned emergency response vehicles and equipment when equipment is used in conjunction with other non-hazardous materials emergency response activities.

Contractor shall submit a monthly vehicle usage log to the OSFM no later than the 10th of the following month. Beginning and ending mileage for each trip must be recorded, whether it is incident response, training, maintenance, or any other activity.

2.1.5 Right of Refusal: The OSFM recognizes that the obligations of the Contractor in its own jurisdiction are paramount. If, on occasion, a response under this Agreement would temporarily place an undue burden on the Contractor because Contractor resources are otherwise limited or unavailable within the Contractor Primary Response Area, and if prior or immediate notice has been provided to the OSFM Duty Officer, the Contractor may decline a request for a regional emergency response, however, the state owned emergency response vehicles and equipment shall remain available for OSFM's use in this instance.

2.1.6 Standard Operating Guidelines: Contractor and OSFM agree that regional response team operations will be conducted in accordance with the OSFM's Standard Operating Guidelines as reviewed and recommended by the Teams Advisory Group and as mutually approved by the parties to this Agreement.

2.1.7 Administrative Rules: The parties acknowledge that the OSFM has adopted OAR 837, Division 120 and that this Agreement is consistent with those administrative rules. If those rules are amended, such amendments are incorporated into this Agreement and may require modification of the procedures, terms and conditions of this Agreement.

2.2 Contractor Compensation: There are three types of Contractor compensation under this Agreement: (1) Contractor stand-by costs, (2) Contractor team response costs, and (3) Contractor administrative costs. Each of these is discussed more fully below.

2.2.1 Contractor Stand-by Costs: Contractor shall be compensated by the OSFM under this Agreement for its OSFM-approved stand-by costs. Such stand-by costs include:

Specialized Training Costs: The OSFM will provide funding for advanced training and education to Contractor RHMERT employees as specified in Exhibit "D" and if approved by the OSFM in advance. All such training and selection of training/training providers must comply with all federal, state and local rules and regulations. If training is approved, the OSFM agrees to pay the cost of tuition, and per diem/travel expenses at OSFM-approved rates. With prior approval by the OSFM, up to fifty percent of the funding specified in Exhibit "D" may be used to reimburse personnel costs incurred by employees attending training.

Medical Surveillance: The OSFM will provide funding for baseline, maintenance and exit physicals for Contractor RHMERT employees as specified in Exhibit "E" of this Agreement. Cost will be based on competitive bid for the protocols covered in the OSFM Hazardous Materials Emergency Response Team Standard Operating Guideline T-015. Selection of health care provider must comply with all federal, state and local rules and regulations. Additionally, the OSFM will provide funding from the State's Spill Response Fund for exposure exams where no responsible party or parties is identified.

Vehicle(s) and Equipment Loans: The OSFM agrees to loan the Contractor emergency response vehicle(s) and emergency response equipment as specified in Exhibit "B" of this Agreement. Equipment and materials will be provided by the OSFM as specified in Exhibit "C" of this Agreement.

Level A/B Personal Protective Equipment (PPE) Acquisition: Contractor shall be exclusively responsible for its selection of PPE suits, suit types or models to meet its own specific needs. The OSFM encourages contractor to follow recommendation of the HazMat Equipment Committee; however the OSFM shall have no involvement in, and no responsibility or liability whatsoever arising out of Contractor's choice of suits, their safety or reliability, or their testing or maintenance. The OSFM will pay for, and Contractor is authorized to purchase, only PPE suits that meet or exceed all applicable regulatory requirements and National Fire Protection Association guidelines.

Contractor shall comply with all applicable public procurement laws, including the applicable provisions of ORS chapters 279A and 279B and Contractor's own procurement ordinances, codes, rules and regulations, in contracting for the acquisition of the suits. The suits shall be procured according to the procedure established in Standard Operating Guideline T-021. Upon their acquisition, the

suits become part of the state-owned equipment on loan to the Contractor as specified in Exhibit "B" of this Agreement.

2.2.2 Contractor's Team Response Costs: Contractor shall be compensated by the OSFM under this Agreement for its OSFM-approved team response costs. The funding available for team response costs as specified in Exhibit "J" of this Agreement is in addition to Contractor stand-by costs as specified in section 2.2.1. Such team response costs shall be limited only by the funds available in the State Spill Response Fund established under ORS 453.390 for the 2009-2011 biennium. Such Team response costs may include, but are not limited to:

Compensation for Contractor Vehicle(s) and Apparatus: Where the OSFM has approved the use of Contractor vehicles and equipment, OSFM shall compensate Contractor at the rates described in Exhibit "F" of this Agreement.

Compensation for Contractor Personnel Response Costs: Contractor RHMERT personnel response costs, which are approved and authorized under this Agreement are compensable at the rates described in Exhibit "G". Hourly personnel rates for the 2009-2011 biennium will be calculated as follows:

- a) Base Hourly Rate/Non-officer - will be calculated at the hourly overtime rate, plus benefits, for the highest paid, technician trained team member who is not an officer.
- b) Base Hourly Rate/Officer (eligible for overtime) – will be calculated at the overtime rate, plus benefits for the highest paid, technician trained officer on the team.
- c) Base Hourly Rate/Salaried Officer (not eligible for overtime) - will be calculated at the salary rate, plus benefits, of the highest paid, technician trained officer on the team.

OSFM and Contractor understand that the base hourly rate of non-officers, officers, and salaried officers referred to in this section is subject to change pursuant to any collective bargaining agreement entered into between Contractor and Contractor's employees. It is the intent of OSFM and Contractor that if, during the term of this Agreement, the base hourly rate of Contractor's employees for non-officers, officers, or salaried officers changes due to a change in a collective bargaining agreement between Contractor and Contractor's employees, that on the date those changes become effective under a collective bargaining agreement, those changes will be incorporated in this Agreement and used for purposes of calculating compensation for Contractor's Personnel Response Costs.

A Response Availability Rate of \$15.5788 will be added to each base hourly rate to determine the total hourly personnel response rate for each category. Contractor will be required to document total hourly personnel response rates for each category utilizing OSFM provided format. That documentation will be entered into this Agreement as addendum #1. Contractor RHMERT personnel response costs shall be billed to the nearest one-fourth (1/4) hour period worked.

Emergency Expenses: Contractor necessary and reasonable emergency response costs related to services rendered under this Agreement are reimbursable. All such costs must be based on actual expenditures and documented by the Contractor. Original receipts must be submitted with the response billing. Emergency response purchases of up to \$100 per emergency response incident may be made at the Contractor's discretion without prior approval by the OSFM. The Team Leader or authorized Contractor representative will attempt to contact the OSFM Duty Officer for approval of Contractor emergency expenses exceeding \$100. Contractor claim for reimbursement must clearly document the nature of the purchases and extent of the OSFM prior verbal approval of Contractor emergency expenditures. The OSFM reserves the right to deny any payment of unjustifiable Contractor expenditures.

2.2.3 Contractor Administrative Costs: Team administrative costs, not to exceed 8% of the Contractor team response costs, may be billed as part of the emergency response costs, and will be reimbursed to Contractor upon receipt from responsible party or parties.

2.2.4 Billing System: Contractor will notify the OSFM's Emergency Response Unit within 24 hours of a hazardous materials emergency response. An OSFM incident number will be assigned to the response at that time. Contractor shall leave a voice-mail message if notification is made after business hours. Contractor call will be returned the next business day. Contractor will provide an estimate of team emergency response costs to the OSFM within 10 working days of the response. An expenditure report and invoice shall be submitted to the OSFM within 30 days of the response. Contractor claim for reimbursement shall be on OSFM approved forms and shall contain such documentation as is necessary to support OSFM cost-recovery operations and financial audits.

The State shall bill the responsible party or parties within 30 days of receipt of Contractor invoice. The OSFM agrees to bill responsible parties for team emergency response costs and may bill for the total emergency response costs. Team emergency response costs include such items as vehicle and equipment use, expendables, and personnel costs. Normally Contractor team emergency response costs shall be collected by the OSFM from the responsible party or parties before payment is made to the Contractor. Where payment has not been received by the

OSFM within 30 days after the second billing to the responsible party or parties, then the Contractor approved team emergency response costs shall be paid to the Contractor from the State Spill Response Fund. In no case shall the OSFM payment to the Contractor exceed 63 days after receipt of the Contractor invoice by OSFM, provided responsible party information supplied by the Contractor is correct to the best of the Contractor knowledge or belief.

Billing for State Owned Equipment Only: All responses to incidents utilizing state owned equipment will be billed for state owned equipment use only, including those incidents within the Contractor's local jurisdiction. A statement for equipment used will be prepared by the Office of State Fire Marshal, and forwarded to the identified responsible party any time the state owned vehicle or equipment is used for hazmat response. If there is no responsible party identified, the local first responder will not be billed for the use of the equipment.

Option for Waiver: The Contractor shall have the option of requesting a waiver of state owned equipment charges for response to any public agency within the jurisdictional boundaries of the Contractor. In addition, the Contractor may request a waiver of charges when there are extenuating circumstances, which would preclude a billing to the responsible party or parties. Requests for waiver will be subject to review and approval by the State Fire Marshal.

Billing for Personnel/Incidents not meeting OSFM Response Criteria: If Contractor opts to bill for personnel cost during a local response not meeting state authorized response criteria, the OSFM will pursue billing for those personnel costs. Those personnel costs will be reimbursed to the Contractor only upon collection from the responsible party or parties, and will not be subject to reimbursement from the State Spill Response Fund.

Priority of Reimbursements: If the OSFM successfully recovers payment from the responsible party or parties it shall first be used to pay the Contractor team emergency response costs, if these have not been paid in their entirety, then used to reimburse the State Spill Response Fund for the amount previously paid to the Contractor and the OSFM administrative costs. Any remaining funds will be used to pay emergency response costs as billed. Contractor agrees to cooperate with the OSFM as is reasonable and necessary in order to bill third parties and pursue cost recovery actions.

If a disputed billing is resolved in favor of the responsible party or parties then the Contractor shall not be required to reimburse the OSFM for payments previously made.

2.2.5 Interest: If the OSFM fails to make timely payments to Contractor as described in 2.2.2, interest shall be paid to Contractor by the OSFM on amounts past due at the rate of interest specified in ORS 293.462(3). Interest payments will be made only if emergency response costs are invoiced by the Contractor on OSFM-approved forms and responsible party information supplied by the Contractor is correct to the best of the Contractor knowledge or belief.

2.2.6 State Funding Available: The OSFM believes that sufficient funds will be available and authorized within the OSFM 2009-2011 appropriation or limitation. State funding for standby costs available under this Agreement for the 2009-2011 biennium shall be the sum of the amounts specified in exhibits C, D, E and H to this Agreement and are summarized in Exhibit I of this Agreement.

The funding available as specified in Exhibits C, D, E and H to this Agreement does not include Contractor team emergency response costs as specified in 2.2.2. Such team emergency response costs are available in addition to Contractor standby costs and shall be limited only by the funds available in the State Spill Response Fund established under ORS 453.390 for the 2009-2011 biennium and identified in Exhibit J to this Agreement.

Additional Contractor compensation shall be paid under this Agreement only if specifically agreed to by the OSFM and the Contractor in writing. OSFM payments under the terms of this Agreement shall be considered full compensation for work performed or services rendered and for all labor, materials, supplies, equipment, and incidentals necessary to complete the work authorized under this Agreement. Acceptance of payment by the Contractor shall release the OSFM from all claims by Contractor for reimbursement of team emergency response costs except where partial payment has been made due to limitations of the State's Spill Response Fund and subject to further payment as set forth above.

2.2.7 Prior Approval: Contractor, when acting under this Agreement, may not respond without prior written or verbal approval by OSFM as set forth in Section 2.2.8. Granting of response approval by the OSFM Duty Officer constitutes the OSFM agreement to pay Contractor team emergency response costs from the State Spill Response Fund if recovery from a responsible party or parties is not obtained in a timely manner. Contractor agrees to make reasonable and good faith efforts to minimize responsible party and/or OSFM expenses.

2.2.8 Response Procedures and Limitations/Automatic Response: If the Contractor has received state authority for automatic response, Contractor may, upon receipt of an emergency response request, provide emergency response services as specified under the terms of this Agreement and the OSFM's Standard Operating Guidelines, which is incorporated herein by this reference. Contractor

shall immediately thereafter notify the OSFM Duty Officer.

If the Contractor has *not* received state authority for automatic response or if the emergency response request does not meet the Standard Operating Guideline criteria, the Contractor shall refer the response request to the OSFM Duty Officer who will evaluate the situation and either authorize the Contractor response or decline the response request.

2.2.9 Spill Response Fund: If the Spill Response Fund becomes depleted or fiscally unsound, the OSFM shall immediately notify Contractor, who may upon receipt of such notice suspend response actions under this Agreement.

For purposes of this section, "fiscally unsound" shall mean the balance in the Spill Response Fund is less than \$20,000, and "immediately" shall mean within twelve (12) hours of a Contractor receiving the emergency response request, which reduces the fund below the \$20,000 threshold.

If Contractor commences an emergency response action subsequent to notification of fiscally unsound State Spill Response Fund balance, Contractor assumes the risk of non-payment if the OSFM is unable to obtain additional funding for the Spill Response Fund, recover the Contractor team emergency response costs from a responsible party or if there is no identifiable responsible party. Contractor shall immediately notify the OSFM Duty Officer of all emergency response activities undertaken pursuant to this Agreement.

If, after becoming depleted or fiscally unsound, additional funds become available in the Spill Response Fund and Contractor has billed the OSFM as set forth in Section 2.2.2, Contractor shall be reimbursed for unpaid team emergency response costs to the extent funds are available.

2.3 Where No Responsible Party Can Be Identified: As previously mentioned in Section 2.2, OSFM agrees to bill the party or parties responsible for causing the hazardous materials emergency for total emergency response costs. Where there is no identifiable responsible party, or if the responsible party is unable to pay, the OSFM agrees to pay Contractor team emergency response costs from the State's Spill Response Fund provided funds are available and Contractor has complied with 2.2. herein.

2.4 Contractor Status: Contractor certifies it is not an employee of the State of Oregon and is a local government agency or agencies.

2.5 Retirement System Status: Contractor is not entitled under this Agreement to any Public Employees Retirement System benefits and will be

responsible for payment of any applicable federal or State taxes. Contractor is not entitled under this Agreement to any benefits for payments of federal Social Security, employment insurance, or workers' compensation from the State of Oregon.

2.6 Assignments/Subcontracts: Contractor shall not assign, sell, transfer, subcontract or sublet rights, or delegate responsibilities under this Agreement, in whole or in part, without the prior written approval of OSFM. Such written approval will not relieve Contractor of any obligations of this Agreement, and any assignee, transferee or subcontractor shall be considered the agent of Contractor. Except where OSFM expressly approves otherwise, Contractor shall remain liable as between the original parties to this Agreement as if no such assignment had occurred.

Contractor shall not agree in writing or otherwise with other local governmental entities to provide the state owned emergency response vehicles and equipment to assist those entities at events not meeting OSFM authorized response criteria unless the OSFM also is a party to that agreement.

2.7 Successors in Interest: The provisions of this Agreement shall be binding upon and shall inure to the benefit of the parties to this Agreement and their respective successors and assigns.

2.8 Compliance With Government Regulations: Contractor agrees to comply with federal, state and local laws, codes, regulations and ordinances applicable to the work performed under this Agreement including, but not limited to, OAR 437-002-100 (18) which adopts 29 CFR 1910.120(q) and its Appendix B.

2.9 Force Majeure: Neither party to this Agreement shall be held responsible for delay or default caused by fire, riots, acts of God and/or war, which is beyond that party's reasonable control. OSFM or Contractor may terminate this Agreement upon written notice after determining such delay or default will reasonably prevent performance of the Agreement.

2.10 State Tort Claims Act:

2.10.1 Scope: During operations authorized by this Agreement, Contractor and Contractor's RHMERT employees shall be agents of the state and protected and defended from liability under ORS 30.260 to 30.300. For purposes of this section, operations means activities directly related to a particular emergency response involving a hazardous material by a Regional Hazardous Materials Emergency Response Team. Operations also include advanced training activities provided

under this Agreement to the Contractor's Hazardous Materials Emergency Response Team employees, but do not include travel to and from the training.

2.10.2 Limitations: Except as provided in Section 2.1.4, this Agreement in no way limits a Contractor from responding with State owned vehicles, equipment and supplies under local authority, mutual-aid agreements, or other contracts under local authority.

2.10.3 Notifications: Contractor shall immediately report by telephone and in writing any demand, request, or occurrence that reasonably may give rise to a claim against the State. Such reports shall be directed to:

State Fire Marshal Hazardous Materials Duty Officer
4760 Portland Road NE
Salem, Oregon 97305

Copies of such written reports shall also be sent to:

State Risk Management Division
1225 Ferry Street SE.
Salem, Oregon 97310

2.11 Indemnification: When performing operations not authorized under ORS 453.374 – 453.390, while using state's vehicles, equipment, procedures, or training, the Contractor shall indemnify, defend and hold harmless the State, its officers, divisions, agents, employees, and members, from all claims, suits or actions of any nature arising out of the activities or omissions of Contractor, its officers, subcontractors, agents or employees, subject to the Oregon Tort Claims Act, ORS 30.260 to 30.300, and the Oregon Constitution.

2.12 Severability: If any provision of this Agreement is declared by a court to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected; and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.

2.13 Access to Records: Subject to the state's Public Record Laws, each party to this Agreement, the federal government, and their duly authorized representatives shall have access to the other party's books, documents, investigative reports, papers and records which are directly pertinent to this Agreement for the purpose of making financial, maintenance or regulatory audit. Such records shall be maintained for at least three (3) years, or longer where required by law.

2.13.1 Confidentiality: Except as otherwise provided by law, each party to this Agreement agrees that they shall not in any way, disclose each other's confidential information to a third party. The rights and obligations set forth in this section shall survive termination of the Agreement.

2.14 Amendments: The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever without prior written approval of OSFM and Contractor.

2.15 Payment of Contractor Obligations: Contractor agrees to make payment promptly, as due, to all persons furnishing services, equipment or supplies to Contractor. If Contractor fails, neglects, or refuses, to pay any such claims as they become due and for which the OSFM may be held liable, the proper officer(s) representing the OSFM, after ascertaining that the claims are just, due and payable, may, but shall not be required to, pay the claim and charge the amount of the payment against funds due Contractor under this Agreement. The payment of claims in this manner shall not relieve Contractor of any duty with respect to any unpaid claims.

2.16 Nondiscrimination: Contractor shall comply with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations. Contractors are encouraged to recruit qualified women and minorities as RHMERT personnel.

2.17 Dual Payment: Contractor shall not be compensated for work performed under this Agreement by any state agency or person(s) responsible for causing a hazardous materials emergency except as approved and authorized under this Agreement.

2.18 Payment for Medical Care: Contractor agrees to make payment promptly, as due, to any person, partnership, association or corporation furnishing medical, surgical, hospital or other needed medical care to Contractor employees, except as noted in 2.2.1, Medical Surveillance. Such payment shall be made from all sums, which Contractor has agreed to pay for such services, and from all sums, which Contractor has collected or deducted, from the wages of employees pursuant to any law, contract or agreement for the purpose of providing or paying for such service. It is the intent of the parties that this section includes any collective bargaining agreements that the Contractor has entered into with Contractor employees.

2.19 Insurance Coverage:

2.19.1 Worker Compensation: Contractor, its subcontractors (if any), and all employers working under this Agreement are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide workers' compensation coverage for all their subject workers. Nothing in this Agreement is intended or shall be construed to create the relationship of employer and employee as between the OSFM and Contractor. If, however, the Contractor Workers' Compensation costs increase as a direct result of an injury, illness or participation as Regional Hazardous Materials Emergency Response Team, the OSFM will compensate the Contractor for the increased costs.

2.19.2 Comprehensive or Commercial General Liability: Contractor shall maintain at its own expense, and keep in effect during the term of this Agreement, comprehensive or commercial general liability insurance, or its equivalent for self-insured Contractor, covering personal injury and property damage. This insurance shall include coverage for contractual liability related to the indemnity provisions of this Agreement. Contractor general liability coverage limits shall not be less than five hundred thousand dollars (\$500,000) in the aggregate, or the equivalent.

2.19.3 Automobile Liability: Contractor and OSFM shall obtain and keep in effect automobile liability insurance or its equivalent for self-insured Contractor, for their respective vehicle(s) during the term of this Agreement. The Contractor shall obtain separate automobile liability insurance providing primary coverage for OSFM vehicles when Contractor uses OSFM vehicles as provided in Section 2.10.2 of this Agreement. Auto liability coverage limits shall not be less than five hundred thousand dollars (\$500,000) combined single limit occurrence, or equivalent.

2.19.4 Notice of Cancellation or Change: Contractor and OSFM agree there shall be no cancellation, material change, exhaustion of aggregate limits or intent not to renew their respective insurance coverage without 30 days' written notice to the other party.

2.19.5 Certificate(s) of Insurance: As evidence of the insurance coverage required by this Agreement, both OSFM and Contractor shall furnish copies or updates of previously provided Certificates of Insurance or Certificates of Self-Insurance as the case may be, to each other prior to the beginning of work under this Agreement.

2.19.6 Physical Damage Clause: Excluding ordinary wear and tear, Contractor is responsible for any physical damage to or loss of, State-owned vehicle(s) and equipment that is directly attributable to local response, regardless of fault. When Contractor acts under OSFM authority, the OSFM will be responsible for physical

damage to or loss of state-owned vehicles and equipment regardless of fault, subject to the terms and conditions of the Oregon Risk Management Division Policy 125-7-101 (Property Self-Insurance Policy Manual).

2.20 Governing Law; Venue; Consent to Jurisdiction: This Agreement shall be governed and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of laws. Any claim, action, suit or proceeding (collectively, "Claim") between OSFM (and any other agency or department of the State of Oregon) and Contractor that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Marion County for the State of Oregon; provided, however, if a Claim must be brought in a federal forum, then it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. In no event shall this section be construed as a waiver by the State of Oregon of any form of defense of immunity, whether it is sovereign immunity or governmental immunity, immunity based on the Eleventh Amendment to the Constitution of the United States or otherwise, from any Claim or from the jurisdiction of any court. CONTRACTOR, BY EXECUTION OF THIS CONTRACT, HEREBY CONSENTS TO THE IN PERSONAM JURISDICTION OF SAID COURTS.

2.21 Termination: This Agreement may be terminated by mutual consent of both parties, or by either party upon 180 days notice, in writing, and delivered by certified mail or in person.

The OSFM or Contractor may terminate this Agreement at will effective upon delivery of written notice to the Contractor or OSFM, or at such later date as may be established by the OSFM or Contractor, under any of the following conditions:

- a. if State Fire Marshal funding from federal, state, or other sources is not obtained or continued at levels sufficient to allow for payment of costs under the terms of this Agreement. The Agreement may be modified to accommodate a reduction in funding.
- b. if federal or state laws, rules, regulations, or guidelines are modified, changed, or interpreted in such a way that the services are no longer allowable or appropriate for purchase under this Agreement or is no longer eligible for the funding proposed for payments by this Agreement.
- c. if any license or certification required by law or regulation to be held by the Contractor to provide the services required by this Agreement is for any reason denied, revoked, or not renewed.

Any termination of the Agreement shall be without prejudice to any obligations or liabilities of either party already accrued prior to such termination.

2.21.1 Default: The OSFM or Contractor, by written notice of default (including breach of contract) to the other party, delivered by certified mail or in person, may terminate the whole or any part of this Agreement:

- a. if the other party fails to provide services called for by this Agreement within the time specified herein or any extension thereof; or,
- b. if the other party fails to perform any other provision of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and, after receipt of written notice from the other party, fails to correct such failures within 10 days or such longer period as the notice may authorize.

2.22 Approval Authority: Contractor representatives certify by their signature herein that he or she, as the case may be, has the necessary and lawful authority to enter into contracts and Agreements on behalf of the local government entity.

2.23 Insufficient Funds: The obligation of the Contractor under this Agreement is contingent upon the availability and allotment of funds for response costs by the OSFM to Contractor. Contractor may, upon thirty (30) days' prior written notice, terminate this contract if funds are not available.

2.24 Written Notifications: Any written notifications required for the administration of this Agreement shall be sent to the following:

Office of State Fire Marshal
4760 Portland Rd. NE
Salem, OR 97305

City of Gresham/Multnomah County
c/o Gresham Fire Department
1333 NW Eastman Parkway
Gresham, OR 97030

2.25 Merger; Waiver: This Agreement and attached exhibits constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification, or change of terms of this Agreement shall bind all parties unless in writing and signed by both parties and all necessary state approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of OSFM to enforce any provision of this Agreement shall not constitute a waiver by OSFM of that or any other provision.

2.26 Remedies In the event that Contractor violates any term or condition under this Agreement, OSFM shall have all remedies available to it under law, in equity, and under this Agreement.

EXHIBIT A

Regional Team Primary Response Area Boundary Description

Beginning at the Columbia River at the City of Gresham's western boundary, south along the Gresham service boundary to the Clackamas County line, then west of the Clackamas county line to the Willamette River. South along the Willamette to the northern boundary of Canby Fire District. Continue east, south and west along the Canby RFD boundary to Highway 99E. South along Highway 99E to the Clackamas/Marion County line. South and east on Clackamas County border to the western boundary of the Warm Springs Indian Reservation. North and East on Warm Springs border to Highway 26 at its junction with Highway 216. East on Highway 216 to the Wasco Sherman County line then south and east along the Wasco County line to the John Day River. North along John Day River to the Columbia River. West on Columbia River to the point of beginning.

EXHIBIT B
INVENTORY OF
OSFM-PROVIDED VEHICLES AND EQUIPMENT
05/01/09

On File with OSFM

EXHIBIT C

ESTIMATED COST OF STATE-PROVIDED EQUIPMENT TO BE PURCHASED 2009-2011 Biennium Funding

Funds for approved equipment purchases are available under this Agreement as follows:

Training Equipment, Materials and Supplies	\$1,000.00
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Replacement of capital equipment and expendable items will be provided as necessary, by prior approval of the Office of State Fire Marshal, not to exceed a maximum of \$15,000.00

Funding Available for Equipment	\$16,000.00
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EXHIBIT D
TRAINING
2009-2011 Biennium Funding

Funds for approved Technician level training are available under this Agreement as follows:

Funding Available for Training	\$46,904.00
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Contractor may elect to use up to 50% of funding available in this exhibit for the reimbursement of personnel costs incurred as a result of RHMERT employees attending advanced training. Reimbursement for personnel cost during 2009-2011 biennium is not to exceed \$23,452.00..

EXHIBIT E

MEDICAL SURVEILLANCE 2009-2011 Biennium Funding

Funds for approved medical surveillance exams are available for Contractor RHMERT employees under this Agreement as follows:

Up to 22 personnel may receive medical surveillance exam(s), up to a maximum of \$700 per person, not to exceed total funding available for medical surveillance shown below.

This amount shown above is the per-person maximum payable for medical surveillance exam(s) during the 2009-2011 biennium. It is understood that costs will vary for baseline, maintenance and exit exams, and therefore, the total funding available for medical surveillance *is not* based on the maximum per-person allowance, but rather on \$700 per person *average* cost. This allows *flexibility* in the per-person cost *within* the maximum funding available for medical surveillance.

Funding Available for Medical Surveillance exams up to	\$15,400.00
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EXHIBIT F

Compensation for Vehicles and Apparatus 2009-2011

State to provide the compensation for use of Contractor's vehicles and apparatus in response to a hazardous materials incident at the following rates:

<u>Vehicles</u>	<u>Rate Per Hour</u>
Each engine	\$100.00
Each aerial ladder	150.00
Each utility/staff vehicle	50.00

Contractor Equipment Charges

Cellular/Mobile/Specialized Mobile Radio (SMR) Telephone Charge
\$50.00 per incident per phone

Other Associated Costs

Replacement and/or repair costs for damaged and/or expended equipment and supplies will be charged on an actual cost basis.

EXHIBIT G

CONTRACTOR'S RESPONSE PERSONNEL 2009-2011

OSFM to provide compensation for Contractor personnel utilized in response to a hazardous materials incident as follows:

<u>Personnel Category</u>	<u>Rate per hour</u>
Gresham Fire Department	
HazMat Team Member-Non Officer	\$72.99
HazMat Team Member – Officer	\$83.56
Multnomah Co. Sheriff Office	
HazMat Team Member-Non Officer	\$121.32
HazMat Team Member – Officer	\$99.96
Gresham Police Department	
HazMat Team Member-Non Officer (Police Officer)	\$83.12
HazMat Team Member – Non Officer (Police Specialist)	\$86.43

All other support personnel at actual costs.

Pursuant to section 2.2.2. of this Agreement, it is the intent of OSFM and Contractor that if, during the term of this Agreement, the base hourly rate of Contractor's employees for non-officers, officers, or salaried officers changes due to a change in any collective bargaining agreement between Contractor and Contractor's employees, that on the effective date those changes become effective under a collective bargaining agreement, those changes will be incorporated in this Agreement and used for purposes of calculating compensation for Contractor's Personnel Response Costs.

EXHIBIT H

OUTREACH TRAINING 2009-2011 Biennium Funding

Funds for approved outreach training, allowing team personnel to interface with, educate and train other local agencies.

Funding Available for Outreach Training

\$6,342.00

EXHIBIT I

Summary –2009-2011 Biennium Funding Available for Standby Costs

Equipment Purchases – 2009-2011 Biennium Funding - (See Exhibit C)	\$16,000.00
Training –2009-2011 Biennium Funding - (See Exhibit D)	\$46,904.00
Medical Surveillance –2009-2011 Biennium Funding - (See Exhibit E)	\$15,400.00
Outreach Training –2009-2011 Biennium Funding	\$6,342.00
Total 2009-2011 Biennium Funding Available for Standby Costs	\$84,646.00

EXHIBIT J

State's Spill Response Fund

2009 -2011 Biennium Funding

\$ 300,000.00

This is the *Total* State's Spill Response Funding limitation available for the 2009-2011 biennium RHMERT services by *all* Contracted RHMERT's. This does *not* guarantee that any Contractor will be reimbursed for any specific amount from the State's Spill Response Fund; only that funding in this amount is available for reimbursement of emergency response team costs is available within the OSFM limitation or appropriation.

Approving Signatures:

On Behalf of the State of Oregon,

Dated this _____ day of _____, 2010

Randy Simpson
State Fire Marshal

On Behalf of The City of Gresham

Dated this 17th day of February, 2010

Signature _____

Printed Name Erik Kvarsten

Title City Manager

Address 1333 NW Eastman Parkway

City Gresham, Oregon Zip 97030

On Behalf of The Multnomah County's Sheriff's Office

Dated this 1 day of March, 2010

Signature _____

Printed Name Daniel Staton

Title Sheriff

Address 501 SE Hawthorne Blvd, Room 350

City Portland, Zip 97214

On Behalf of THE BOARD OF COUNTY COMMISSIONERS

Dated this 1st day of APRIL, 2010

Signature _____

Printed Name JEFF COGEN

Title CHAIR

Address 501 SE HAWTHORNE BLVD STE 500

City PORTLAND OR Zip 97214

On Behalf of _____

Dated this _____ day of _____, 2010

Signature _____

Printed Name _____

Title _____

Address _____

City _____ Zip _____

On Behalf of _____

Dated this _____ day of _____, 2010

Signature _____

Printed Name _____

Title _____

Address _____

City _____ Zip _____

On Behalf of _____

Dated this _____ day of _____, 2010

Signature _____

Printed Name _____

Title _____

Address _____

City _____ Zip _____

On Behalf of _____

Dated this _____ day of _____, 2010

Signature _____

Printed Name _____

Title _____

Address _____

City _____ Zip _____

On Behalf of _____

Dated this _____ day of _____, 2010

Signature _____

Printed Name _____

Title _____

Address _____

City _____ Zip _____

On Behalf of _____

Dated this _____ day of _____, 2010

Signature _____

Printed Name _____

Title _____

Address _____

City _____ Zip _____

Addendum #1
Hourly Personnel Response Rate
Calculation Worksheet

NON-OFFICER
GRESHAM FIRE DEPARTMENT

Complete calculations for each line item and enter amount in column to the right. When calculations are complete, add together all amounts in the right hand column for a total, which will determine the contracted hourly personnel rate for non-officer team members.

NOTE: Base Hourly Rate/Non-Officer is calculated at the overtime rate for the highest paid, technician trained team member who is not an officer.

BASE SALARY	\$ 41.28
Regular hourly rate $27.52 \times 1 \frac{1}{2} =$	
INSURANCE/BENEFITS	\$ 5.21
Premium paid per month $\$1,233.93 \div 237$ hours worked per month =	
PERS	\$ 5.87
Employer's contribution 4.31% + 6% pickup + 3.91% pension bond payment x base rate =	
WORKERS COMP INSURANCE*	\$ 1.49
Gresham worker's compensation rate for Firefighters =	
<u>FICA* (Medicare 1.45%, OASDI 6.2%)</u>	\$ 3.16
Base hourly rate $41.28 \times 7.65\% =$	
UNEMPLOYMENT TAX**	\$.12
Base hourly rate $41.28 \times 0.30\% =$	
PAYROLL TAX**	\$.28
Base hourly rate $41.28 \times .6718\%$ TriMet Tax=	
INCENTIVE/PREMIUM PAY	\$
Incentive, which is eligible for overtime, is included in the base rate.	
RESPONSE AVAILABILITY RATE	\$15.5788
TOTAL HOURLY RATE	\$ 72.99

* Percentage for calculation provided by Oregon State Police Payroll System, effective May 28, 2009.

** Unemployment and Payroll Taxes are local taxes which, if applicable, are calculated by the percentage allowed by local laws.

Hourly Personnel Response Rate
Calculation Worksheet

OFFICER (Eligible for Overtime)

GRESHAM FIRE DEPARTMENT

Complete calculations for each line item and enter amount in column to the right. When calculations are complete, add together all amounts in the right hand column for a total, which will determine the contracted hourly personnel rate for officer team members.

BASE SALARY	\$ 49.70
Regular hourly rate $33.13 \times 1 \frac{1}{2} =$	
INSURANCE/BENEFITS	\$ 5.44
Premium paid per month $\$1,289.97 \div 237$ hours worked per month =	
PERS	\$ 7.07
Employer's contribution 4.31% + 6% pickup + 3.91% pension bond payment x base rate =	
WORKERS COMP INSURANCE*	\$ 1.49
Gresham worker's compensation rate for Firefighters =	
<u>FICA* (Medicare 1.45%, OASDI 6.2%)</u>	\$ 3.80
Base hourly rate $49.70 \times 7.65\% =$	
UNEMPLOYMENT TAX**	\$.15
Base hourly rate $49.70 \times 0.30\% =$	
PAYROLL TAX**	\$.33
Base hourly rate $49.70 \times .6718\%$ TriMet Tax=	
INCENTIVE/PREMIUM PAY	\$
Incentive, which is eligible for overtime, is included in the base rate.	
RESPONSE AVAILABILITY RATE	\$15.5788
TOTAL HOURLY RATE	\$ 83.56

* Percentage for calculation provided by Oregon State Police Payroll System, effective May 28, 2009.

** Unemployment and Payroll Taxes are local taxes which, if applicable, are calculated by the percentage allowed by local laws.

Hourly Personnel Response Rate
Calculation Worksheet

NON-OFFICER

MULTNOMAH COUNTY SHERIFF'S OFFICE

Complete calculations for each line item and enter amount in column to the right. When calculations are complete, add together all amounts in the right hand column for a total, which will determine the contracted hourly personnel rate for non-officer team members.

BASE SALARY

Regular hourly rate $46.52 \times 1 \frac{1}{2} =$ \$ 69.78

INSURANCE/BENEFITS

Premium paid per month $(\$942.16) \div 174$ hours worked per month = \$ 5.41

PERS

Employer's contribution paid per \div hours worked per month = \$ 19.28
(PERS & PERS Bond Surcharge) $27.63\% \times 69.78$

WORKERS COMP INSURANCE*

Base hourly rate $69.78 \times .015 =$ \$ 1.04

FICA* (Medicare 1.45%, OASDI 6.2%)

Base hourly rate $69.78 \times 7.65\% =$ \$ 5.33

UNEMPLOYMENT TAX**

Base hourly rate $69.78 \times .4\% =$ \$.27

PAYROLL TAX**

Base hourly rate $69.78 \times .6718\%$ TriMet Tax= \$.46

INCENTIVE/PREMIUM PAY

Incentive pay paid per month \div hours worked per month = \$ 4.18
($6\% \times 69.78$)

RESPONSE AVAILABILITY RATE

\$15.5788

TOTAL HOURLY RATE

\$ 121.3288

* Percentage for calculation provided by Oregon State Police Payroll System, effective May 28, 2009.

** Unemployment and Payroll Taxes are local taxes which, if applicable, are calculated by the percentage allowed by local laws.

Hourly Personnel Response Rate
Calculation Worksheet

OFFICER (Eligible for Overtime)

MULTNOMAH COUNTY SHERIFF'S OFFICE

Complete calculations for each line item and enter amount in column to the right. When calculations are complete, add together all amounts in the right hand column for a total, which will determine the contracted hourly personnel rate for non-officer team members.

BASE SALARY

Regular hourly rate $36.61 \times 1 \frac{1}{2} =$ \$ 54.92

INSURANCE/BENEFITS

Premium paid per month $(\$942.16) \div 174$ hours worked per month = \$ 5.41

PERS

Employer's contribution paid per \div hours worked per month = \$ 15.17
(PERS & PERS Bond Surcharge) $27.63\% \times 54.92$

WORKERS COMP INSURANCE*

Base hourly rate $54.92 \times .015 =$ \$.82

FICA* (Medicare 1.45%, OASDI 6.2%)

Base hourly rate $54.92 \times 7.65\% =$ \$ 4.20

UNEMPLOYMENT TAX**

Base hourly rate $54.92 \times .4\% =$ \$.21

PAYROLL TAX**

Base hourly rate $54.92 \times .67\%$ TriMet Tax= \$.36

INCENTIVE/PREMIUM PAY

Incentive pay paid per month \div hours worked per month = \$ 3.29
($6\% \times 54.92$)

RESPONSE AVAILABILITY RATE

\$15.5788

TOTAL HOURLY RATE

\$ 99.9588

* Percentage for calculation provided by Oregon State Police Payroll System, effective May 28, 2009.

** Unemployment and Payroll Taxes are local taxes which, if applicable, are calculated by the percentage allowed by local laws.

Hourly Personnel Response Rate
Calculation Worksheet

NON-OFFICER (Police Officer)

GRESHAM POLICE DEPARTMENT

Complete calculations for each line item and enter amount in column to the right. When calculations are complete, add together all amounts in the right hand column for a total, which will determine the contracted hourly personnel rate for non-officer team members.

NOTE: Base Hourly Rate/Non-Officer is calculated at the overtime rate for the highest paid, technician trained team member who is not an officer.

BASE SALARY	\$ 48.47
Regular hourly rate $32.32 \times 1 \frac{1}{2} =$	
INSURANCE/BENEFITS	\$ 7.13
Premium paid per month $\$1,233.93 \div 173$ hours worked per month =	
PERS	\$ 6.89
Employer's contribution 4.31% + 6% pickup + 3.91% pension bond payment x base rate =	
WORKERS COMP INSURANCE*	\$.86
Gresham worker's compensation rate for Police Officers =	
<u>FICA* (Medicare 1.45%, OASDI 6.2%)</u>	\$ 3.71
Base salary + insurance/benefits x 7.65% =	
UNEMPLOYMENT TAX**	\$.15
Base salary + insurance/benefits x 0.30 % =	
PAYROLL TAX**	\$.33
Base salary + insurance/benefits x .6718% =	
INCENTIVE/PREMIUM PAY	\$
Incentive pay, which is eligible for overtime, is included in the base rate.	
RESPONSE AVAILABILITY RATE	\$15.5788
TOTAL HOURLY RATE	\$ 83.12

* Percentage for calculation provided by Oregon State Police Payroll System, effective May 28, 2009.

** Unemployment and Payroll Taxes are local taxes which, if applicable, are calculated by the percentage allowed by local laws.

Hourly Personnel Response Rate Calculation Worksheet

NON-OFFICER (Police Specialist)

GRESHAM POLICE DEPARTMENT

Complete calculations for each line item and enter amount in column to the right. When calculations are complete, add together all amounts in the right hand column for a total, which will determine the contracted hourly personnel rate for non-officer team members.

NOTE: Base Hourly Rate/Non-Officer is calculated at the overtime rate for the highest paid, technician trained team member who is not an officer.

BASE SALARY	\$ 51.18
Regular hourly rate $34.12 \times 1 \frac{1}{2} =$	
INSURANCE/BENEFITS	\$ 7.13
Premium paid per month $\$1,233.93 \div 173$ hours worked per month =	
PERS	\$ 7.28
Employer's contribution 4.31% + 6% pickup + 3.91% pension bond payment x base rate =	
WORKERS COMP INSURANCE*	\$.86
Gresham worker's compensation rate for Police Officers =	
FICA* (Medicare 1.45%, OASDI 6.2%)	\$ 3.91
Base salary + insurance/benefits x 7.65% =	
UNEMPLOYMENT TAX**	\$.15
Base salary + insurance/benefits x 0.30 % =	
PAYROLL TAX**	\$.34
Base salary + insurance/benefits x .6718% =	
INCENTIVE/PREMIUM PAY	\$
Incentive pay, which is eligible for overtime, is included in the base rate.	
RESPONSE AVAILABILITY RATE	\$15.5788
TOTAL HOURLY RATE	\$ 86.43

* Percentage for calculation provided by Oregon State Police Payroll System, effective May 28, 2009.

** Unemployment and Payroll Taxes are local taxes which, if applicable, are calculated by the percentage allowed by local laws.



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(revised 12/31/09)

Board Clerk Use Only

Meeting Date: 4/01/10
Agenda Item #: R-1
Est. Start Time: 9:00 am
Date Submitted: 3/23/10

Agenda Title: RESOLUTION Confirming the Interim Designation for Multnomah County Commissioner District 2, in the Event of a Vacancy

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

Requested Meeting Date: April 1, 2010 Amount of Time Needed: 5 mins
Department: Nondepartmental Division: County Attorney
Contact(s): Agnes Sowle
Phone: 503-988-3138 Ext. 83138 I/O Address: 503/500
Presenter(s): County Attorney Agnes Sowle

General Information

1. What action are you requesting from the Board?

Adopt Resolution confirming Commissioner Cogen's designation of Barbara Willer as his interim designee for District 2 in the event of a vacancy.

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

Multnomah County Charter Section 4.50(3) and Multnomah County Code 5.005 require elected officials to designate a Charter qualified interim occupant to serve until a vacancy is filled by election or appointment. The Board confirmed Marissa Madrigal as an interim occupant for Commission District 2 on January 4, 2007. Ms. Madrigal has recently accepted the position as Chief of Staff to the chair, so District 2 Commissioner Jeff Cogen has designated Barbara Willer to serve in the event of a vacancy in his office. This resolution confirms the new interim District 2 Commissioner designation as submitted and stated in the attached letter.

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

Not applicable

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

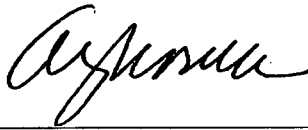
Complies with requirements of the Multnomah County Charter and Multnomah County Code.

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

Not applicable

Required Signature

Elected Official or
Department/
Agency Director:

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

Date: 3-23-2010

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 2010-031

Confirming the Interim Designation for Multnomah County Commissioner District 2, in the Event of a Vacancy

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County Charter Section 4.50(3) and Multnomah County Code 5.005 require elected officials to designate an interim occupant to serve until a vacancy is filled by election or appointment. The designee must meet the Charter qualifications for an appointee of such office.
- b. On January 4, 2007, in accordance with MCC 5.005(B)(1) and (4), the Board confirmed certain Multnomah County elected officials' designees as interim occupants of their offices.
- c. Multnomah County District 2 Commissioner Jeff Cogen subsequently designated Barbara Willer to serve in the event of a vacancy in his office; and the Board wishes to confirm the designation as required by MCC 5.005(B)(1) and (4).

The Multnomah County Board of Commissioners Resolves:

The Board confirms Barbara Willer to serve as interim occupant for Multnomah County Commission District 2 in the event of a vacancy in that office.

ADOPTED this 1st day of April, 2010.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Jana McLellan, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Agnes Sowle, County Attorney

SUBMITTED BY:
Agnes Sowle, County Attorney



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(revised 12/31/09)

Board Clerk Use Only

Meeting Date: 4/01/10
Agenda Item #: R-2
Est. Start Time: 9:05 AM
Date Submitted: 3/18/10

Agenda Title: Resolution Declaring a Vacancy in the Office of County Chair and Making an Appointment to Fill the Vacancy

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

Requested Meeting Date: April 1, 2010 **Amount of Time Needed:** 10 minutes
Department: Non-departmental **Division:**
Chair McLellan, Commissioner Kafoury, Commissioner Shiprack, Commissioner
Contact(s): McKeel
Phone: 503-988-5220 **Ext.** 85220 **I/O Address:** 503/6th
Presenter(s): County Attorney Agnes Sowle

General Information

1. What action are you requesting from the Board?

Appoint Jeff Cogen to fill the vacancy of Chair of the Board of Commissioners.

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.

On March 4, 2010, Ted Wheeler resigned as Chair of the Board of Commissioners and Jana McLellan was sworn in as his interim designee. Chair Wheeler's term of office runs through December 31, 2010. Multnomah County Charter Section 4.50 provides that if a vacancy occurs in an elective office of the county and the term of office expires less than one year but more than 90 days after the vacancy occurs, the Board of County Commissioners shall appoint a person to fill the vacancy for the remainder of the term of office. The Board must appoint a person to fill the office of Chair through December 31, 2010.

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

None.

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

Multnomah County Charter Section 4.50 provides that if a vacancy occurs in an elective office of

the county and the term of office expires less than one year but more than 90 days after the vacancy occurs, the Board of County Commissioners shall appoint a person to fill the vacancy for the remainder of the term of office.

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

None

Required Signature

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

Deborah Kopyny

Date: 3/18/10

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

Date:

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

Date:

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

Date:



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(revised 12/31/09)

Board Clerk Use Only

Meeting Date: 4/01/10
Agenda Item #: R-2
Est. Start Time: 9:05 AM
Date Submitted: 3/18/10

Agenda Title: Resolution Declaring a Vacancy in the Office of County Chair and Making an Appointment to Fill the Vacancy

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

Requested Meeting Date: April 1, 2010 Amount of Time Needed: 10 minutes
Department: Non-departmental Division:
Contact(s): Chair McLellan, Commissioner Kafoury, Commissioner Shiprack, Commissioner McKeel
Phone: 503-988-5220 Ext. 85220 I/O Address: 503/6th
Presenter(s): County Attorney Agnes Sowle

General Information

1. What action are you requesting from the Board?

Appoint Jeff Cogen to fill the vacancy of Chair of the Board of Commissioners.

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.

On March 4, 2010, Ted Wheeler resigned as Chair of the Board of Commissioners and Jana McLellan was sworn in as his interim designee. Chair Wheeler's term of office runs through December 31, 2010. Multnomah County Charter Section 4.50 provides that if a vacancy occurs in an elective office of the county and the term of office expires less than one year but more than 90 days after the vacancy occurs, the Board of County Commissioners shall appoint a person to fill the vacancy for the remainder of the term of office. The Board must appoint a person to fill the office of Chair through December 31, 2010.

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

None.

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

Multnomah County Charter Section 4.50 provides that if a vacancy occurs in an elective office of

the county and the term of office expires less than one year but more than 90 days after the vacancy occurs, the Board of County Commissioners shall appoint a person to fill the vacancy for the remainder of the term of office.

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

None

Required Signature

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

Deborah Kopp

Date: 3/18/10

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

Date:

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

Date:

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

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 2010-033

Declaring a Vacancy in the Office of County Chair and Making an Appointment to Fill the Vacancy

The Multnomah County Board of Commissioners Finds:

- a. On March 4, 2010, Ted Wheeler, the incumbent County Chair, announced his resignation to accept the appointment to the Office of State Treasurer, and Jana McLellan was sworn in as his interim designee.
- b. Multnomah County Charter Section 4.50 requires the Board of Commissioners to declare the Office of County Chair vacant and appoint a person to fill the vacancy for the remainder of the term.

The Multnomah County Board of Commissioners Resolves:

1. The elective office of Multnomah County Chair is declared vacant as of March 4, 2010.
2. Jeff Cogen is appointed Multnomah County Chair to fill the remainder of the current term through December 31, 2010.

ADOPTED this 1st day of April 2010.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Jana McLellan, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Agnes Sowle, County Attorney

SUBMITTED BY:

Chair McLellan, Commissioner Kafoury,
Commissioner Shiprack, Commissioner McKeel

MULTNOMAH COUNTY**AGENDA PLACEMENT REQUEST**

(revised 12/31/09)

Board Clerk Use Only

Meeting Date: 4/01/10
Agenda Item #: R-3
Est. Start Time: 9:30 am TC
Date Submitted: 1/7/10

Agenda Title: **PUBLIC HEARING and Board Decision of Taxpayer Ray and Laura Paul's Appeal of the Administrator's Final Determination Regarding their 2003-2005 Multnomah County Income Tax (ITAX) Obligations Pursuant to ITAX Administrative Rule 11-614**

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

Requested Meeting Date: 4-1-2010 **Amount of Time Needed:** 30 minutes
Department: County Management **Division:** Finance/ITAX Administration
Contact(s): Mindy Harris
Phone: 503-988-3786 **Ext.** 83786 **I/O Address:** 503/531
Presenter(s): Mindy Harris, Jacquie Weber

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

Taxpayers Ray and Laura Paul challenged the Administrator's final determination regarding their 2003-2005 ITAX obligation, and timely notified the Administrator of their wish to appeal to the Board of County Commissioners pursuant to ITAX Administrative Rule 11-614 Appeal Rights. In each case, the Board must determine whether the taxpayer is subject to the tax, and the amount of their obligation. The Board's decision regarding the taxpayer's obligation is final.

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.

Taxpayers have the right to appeal any determination of the Administrator of the Multnomah County Income Tax by filing written protest. Ray and Laura Paul have filed such a protest, and are entitled to a hearing before the Board of County Commissioners. The responsibility for this program is covered by Program Offer 72014 – ITAX.

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

Taxes, penalties and interest collected by the ITAX program are distributed as follows: 70% of proceeds are passed through to school districts in Multnomah County on a per capita basis; 25% of

proceeds are retained by the General Fund to support specific County programs; and 5% is retained by the General Fund to support administrative collection efforts. The revenue associated with the Pauls' obligation should be considered one time revenue.

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

Ray and Laura Paul are challenging their ITAX obligation on the basis that they do not live in Multnomah County, however they have not provided evidence to substantiate their statement.

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

Ray and Laura Paul have submitted a letter of appeal of their ITAX obligation. The Administrator has reviewed their information and determined that they are liable for the tax for all years. They are entitled to present relevant testimony and oral argument to the Board at a public board meeting, and the Administrator may respond with relevant testimony and oral argument or rebuttal.

Required Signature

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

Mindy Harris

Date: 1/7/10

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 2010-033

Order Denying Appeal of Ray and Laura Paul of ITAX Administrator's Final Determination

The Multnomah County Board of Commissioners Finds:

- a. Ray and Laura Paul timely filed a Notice of Appeal from the Administrator's Final Letter of Determination of their 2003, 2004, 2005 Multnomah County Income Tax.
- b. Appellants challenge the County's imposition of the Multnomah County Income Tax (ITAX) as unlawfully applied to them as they maintained at least two homes during the tax years, living for a greater fraction of each year outside Multnomah County, in Newport, Oregon. The ITAX was approved by the voters as an income tax on taxable income under Oregon law. The evidence submitted to the Board established that the Appellants were registered to vote in Multnomah County and did vote in Multnomah County from 1997 through 2009. In order to vote as a Multnomah County resident, a signed declaration must be made that the voter is domiciled in Multnomah County. Appellants also maintain the Multnomah County address as their legal address for purposes of their Oregon Driver's licenses. Oregon law states that once a domicile is established, it is not lost until all of the following happen: the resident intends to abandon the old domicile, the resident intends to acquire a new specific domicile and the resident is physically present in the new domicile.
- c. The County's decision to apply the tax to the taxpayers as full year residents for each tax year was appropriate, because taxpayers did not establish a domicile as defined by Oregon law outside of Multnomah County during any of the three tax years.
- d. The imposition of the ITAX on Appellants is lawful.

The Multnomah County Board of Commissioners Orders:

1. Ray and Laura Paul's Appeal of the Administrator's Determination of their 2003, 2004, 2005 Multnomah County Income Tax liability is denied.

ADOPTED this 1st day of April, 2010.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Jeff Cogen, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Jacqueline A. Weber, Assistant County Attorney

SUBMITTED BY:
Agnes Sowle, Multnomah County Attorney



Department of County Management
MULTNOMAH COUNTY OREGON

Finance & Risk Management Division
501 SE Hawthorne Blvd, Suite 531
Portland, Oregon 97214-3501
(503) 988-5016 phone
(503) 988-6939 fax

January 6, 2010

TO: Multnomah County Board of Commissioners

FROM: Mindy Harris *MHA*
Multnomah County Personal Income Tax Administrator

RE: Multnomah County Personal Income Tax Appeal of
Ray L. Paul and Laura E. Paul
Account # 26484847045 & 26484847054
Tax years 2003, 2004 and 2005

Issue

Mr. and Mrs. Paul (Appellants) did not file Multnomah County Personal Income Tax (ITAX) returns for the years listed above. Is the Administrator correct in assessing the ITAX on the appellants as full-year County Residents and taxing them on 100% of their Oregon Taxable Income as reported to the Oregon Department of Revenue for all three years?

Facts

For income tax purposes, the Appellants have filed as full-year residents of the State of Oregon for the 2003, 2004 and 2005 tax year. During the years of the ITAX, the Appellants used a Newport, OR mailing address on their federal and Oregon income tax returns. Per Oregon Department of Revenue records, the Appellants changed their address from 6141 S.W. Orchid Dr. by filing their 2003 Oregon income-tax return from Newport, OR. They changed their address back to Orchid Dr. in May, 2008. Their 2942 square-foot home at 6141 S.W. Orchid Dr. in Multnomah County was purchased in 1985, and the Multnomah County property tax records have never been updated to reflect an owners' change of mailing address. As far back as 1994, throughout the duration of the tax and through the November 2008 general election, the Appellants were registered voters in Multnomah County. According to Multnomah County Elections Office, they consistently voted, and continue to vote, as Multnomah County residents. The Appellants also used their S.W. Orchid Dr. address to register and renew their Oregon driver's licenses throughout the duration of the tax. In addition, their son obtained his Oregon driver's license in 2007 at the age of 17 at the Orchid Dr. address.

Discussion

It is the belief of the Appellants that they should not have to pay the ITAX, as they are were not residents of Multnomah County, having lived at their beach home in Newport, Oregon during the years 2003 through 2005. Mr. Paul states that they now live in Port Ludlow, WA, and the Portland and Newport homes are now secondary or vacation homes. As verification of residency for the years in question, the Appellants have submitted only copies of their state and federal income tax returns showing the Newport, OR address. Upon request from the County that the Appellants document the schools attended by the children during the years of the tax, the attorney for Appellants' indicated that based upon his assessment of the Appellants' age they did not have school age children.

The Appellants are currently registered and have voted in Multnomah County. Voting records indicate that both Appellants have consistently voted in Multnomah County from 1994 through the presidential election in 2008. In order to vote as a Multnomah County resident, a signed declaration must be made that the voter is domiciled in Multnomah County. The Appellants also maintain the Multnomah County address as their legal address for purposes of their Oregon Driver's licenses. As far as the status of the children, during the years of the tax the son, Stuart was in middle and high school, being born on August 29, 1990. (When Stuart was 17, he obtained his Oregon driver's license at the Orchid Dr. address.) The daughter, Claire, would have been in grade school, as her birth date is March 27, 1994. As of today, the Appellants are 68 (Ray) and 54 (Laura). It should also be noted that both children were listed as dependents on the 2003 through 2005 federal and tax returns.

One additional fact was obtained from the copies of the 2003 through 2005 tax returns provided: *all* of the *substantial* charitable contributions made throughout the three years of the ITAX were made to organizations in the Portland-Metro area, including their church. No charitable organizations in Newport, or anywhere else on the Oregon coast were part of the itemizations.

According to Oregon Law (Oregon Revised Statute 316.027), which is specifically adopted into the ITAX Administrative Rules, individuals may have many residences but only one legal domicile. Once a domicile is established, it is never lost until all of the following happen: you intend to abandon the old domicile, and you intend to acquire a new specific domicile and you are physically present in the new domicile.

Section 11-620 of the ITAX Administrative Rules states that Multnomah Adjusted Income shall be defined as "Oregon taxable income less the income exemption allowed by this chapter". Section 11-622 states that Multnomah Taxable Income shall be defined as "Multnomah Adjusted Income after any proration for residency outside of Multnomah County". Full-year County residents must pay the tax based on 100% of their Oregon Taxable Income.

Conclusion

The Appellants are full-year Multnomah County Residents. They have not legally abandoned Multnomah County as their county of residence as is required to change domicile. Voting records as well as driver's license registration verify this. In addition, the significant contributions made to a church within the Portland-Metro area support the fact that the Appellants were present during the years in question.

The Appellants have not raised any legal arguments that would dispute the taxation as Multnomah County residents other than to state they lived in Newport as evidenced by the address on their tax returns. However, they took none of the steps required by law to establish that residence as their legal domicile, nor have they provided evidence of their children's school attendance as requested by the County Attorney.

Multnomah County has not violated the legal rights of the Appellants by assessing the ITAX on all income of a Multnomah County resident.



Deborah Bogstad, Board Clerk

MULTNOMAH COUNTY OREGON

Multnomah County Board of Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, Oregon 97214
(503) 988-3277 phone
(503) 988-3013 fax

March 3, 2010

Ray L. Paul and Laura E. Paul
6141 SW Orchid Drive
Portland, OR 97219-4980

RE: NOTICE OF HEARING ON MULTNOMAH COUNTY INCOME TAX
APPEAL [Account Numbers 26484847045 and 26484847054,
Tax Years 2003, 2004 and 2005]

Greetings Mr. and Mrs. Paul:

Via your attorney C. Thomas Davis, you filed a Notice of Appeal from the Final Letters of Determination regarding your 2003, 2004 and 2005 Multnomah County Income Tax.

A hearing is scheduled for you to present your appeal before the Multnomah County Board of Commissioners at 9:30 a.m. on Thursday, April 1, 2010, in the first floor Commissioners Boardroom, 501 SE Hawthorne Boulevard, Portland.

At that time, you may present relevant testimony and oral argument regarding your appeal. The ITAX Administrator will also be in attendance to present relevant testimony and oral argument.

The decision of the Multnomah County Board of Commissioners shall be final and no further administrative appeal shall be provided.

This Notice is provided pursuant to Multnomah County Personal Income Tax (ITAX) Administrative Procedures Section 11-614(E), Appeal Rights.

Sincerely,

Deborah L. Bogstad, Board Clerk

cc: Board of Commissioners
Mindy Harris
Jacquie Weber
C. Thomas Davis

**DAVIS LAW FIRM
12220 SW First Street
Beaverton, Oregon 97005
Tel: (503) 644-9000
Fax: (503) 644-9050**

**C. Thomas Davis
tom@davislawfirm.net**

**Paul C. Galm
paul@davislawfirm.net**

October 21, 2009

VIA CERTIFIED MAIL RRR

Multnomah County Board of Commissioners
PO Box 279
Portland OR 97207-0279

**RE: Multnomah County Board Appeal
Ray Paul and Laura Paul
Address: 6335 SW Arbor Drive, Newport, Oregon 97365
Account No's. 26484847045 and 26484847054**

Dear Board of Commissioners:

I represent the above tax payers with respect to their appeal of the Multnomah County Administrator's Final Letter of Determination enclosed herein. Please consider this letter our appeal of that final determination.

During the tax years of 2003 through 2005, Ray Paul and Laura Paul were not residents of Multnomah County. They own several properties throughout the state and other states. Their residence during this time was 6335 SW Arbor Drive, Newport, Oregon 97365. For verification I have enclosed tax returns that were in their possession and filed for the years 2003, 2004 and 2005 which reflect this address. I have also enclosed a copy of Mr. Ray's W-2.

In its final determination letter, the Multnomah County Tax Administrator said that my client's had not demonstrated *an intent to abandon* their residence in Multnomah County. This determination was based on the fact that they had not changed their license and continued to vote within Multnomah County. My clients accidental failure to change their license address should not be confused with a lack of intent to abandon their Multnomah County residence. Rather, it was simply an oversight by my clients. My clients confirmation that their residence was in Newport at this time, coupled with copies of the tax returns enclosed herein, should be sufficient to show their true intent to abandon their Multnomah County residence.

October 21, 2009

Page 2

Based on the foregoing, I request that you issue a revised determination withdrawing the tax assessment. If you have any questions or concerns, please don't hesitate to call. Thank you and best wishes.

Very truly yours,

A handwritten signature in black ink, appearing to read "C. Thomas Davis". The signature is stylized with a large, looped "C" and a long, sweeping "Davis".

C. Thomas Davis

mjlw:paul.multnomah.10.21.09

cc: Client

enclosures

Multnomah County Personal Income Tax
ITAX Administrator
PO Box 279
Portland, OR 97207-0279
503-988-ITAX (4829)
www.multcotax.org



September 25, 2009

RAY & LAURA PAUL,

ACCOUNT # 26484847045; 26484847054

We are in receipt of your attorney's latest letter requesting that the tax assessments for 2003 through 2005 be cancelled.

Enclosed are the appeal instructions as required by the ITAX Administrative Rules, § 11-614, as well as copies of the Final Letters of Determination that were mailed to you on August 10, 2009. Please provide these documents to your attorney, as it is apparent that he does not have them. If you would like us to contact your attorney directly, please send us written permission to speak with him about all issues concerning your accounts for the three tax years in question.

We accepted your attorney's letter dated 09/03/09 as your notice of appeal. Please note that you are required to file a written statement with the Multnomah County Board of Commissioners addressing the residency issues raised in the Final Determinations by 11/08/09. Failure to file this statement by that date shall result in the loss of your appeal rights.

If you have further questions, you can contact the ITAX Help Desk at 503-988-4829.



DETACH AND RETURN WITH PAYMENT/DOCUMENTS (if applicable)



MULTNOMAH COUNTY ITAX
PO BOX 279
PORTLAND, OR 97207-0279

ACCOUNT #

26484847045
26484847054

P015

Please make your check payable to Multnomah County ITAX.
Please do not include any other correspondence with your payment.
Payments due on weekends or holidays must be received the previous business day.
Postmark is not receipt.

RAY & LAURA PAUL
46 VILLAGE WAY # P125
PORT LUDLOW WA 98365-9762

MULTNOMAH COUNTY ITAX
PO BOX 279
PORTLAND, OR 97207-0279

DAVIS LAW FIRM
12220 SW First Street
Beaverton, Oregon 97005
Tel: (503) 644-9000
Fax: (503) 644-9050

Paul
26484847045

C. Thomas Davis
tom@davislawfirm.net

Paul C. Galm
paul@davislawfirm.net

September 23, 2009

VIA CERTIFIED MAIL RRR

Multnomah County - I Tax
PO Box 279
Portland OR 97207-0279

RE: Account #26484847045 and Account #26484847054
Ray and Laura Paul

Dear Tax Administrator:

Within thirty days of receiving the initial letter of determination, my client filed a protest to disagree with the tax assessment for the tax years 2003, 2004, and 2005. Mr. and Mrs. Paul are not residents of Multnomah County. They own several properties throughout the state and in other states. Their residence is 6335 SW Arbor Drive, Newport, Oregon 97365. For verification I enclose tax returns that were in their possession and filed for the tax years 2003, 2004, and 2005.

I request that you issue a revised letter of determination withdrawing your tax assessment. Thank you and best wishes.

Very truly yours,



C. Thomas Davis

mjlw:multnomah.paul.9.23.09

enclosures

cc: Mr. and Mrs. Paul

DAVIS LAW FIRM
12220 SW First Street
Beaverton, Oregon 97005

Tel: (503) 644-9000
Fax: (503) 644-9050

C. Thomas Davis
tom@davislawfirm.net

Paul C. Galm
paul@davislawfirm.net

VIA CERTIFIED MAIL, RRR and Regular Mail

September 3, 2009

Multnomah County Tax Administrator
P.O. Box 279
Portland, OR 97207-0279

RE: Account #26484847045 and Account #26484847054

Dear Tax Administrator:

Please be advised that I represent Ray and Laura Paul to whom you forwarded account summaries for tax years 2003, 2004 and 2005. Although Mr. and Mrs. Paul do own property in Multnomah County, Oregon, such is not their residence. Please consider this letter our formal objection to the tax assessment.

I am sure you have a procedure for such matters to be contested. Please provide the appropriate documentation to me as the statements are inaccurate and not applicable to my clients. Thank you.

Very truly yours,


C. Thomas Davis

CTD:kb
cc: client

No
✓



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(revised 12/31/09)

Board Clerk Use Only

Meeting Date: 4/01/10
Agenda Item #: R-4
Est. Start Time: 10:00 am
Date Submitted: 3/24/10

Agenda Title: Authorizing Settlement of *Tina Phillips v. Multnomah County, et al*, United States District Court Case No. 10-043 KI

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

Requested Meeting Date:	April 1, 2010	Amount of Time Needed:	5 minutes
Department:	Non-Departmental	Division:	County Attorney
Contact(s):	Agnes Sowle		
Phone:	503/988-3138	Ext.	83138
I/O Address:	503/500		
Presenter(s):	Carlo Calandriello		

General Information

1. What action are you requesting from the Board?

Authorize settlement of the matter of *Tina Phillips v. Catherine Gorton and Multnomah County*, United States District Court Case No. 10-043 KI in the amount of \$27,500.00 inclusive of fees and costs.

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.

On February 8, 2008, Tina Phillips was arrested for a DUII and taken to MCDC. During the booking process at MCDC, physical force was used against Ms. Phillips when she failed to obey orders. As a result of the incident, Ms. Phillips filed a lawsuit alleging violation of her civil rights and assault and battery. The Complaint sought economic, non-economic and punitive damages in amounts to be determined at trial, plus attorney fees and costs.

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

N/A

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

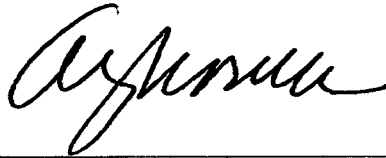
On December 18, 2003, the Board adopted Resolution 07-037 delegating authority to the County Attorney to settle claims and litigation against the County or its employees in amounts up to \$25,000 per case. The County Attorney must obtain Board approval for all settlements of over \$25,000.

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

N/A

Required Signature

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

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

Date:



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 4/01/10
Agenda Item #: R-5
Est. Start Time: 10:05 am
Date Submitted: 3/23/10

Agenda Title: **Authorizing the Settlement of Worker's Compensation Disputed Claims for Doneva Krantz**

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

Requested Meeting Date: April 1, 2010 Amount of Time Needed: 5 minutes
Department: Non-Departmental Division: County Attorney
Contact(s): Agnes Sowle
Phone: 503-988-3138 Ext. 83138 I/O Address: 503/500
Presenter(s): Michelle Cross, Marc Anderson, Agnes Sowle

General Information

1. What action are you requesting from the Board?

Approve the settlement of all workers' compensation claims brought forth by Doneva Krantz for the amount of \$100,000.

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

Board approval would authorize the full and final settlement of all occupational injury and illness claims asserted against Multnomah County.

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

N/A

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

On December 18, 2003, the Board adopted Resolution 07-037 delegating authority to the Risk Manager settle workers compensation claims against the County in amounts up to \$25,000 per case. The County Attorney must obtain Board approval for all settlements of over \$25,000.

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

N/A

Required Signature

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

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

Date: 03/23/10



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST BUDGET MODIFICATION

(revised 12/31/09)

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-6 DATE 4-1-10
LYNDA GROW, BOARD CLERK

Board Clerk Use Only

Meeting Date: 4/01/10
Agenda Item #: R-6
Est. Start Time: 10:10 am
Date Submitted: 3/18/10

BUDGET MODIFICATION: PROJECT REALLOCATION: FPM 10-08

Agenda BUDGET MODIFICATION - Reallocation of Facilities Capital Project Funds
Title: FPM 10-08, Animal Services Site Work CP08.10.18

Note: For all other submissions (i.e. Notices of Intent, Ordinances, Resolutions, Orders or Proclamations) please use the APR short form.

Requested Meeting Date:	<u>April 1, 2010</u>	Amount of Time Needed:	<u>5 mins.</u>
Department:	<u>County Management</u>	Division:	<u>FPM</u>
Contact(s):	<u>John Lindenthal, Alan Proffitt, Cyrus Yamin</u>		
Phone:	<u>503-988-4213</u>	Ext.	<u>x84213</u>
I/O Address:	<u>274/1</u>		
Presenter(s):	<u>John Lindenthal</u>		

General Information

1. What action are you requesting from the Board?

Requested action is to add \$250,000 to the FY10 Animal Services Site Work Project (CP08.10.18 from the Penumbra Kelly Data Center Fire Suppression project (CP08.41.03). This will change the total FY10 budget authorization from \$300,000 to \$550,000.

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

The site work required to support the new modular dispatch office was underestimated due to complexity of site issues revealed during the design and permitting process with the City of Troutdale. The major impacts to the project are the cost of on site treatment of the storm water run off and upgrading of the access road and parking lot to handle access by fire trucks required by Troutdale. The area impacted is adjacent to wetlands thus requiring the storm water mitigation and the road and parking area needs to be built to a standard we did

Budget Modification APR

not originally anticipate. The project estimate was prepared in January 2009 and did not include the road and parking lot standards required by City of Troutdale. Cost of some building materials have also increased since the estimate was prepared. The new modular office is in place and can not be occupied until the site compliance issues are resolved. Additionally we underestimated the electrical and communications requirements to fully support the dispatch function of Animal services mission.

After bidding the project once with all bids coming in over budget we added substantially to the soft costs, specifically design and project management to try to find alternatives to bring the projected costs within budget. Also the costs of the temporary relocation of the dispatch office to Yeon Annex have increased due to the delay in project completion. Those relocation costs are included within these capital project costs.

This change is within FY10 program offer #72071. Program impact is the reallocation of resources (funds) from a planned project to replace the fire suppression system in the data center at the Kelly Building to an immediate need project because of the permit issues to occupy the new modular office.

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

Fiscal year FY10: No overall fiscal impact. Transfer \$250,000 budget expenditure authority from the following project: CP08.41.03 Penumbra Kelly Data Center Fire Suppression (250,000) to CP08.10.18 Animal Services Site Work project.

The Penumbra Kelly Building Data Center Fire Suppression project has been cancelled due to the planned move of the Data Center out of the Kelly Building.

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? If the revenue is from a federal source, please list the Catalog of Federal Assistance Number (CFDA).
None.
- What budgets are increased/decreased?
No budget change except at project level.
- What do the changes accomplish?
N/A
- Do any personnel actions result from this budget modification? Explain.
No.
- If a grant, is 100% of the central and department indirect recovered? If not, please explain why.
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? When the grant expires, what are funding plans? Are there any particular stipulations required by the grant (i.e. cash match, in kind match, reporting requirements etc)?
N/A

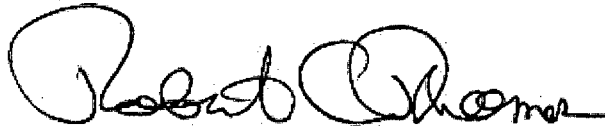
<p><i>NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.</i></p>

ATTACHMENT B

BUDGET MODIFICATION: PROJECT REALLOCATION - FPM 10-08

Required Signatures

Facilities and
Property
Management
Director:



Date: 3/17/10

Chief Financial
Officer:



Date: 3/18/10



Budget Director:

Date:

Budget Modification ID: **FPM 10-08****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2010

Line No.	Fund Center	Fund Code	Program #	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Internal Order	Cost Center	WBS Element						
1	72-50	2507	72071				CP08.41.03	60530	(296,000)	(46,000)	250,000		Fire detect/Halon
2	72-50	2507	72071				CP08.10.18	60530	(300,000)	(550,000)	(250,000)		Animal Services site work B32
3										0			
4										0			
5										0			
6										0			
7										0			
8										0			
9										0			
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27										0			
28										0			
29										0			
											0	0	Total - Page 1
											0	0	GRAND TOTAL

FM Side			PS/CO Side			Cost Element/ Commitment Item	Notes
FM Fund Center	FM Fund Code	Functional Area	Internal Order	Cost Center	WBS Element		
General Fund Contingency				9500001000		60470	Reduce available General Fund Contingency
19	1000	0020		xxx	xxx	xxxxx	Increase Expenditure
xx-xx	xxxxx	0020					
Indirect Central							
xx-xx	xxxxx				xxx	60350	Indirect Expenditure
19	1000	0020		9500001000		50310	Indirect reimbursement revenue in General Fund
19	1000	0020		9500001000		60470	CGF Contingency expenditure
Departmental							
xxx	xxxxx				xxx	60355	Indirect Department Expenditure
xx-xx	1000			xxx	xxx	50370	Indirect Dept reimbursement revenue in General Fund
xx-xx	1000			xxx	xxx	xxx	Off setting Dept expenditure in General Fund
Telecommunications							
xx-xx	xxxxx				xxx	60370	Departmental telecommunication expenditure
72-60	3503	0020		709525		50310	Budgets receipt of reimbursement
72-60	3503	0020		709525		60200	Budgets offsetting expenditure in telecommunications fund
Data Processing							
xx-xx	xxxxx				xxx	60380	Departmental data processing expenditures
72-60	3503	0020		709000		50310	Budgets receipt of Data Processing reimbursement
72-60	3503	0020		709000		60240	Budgets offsetting expenditures
PC Flat Fee (Flat Fee is no longer in effect for most Departments beginning in FY 2007)							
xx-xx	xxxxx				xxx	60390	Departmental PC Flat Fee expenditure
				between 709201 & 709211			
72-60	2508	0020				50310	Budgets receipt of PC Flat Fee
				between 709201 & 709211			
72-60	2508	0020				60240	Budgets offsetting expenditure
Electronic Service Reimbursement							
xx-xx	xxxxx					60420	Departmental Electronics expenditure
72-55	3501	0020		904200		50310	Receipt of Electronics service reimbursement
72-55	3501	0020		904200		60240	Budgets offsetting expenditure
Motor Pool							
xx-xx	xxxxx				xxx	60410	Departmental Motor Pool expenditure
72-55	3501	0020		904100		50310	Budgets receipt of Motor Pool service reimbursement
72-55	3501	0020		904100		60240	Budgets offsetting expenditure
Building Management							
xx-xx	xxxxx				xxx	60430	Departmental Building Management expenditure
72-50	3505	0020		902575		50310	Budgets receipt of Building Management service reimbursement
72-50	3505	0020		902575		60170	Budgets offsetting expenditure
Insurance Service Reimbursement							
xx-xx	xxxxx					60140 or 60145	Departmental Insurance expenditure
72-10	3500	0020		705210		50316	Insurance Revenue
72-10	3500	0020		705210		60330	Offsetting expenditure
Lease Payments to Capital Lease Retirement Fund							
xx-xx	xxxxx					60450	Departmental Capital Lease Retirement expenditure Contact your Budget Analyst to complete this.
Mail & Distribution							
xx-xx	xxxxx				xxx	60460	Mail & Distribution expenditure
72-55	3504	0020		904400		50310	Budgets receipt of service reimbursement
72-55	3504	0020		904400		60230	Budgets offsetting expenditure
Records							
xx-xx	xxxxx				xxx	60460	Records expenditure
72-55	3504	0020		904500		50310	Budgets receipt of service reimbursement
72-55	3504	0020		904500		60240	Budgets offsetting expenditure
Stores							
xx-xx	xxxxx				xxx	60460	Stores expenditure
72-55	3504	0020		904600		50310	Budgets receipt of service reimbursement
72-55	3504	0020		904600		60240	Budgets offsetting expenditure

How are functional areas assigned to cost objects?

For the most part, functional area is related to what department has recorded the revenue or expenditure (i.e. the District Attorney is reported in Public Safety and Justice). There are some exceptions to this rule that require certain funds to be assigned to a particular functional area, regardless of what department the revenues or expenditures are recorded in.

Functional Area Assignments ~ Based on Fund		
1501 – Road Fund	Roads and Bridges	80
1502 – Emergency Communications Fund	Community Services	60
1503 – Bike Path Fund	Community Services	60
1504 – Recreation Fund	Community Services	60
1506 – County School Fund	Community Services	60
1509 – Willamette River Bridges Fund	Roads and Bridges	80
1510 – Library Fund	Library	70
1512 – Land Corner Preservation Fund	Roads and Bridges	80
2500 – Justice Bond Project Fund	Public Safety and Justice	50
2501 – Revenue Bond Project Fund	Community Services	60
2502 – SB 1145 Fund	Public Safety and Justice	50
2504 – Building Project Fund	Community Services	60
2505 – Deferred Maintenance Fund	Community Services	60
2506 – Library Construction / 1996 Bonds Fund	Library	70
2507 – Capital Improvement Fund	Community Services	60
2509 – Asset Preservation Fund	Community Services	60
2510 – Library Property Fund	Library	70
3000 – Dunthorpe-Riverdale Service Dist #14 Fund	Dunthorpe-Riverdale Service Dist #14	500
3001 – Mid County Service District #1 Fund	Mid County Service District #1	510
3002 – Behavioral Health Managed Care Fund	Behavioral Health Managed Care	520

If a cost object is not in one of the funds listed above, then the functional area should be assigned based on the department that the cost object is in.

Functional Area Assignments ~ Based on Department (Fund Center)		
Non-Departmental (10, except 10-50)	General Government	20
Non-Departmental – CCFC (10-50)	Social Services	40
District Attorney (15)	Public Safety and Justice	50
Countywide (18 & 19)	General Government	20
Human Services (20, 25, 26, 30 & 31)	Social Services	40
School and Community Partnerships (21)	Social Services	40
Health (40)	Health Services	30
Community Justice (50)	Public Safety and Justice	50
Sheriff's Office (60)	Public Safety and Justice	50
County Management (72)	General Government	20
Community Services (91)	General Government	20
Library (80)	Library	70

If you have any questions or comments, please contact Susan Luce in General Ledger at ext. 22138.



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST NOTICE OF INTENT

(Revised 12/31/09)

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-7 DATE 4-1-10
NOA GROW, BOARD CLERK

Board Clerk Use Only

Meeting Date: 4/01/10
Agenda Item #: R-7
Est. Start Time: 10:15 am
Date Submitted: 3/24/10

**NOTICE OF INTENT: Aging and Disability Services Division is seeking
Agenda approval to apply for a Corporation for National and Community Services grant
Title: of \$242,874/year for the Foster Grandparent Program.**

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

Requested Meeting Date:	<u>April 1, 2010</u>	Amount of Time Needed:	<u>5 minutes</u>
Department:	<u>County Human Services</u>	Division:	<u>Aging & Disability Services</u>
Contact(s):	<u>Kathy Tinkle</u>		
Phone:	<u>503-988-3691</u>	Ext.	<u>26858</u>
Presenter(s):	<u>Lee Girard</u>	I/O Address:	<u>167/1/620</u>

General Information

1. What action are you requesting from the Board?

The Department of County Human Services (DCHS) Aging and Disability Services Division (ADSD) is requesting approval of this Notice of Intent to apply for the Corporation of National and Community Services (CNCS) Foster Grandparent Program (FGP) grant of \$242,874/year to implement a volunteer program utilizing low-income seniors to provide mentoring and other volunteer supports for children and youth.

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 Corporation for National and Community Services is a federal agency providing funding for a variety of initiatives targeted to volunteerism, civic engagement and community development. The purpose of the Foster Grandparent Program (FGP), part of the Senior Corps, is to engage persons 55 and older, particularly those with limited incomes, in volunteer service to meet critical community needs and to provide a high quality experience that will enrich the lives of volunteers while

mentoring, supporting, and helping vulnerable children.

The service area for this grant will be Multnomah, Clackamas and Washington Counties. Seniors who volunteer through FGP will receive an hourly stipend of \$2.65.

ADSD will be partnering with DCHS SUN Service System, Washington County Disability Aging & Veterans Services, Clackamas County Social Services, schools and community service organizations to recruit volunteers and identify volunteer placement programs and sites.

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

This grant would provide \$242,874 per year to fund direct volunteer support, a 0.5 FTE volunteer coordinator and related direct and indirect program expenses.

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.

ADSD will develop memorandums of understanding with DCHS SUN Service System, Washington County Disability Aging & Veterans Services, and Clackamas County Social Services to establish coordination processes.

ATTACHMENT A

Grant Application/Notice of Intent

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

- **Who is the granting agency?**

The Corporation for National and Community Services, Senior Corps, authorized under Title II, Part A of the Domestic Volunteer Act of 1973, as amended.

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

80% of funds must be applied for direct volunteer benefit, such as hourly stipends and volunteer training. The grant requires a non-federal match of 10% of the total grant budget (federal and non-federal) in either cash or in-kind resources. The program will be required to provide 60,552 hours/year in volunteer services.

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

This grant provides ongoing funding for program operations for a 3 year time period, with the opportunity to apply for continuing funding at the end of the grant period.

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

April 9, 2010

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

July 1, 2010 – June 30, 2013

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

The County will be eligible to apply for continuing funding at the end of the 3-year grant period.

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

The grant allows for the recovery of indirect costs at the approved rate of 5.58% which includes a departmental rate of 2.86% and a central rate of 2.72%.

ATTACHMENT B

Required Signatures

Elected Official or
Department/
Agency Director:

Letter Linker for Joanne Fuller

Date: 03/24/10

[Signature]

Budget Analyst:

Date:



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (revised 09/22/08)

Board Clerk Use Only

Meeting Date: 4/01/10
Agenda Item #: R-8
Est. Start Time: 10:20 am
Date Submitted: 3/17/10

Agenda Title: Acceptance of SW Scholls Ferry Road Conceptual Street Design Plan

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

Requested Meeting Date: April 1, 2010 Amount of Time Needed: 20 minutes
Department: DCS Division: LU&T
Contact(s): Jane McFarland
Phone: 503.988.5050 Ext. x-29620 I/O Address: 455/116
Presenter(s): Jane McFarland – Planning Brian Vincent – County Engineer

General Information

1. What action are you requesting from the Board?

Acceptance of Conceptual Street Design Plan for SW Scholls Ferry Road to accommodate bicycle lanes and sidewalks and improved stormwater drainage

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.

SW Scholls Ferry Road (US 26 interchange south to the Multnomah/Washington County line) is currently built as a rural road with no bike lanes, sidewalks or stormwater management system. Due to the topographical constraints, the road cannot be built to the County's typical urban road standards. The County was awarded a Transportation Growth Management grant from the State to develop a conceptual design of a cross section with bicycle and pedestrian facilities and stormwater drainage improvements. The conceptual design plan provides direction for preliminary engineering and project development leading to the construction of improvements that support the surrounding communities.

The recommended conceptual design requires 3 cross-section segments through the corridor, to deal with the varying topography and right-of-way. Please see the attached

figures for cross-sections by road segment. The cross-section meets or exceeds the County standards for travel lane, bicycle lane and sidewalk width. The conceptual design plan includes recommendations for managing stormwater.

The project supports Program Offer 91019, Transportation Planning, by promoting transportation choices, and strengthening the regional quality of life by providing a safe and efficient multi-modal transportation system that supports its communities and economy.

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

None

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

The acceptance of this Conceptual Design Plan is consistent with and guides the implementation of the Transportation System Plan for the Urban Pockets of Unincorporated Multnomah County – an element of the County's Comprehensive Plan.

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

The planning process included 2 public meetings, a project website, briefing of neighborhood associations and a Project Advisory Committee that included citizen representatives. Staff from Washington County, Clean Water Services, Metro and the City of Portland provided technical assistance throughout the process, and participated on the Project Advisory Committee. Multnomah County's Bicycle and Pedestrian Citizen Advisory Committee was routinely consulted on the design, and concurred with the recommended conceptual design.

Required Signature

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



Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 2010-34

Accepting the SW Scholls Ferry Road Conceptual Design Plan

The Multnomah County Board of Commissioners Finds:

- a. A portion of SW Scholls Ferry Road in western unincorporated Multnomah County is a three-lane , minor arterial connecting US Highway 26 in southwesterly direction to the boundary with Washington County and ultimately the Raleigh Hills Town Center. It is a "county road" as defined under ORS Chapter 368 and is under the jurisdiction of Multnomah County.
- b. In this area, SW Scholls Ferry Road is situated in a steep canyon with numerous constraints. It is narrow with no shoulders, curbs, stormwater drainage, bicycle lanes, or sidewalks. Due to the terrain, it has two uphill (north-bound) travel lanes and a single downhill (south-bound) travel lane.
- c. SW Scholls Ferry Road is designated a Minor Arterial in the Multnomah County Functional Classification Plan.
- d. SW Scholls Ferry Road is designated a Regional Minor Arterial and Regional Bikeway in the Metro 2035 Regional Transportation Plan.
- e. The need for roadway improvements to SW Scholls Ferry Road are documented in Multnomah County's adopted Capital Improvement Plan, Transportation System Plan for the Urban Pockets of Unincorporated Multnomah County, Bicycle Master Plan and Pedestrian Master Plan.
- f. The need for pedestrian and bicycle facilities to support active transportation in the corridor has been identified by communities around and adjacent to SW Scholls Ferry Road.
- g. The County's Land Use and Transportation Program (LUTP) undertook a planning process included public meetings, a project website, neighborhood association briefings and a Project Advisory Committee with citizen representatives. Staff from Washington County, Clean Water Services, Metro and the City of Portland provided technical assistance throughout the process, and participated on the Project Advisory Committee. Multnomah County's Bicycle and Pedestrian Citizen Advisory Committee was routinely consulted on the design, and concurred with the recommended design concept.
- h. Due to the topographical constraints noted above, SW Scholls Ferry Road cannot be built to typical minor arterial standards: 2-4 motor vehicle lanes, a continuous center left-turn lane, bicycle lanes, curbed sidewalks and stormwater facilities. Therefore, a modified design is needed to provide safer multi-modal travel, and manage stormwater incorporating "green street" treatment to the extent practicable.

- i. LUTP planning process discussed above used an Oregon Department of Transportation's (ODOT) Transportation Growth Management (TGM) Grant to fund the development of the recommended conceptual design plan for SW Scholls Ferry Road.
- j. ODOT requires the local government recipient of a TGM grant to formally accept the recommendations of the planning process.

The Multnomah County Board of Commissioners Resolves:

- 1. Multnomah County hereby accepts the recommended Conceptual Design Plan for SW Scholls Ferry Road, which is identified as Exhibit A to this Resolution and is hereby incorporated by this reference.
- 2. The SW Scholls Ferry Road conceptual design plan as set forth in Exhibit A is consistent with and supports the implementation of the Transportation System Plan for the Urban Pockets of Unincorporated Multnomah County element of the Multnomah County Comprehensive Framework Plan.
- 3. Future improvements to SW Scholls Ferry Road by Multnomah County will be guided by Exhibit A.

ADOPTED this 1st day of April 2010.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Jeff Cogen, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Matthew O. Ryan, Assistant County Attorney

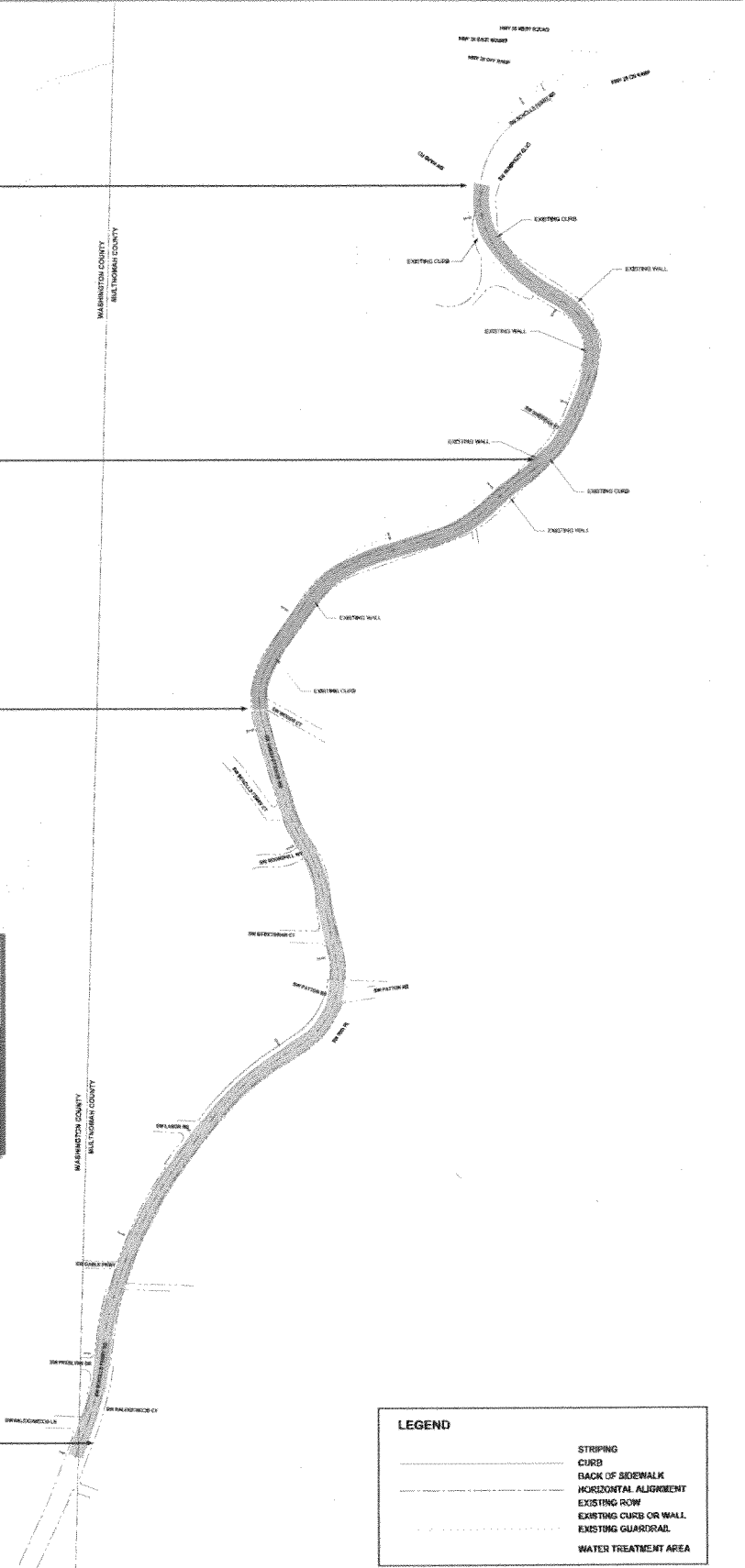
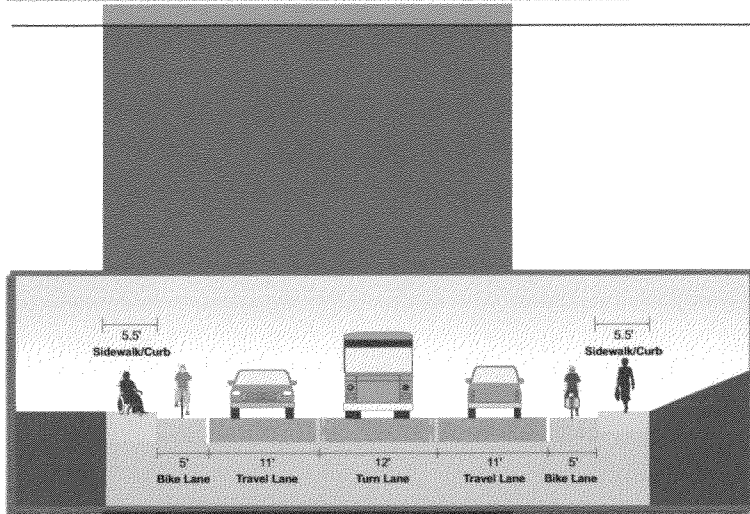
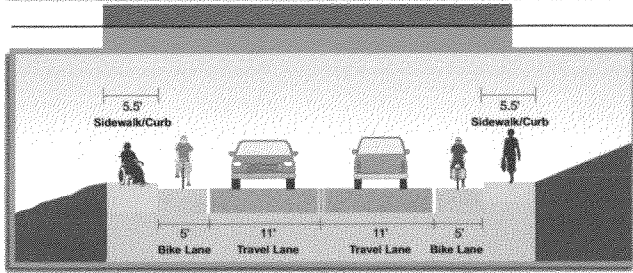
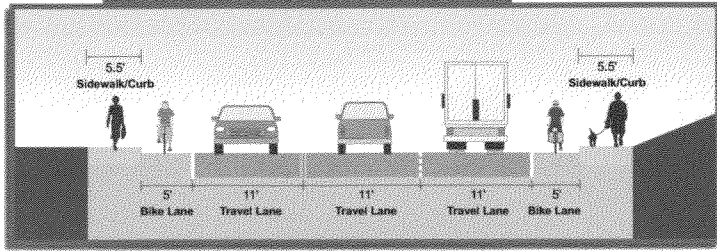
SUBMITTED BY:

M. Cecilia Johnson, Director, Department of Community Services

Scholls Ferry Road Conceptual Design Plan

Street Design Options

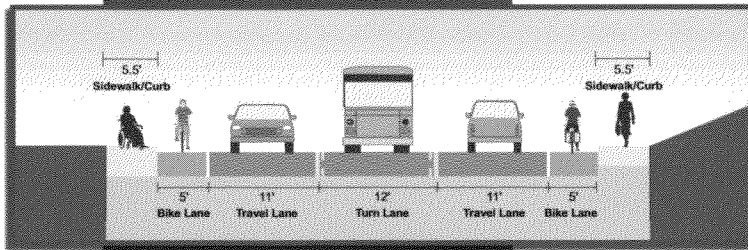
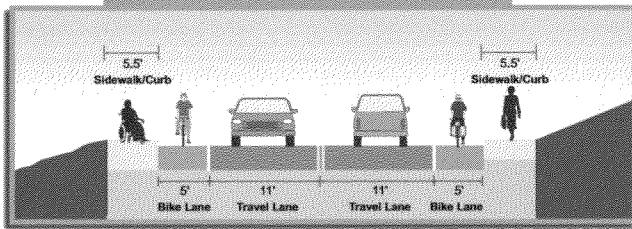
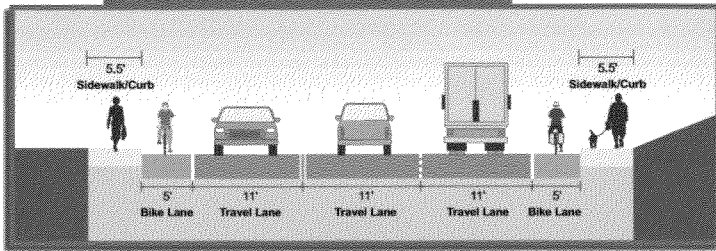
Typical Cross Sections



Scholls Ferry Road Conceptual Design Plan

Street Design Options

Typical Cross Sections



LEGEND

- STRIPING
- CURB
- SACK OF SIDEWALK
- HORIZONTAL ALIGNMENT
- EXISTING ROW
- EXISTING CURB OR WALL
- EXISTING GUARDRAIL
- WATER TREATMENT AREA





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

Board Clerk Use Only

Meeting Date: _____
Agenda Item #: _____
Est. Start Time: _____
Date Submitted: _____

Agenda Title: Acceptance of SW Scholls Ferry Road Conceptual Street Design Plan

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

Requested Meeting Date:	April 1, 2010	Amount of Time Needed:	20 minutes
Department:	DCS	Division:	LU&T
Contact(s):	Jane McFarland		
Phone:	503.988.5050	Ext.	x-29620
I/O Address:	455/116		
Presenter(s):	Jane McFarland – Planning Brian Vincent – County Engineer		

General Information

1. What action are you requesting from the Board?

Acceptance of Conceptual Street Design Plan for SW Scholls Ferry Road to accommodate bicycle lanes and sidewalks and improved stormwater drainage

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.

SW Scholls Ferry Road (US 26 interchange south to the Multnomah/Washington County line) is currently built as a rural road with no bike lanes, sidewalks or stormwater management system. Due to the topographical constraints, the road cannot be built to the County's typical urban road standards. The County was awarded a Transportation Growth Management grant from the State to develop a conceptual design of a cross section with bicycle and pedestrian facilities and stormwater drainage improvements. The conceptual design plan provides direction for preliminary engineering and project development leading to the construction of improvements that support the surrounding communities.

The recommended conceptual design requires 3 cross-section segments through the corridor, to deal with the varying topography and right-of-way. Please see the attached

figures for cross-sections by road segment. The cross-section meets or exceeds the County standards for travel lane, bicycle lane and sidewalk width. The conceptual design plan includes recommendations for managing stormwater.

The project supports Program Offer 91019, Transportation Planning, by promoting transportation choices, and strengthening the regional quality of life by providing a safe and efficient multi-modal transportation system that supports its communities and economy.

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

None

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

The acceptance of this Conceptual Design Plan is consistent with and guides the implementation of the Transportation System Plan for the Urban Pockets of Unincorporated Multnomah County – an element of the County's Comprehensive Plan.

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

The planning process included 2 public meetings, a project website, briefing of neighborhood associations and a Project Advisory Committee that included citizen representatives. Staff from Washington County, Clean Water Services, Metro and the City of Portland provided technical assistance throughout the process, and participated on the Project Advisory Committee. Multnomah County's Bicycle and Pedestrian Citizen Advisory Committee was routinely consulted on the design, and concurred with the recommended conceptual design.

Required Signature

Elected Official or
Department/
Agency Director:

vs M. Cecilia Johnson

Date:

3/17/10

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Accepting the SW Scholls Ferry Road Conceptual Design Plan

The Multnomah County Board of Commissioners Finds:

- a. A portion of SW Scholls Ferry Road in western unincorporated Multnomah County is a three-lane , minor arterial connecting US Highway 26 in southwesterly direction to the boundary with Washington County and ultimately the Raleigh Hills Town Center. It is a "county road" as defined under ORS Chapter 368 and is under the jurisdiction of Multnomah County.
- b. In this area, SW Scholls Ferry Road is situated in a steep canyon with numerous constraints. It is narrow with no shoulders, curbs, stormwater drainage, bicycle lanes, or sidewalks. Due to the terrain, it has two uphill (north-bound) travel lanes and a single downhill (south-bound) travel lane.
- c. SW Scholls Ferry Road is designated a Minor Arterial in the Multnomah County Functional Classification Plan.
- d. SW Scholls Ferry Road is designated a Regional Minor Arterial and Regional Bikeway in the Metro 2035 Regional Transportation Plan.
- e. The need for roadway improvements to SW Scholls Ferry Road are documented in Multnomah County's adopted Capital Improvement Plan, Transportation System Plan for the Urban Pockets of Unincorporated Multnomah County, Bicycle Master Plan and Pedestrian Master Plan.
- f. The need for pedestrian and bicycle facilities to support active transportation in the corridor has been identified by communities around and adjacent to SW Scholls Ferry Road.
- g. The County's Land Use and Transportation Program (LUTP) undertook a planning process included public meetings, a project website, neighborhood association briefings and a Project Advisory Committee with citizen representatives. Staff from Washington County, Clean Water Services, Metro and the City of Portland provided technical assistance throughout the process, and participated on the Project Advisory Committee. Multnomah County's Bicycle and Pedestrian Citizen Advisory Committee was routinely consulted on the design, and concurred with the recommended design concept.
- h. Due to the topographical constraints noted above, SW Scholls Ferry Road cannot be built to typical minor arterial standards: 2-4 motor vehicle lanes, a continuous center left-turn lane, bicycle lanes, curbed sidewalks and stormwater facilities. Therefore, a modified design is needed to provide safer multi-modal travel, and manage stormwater incorporating "green street" treatment to the extent practicable.

- i. LUTP planning process discussed above used an Oregon Department of Transportation's (ODOT) Transportation Growth Management (TGM) Grant to fund the development of the recommended conceptual design plan for SW Scholls Ferry Road.
- j. ODOT requires the local government recipient of a TGM grant to formally accept the recommendations of the planning process.

The Multnomah County Board of Commissioners Resolves:

- 1. Multnomah County hereby accepts the recommended Conceptual Design Plan for SW Scholls Ferry Road, which is identified as Exhibit A to this Resolution and is hereby incorporated by this reference.
- 2. The SW Scholls Ferry Road conceptual design plan as set forth in Exhibit A is consistent with and supports the implementation of the Transportation System Plan for the Urban Pockets of Unincorporated Multnomah County element of the Multnomah County Comprehensive Framework Plan.
- 3. Future improvements to SW Scholls Ferry Road by Multnomah County will be guided by Exhibit A.

ADOPTED this 1st day of April 2010.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Jana McLellan, Interim Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Matthew O. Ryan, Assistant County Attorney

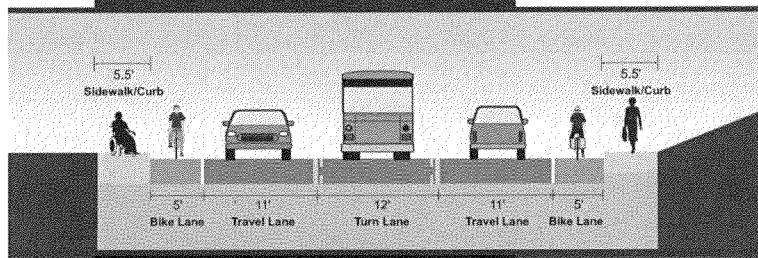
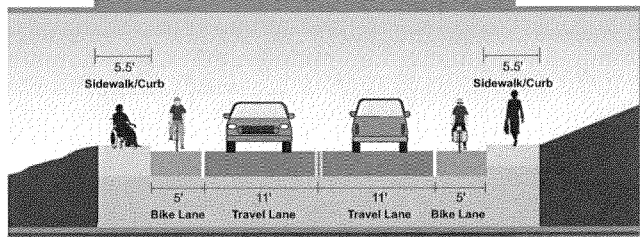
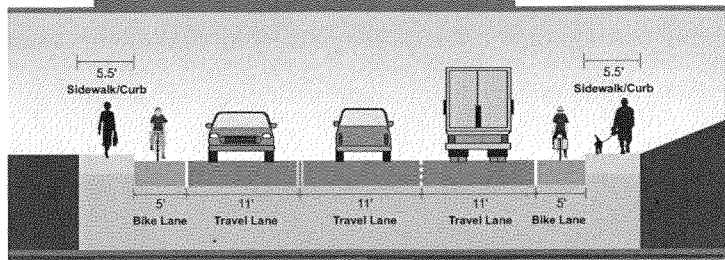
SUBMITTED BY:

M. Cecilia Johnson, Director, Department of Community Services

Scholls Ferry Road Conceptual Design Plan

Street Design Options

Typical Cross Sections





MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 4/01/10
Agenda Item #: R-9
Est. Start Time: 10:40 am
Date Submitted: 3/17/10

FIRST READING - Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code Revisions to adopt the Invasive Plant Policy Review and Regulatory Improvement Project Report in Compliance with Metro's Functional Plan.

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

Date Requested:	April 1, 2010	Time Requested:	5 minutes
Department:	Community Services	Program:	Land Use & Transportation
Contact(s):	Adam Barber		
Phone:	503-988-3043	Ext.	22599
		I/O Address:	455/116
Presenter(s):	Adam Barber		

General Information

1. What action are you requesting from the Board?

Adopt the ordinance as recommended by the Portland Planning Commission and Portland City Council.

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

On October 11, 2001 the Board adopted Ordinance 967 (effective date January 1, 2002) adopting, in summary, the Portland Comprehensive Plan and zoning ordinance. The County and the City of Portland have been engaged in agreements enabling the City of Portland to provide planning services to achieve compliance with the Metro Functional Plan for those areas outside the City limits, but within the urban growth boundary and urban service boundary of Portland. Since the adoption of Ordinance 967 and subsequently Ordinance 997, the attached ordinances have been passed by the Portland City Council and therefore the County must adopt them pursuant to our intergovernmental agreement to keep the code up to date. Multnomah County and the City of Portland entered into an Intergovernmental Agreement (IGA) to transfer land use planning responsibilities on January 1, 2002. The IGA lays out a process requiring the County to ensure that

any amendments to the City's comprehensive plan, zoning code and other regulations adopted by the City Council will be considered by the County Board of Commissioners at the earliest possible meeting. It also states "The County Board of Commissioners shall enact all comprehensive plan and code amendments so that they take effect on the same date specified by the City's enacting ordinance" (unless adopted by emergency). The City will have taken action on all of the above items by the hearing date of this ordinance. If the County does not adopt these amendments, the IGA will be void and the County will be required to resume responsibility for planning and zoning administration within the affected areas.

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

NA

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

State law requires a notice be placed in a newspaper of general circulation 10 days prior (3/22/10) to the BCC hearing. The County Attorney's office was involved in the drafting of the original IGA and has been involved in coordinating our compliance effort through adoption of these code amendments.

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

The City included the County affected property owners in their noticing for these code revisions when required pursuant to the IGA and directed them to the City legislative process.

Required Signatures

Department/
Agency Director:



Date: 3/16/10

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1159

Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Code Revision to Strengthen Invasive Plant Management in Compliance with Metro's Functional Plan

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners (Board) adopted Resolution A in 1983 which directed the County services towards rural services rather than urban.
- b. In 1996, Metro adopted the Functional Plan for the region, mandating that jurisdictions comply with the goals and policies adopted by the Metro Council.
- c. In 1998, the County and the City of Portland (City) amended the Urban Planning Area Agreement to include an agreement that the City would provide planning services to achieve compliance with the Functional Plan for those areas outside the City limits, but within the Urban Growth Boundary and Portland's Urban Services Boundary.
- d. It is impracticable to have the County Planning Commission conduct hearings and make recommendations on land use legislative actions pursuant to MCC 37.0710, within unincorporated areas inside the Urban Growth Boundary for which the City provides urban planning and permitting services. The Board intends to exempt these areas from the requirements of MCC 37.0710, and will instead consider the recommendations of the Portland Planning Commission and City Council when legislative matters for these areas are brought before the Board for action as required by intergovernmental agreement (County Contract #4600002792) (IGA).
- e. On March 4, 2010 the Board amended County land use codes, plans and maps to adopt the City's land use codes, plans and map amendments in compliance with Metro's Functional Plan by Ordinance 1157.
- f. Since the adoption of Ordinance 1157, the City's Planning Commission recommended land use code, plan and map amendments to the City Council through duly noticed public hearings.
- g. The City notified affected County property owners as required by the IGA.
- h. The City Council adopted the *Invasive Plant Policy Review and Regulatory Improvement Project report* and code amendments set out in Section 1 below and attached as Exhibits 1 & 2. The IGA requires that the County adopt these amendments for the City planning and zoning administration within the affected areas.
- i. This matter was noticed on the April 1, 2010, Board Meeting Agenda.
- j. City Code Title 29 is not part of the Portland Zoning Code and is not required to go through the legislative process required in MCC 37.0710 and is adopted by the Board through this ordinance.
- k. The City Council has authorized the *Intergovernmental Agreement to Provide for the Coordinated Regulation and Management of Invasive Plants* between the City of Portland and Multnomah County as shown in Appendix F of Planning Commission Recommended Report to City Council.

Multnomah County Ordains as follows:

Section 1. The County code is amended to include the City code amendments, attached as Exhibits 1-3, effective on the same date as the respective Portland ordinance:

Exhibit No.	Description	Date
1	Ordinance to strengthen invasive plant management (PDX Ord. #183534) (effective July 1, 2010, except Section 33.430.140.L and Section 33.465.150.G that are effective July 1, 2011)	2/10/2010
2	<i>Invasive Plant Policy Review and Regulatory Improvement Project: Planning Commission Recommended Report to City Council (Recommended Report)</i>	1/15/2010

Section 2. MCC Chapter 11.10, § 11.10.350 is amended as follows:

11.10.350 Replacement of portions of Community Plans with City of Portland Comprehensive Plans, Zoning Maps, and Codes.

(A) As of January 1, 2002, the County Comprehensive Framework Plan, and Community Plans, Rural Area Plans, Sectional Zoning Maps, and Multnomah County Zoning Code Chapters are amended to include:

(1) City of Portland Zoning Code, titles 10, 17.38.060, 24.50, 24.70, 32, 33 and 34, to include the 'Code Maintenance 2001' update effective September 7, 2001 and the additional 'Code Maintenance 2001' update as attached

(2) City of Portland Zoning Code amendments relating to the transfer of administration from the County to the City for unincorporated urban areas within Portland's Urban Services Boundary

(3) The Portland Comprehensive Plan

(4) The Portland Comprehensive Plan Maps (with the understanding that the Comprehensive Plan will be amended to include all Multnomah County-Portland unincorporated areas)

(5) The Outer SE and SW Community Plans

(6) The Guilds Lake Industrial Sanctuary Plan

(7) The proposed Metro Design Type Boundary Maps

(8) The proposed County-City Street Classification Conversion Chart

(9) The amended zoning maps attached.

(B) Those portions of unincorporated Community Plans that lie within the City of Portland Urban Services Boundary are repealed and replaced by the respective City of Portland Comprehensive Plan and Community Plans.

(C) Land use codes and zoning maps implementing the County Community Plans are also replaced for those urban areas by the City of Portland Zoning Code titles 10, 17.38.060, 24.50, 24.70, 32, 33 and 34 and maps adopted by reference in those Ordinances.

(D) As of July 1, 2010, the Multnomah County Code is amended to include City of Portland Code Title 29, Property Maintenance Regulations.

Section 3. In accordance with ORS 215.427(3), the changes resulting from Section 1 of this ordinance shall not apply to any decision on an application that is submitted before the applicable effective date of this ordinance and that is made complete prior to the applicable effective date of this ordinance or within 180 days of the initial submission of the application.

Section 4. In accordance with ORS 92.040(2), for any subdivisions for which the initial application is submitted before the applicable effective date of this ordinance, the subdivision application and any subsequent application for construction shall be governed by the County's land use regulations in effect as of the date the subdivision application is first submitted.

Section 5. Any future amendments to the legislative matters listed in Section 1 above, are exempt from the requirements of MCC 37.0710. The Board acknowledges, authorizes and agrees that the Portland Planning Commission will act instead of the Multnomah Planning Commission in the subject unincorporated areas using the City's own procedures, to include notice to and participation by County citizens. The Board will consider the recommendations of the Portland Planning Commission when legislative matters for County unincorporated areas are before the Board for action.

Section 6. The County Chair is authorized and directed to sign the *Intergovernmental Agreement to Provide for the Coordinated Regulation and Management of Invasive Plants* in a form substantially as set forth in Appendix F of the Recommended Report (Exhibit 2).

FIRST READING: _____ April 1, 2010 _____

SECOND READING AND ADOPTION: _____ April 8, 2010 _____

BOARD OF COUNTY COMMISSIONERS,
FOR MULTNOMAH COUNTY, OREGON

Jeff Cogen, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Sandra N. Duffy, Assistant County Attorney

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

EXHIBIT LIST FOR ORDINANCE

1. Ordinance to strengthen invasive plant management (**PDX Ord. #183534**) (effective July 1, 2010, except Section 33.430.140.L and Section 33.465.150.G that are effective July 1, 2011)
2. *Invasive Plant Policy Review and Regulatory Improvement Project: Planning Commission Recommended Report to City Council (January 15, 2010)*

Prior to adoption, this information is available electronically or for viewing at the Multnomah County Board of Commissioners and Agenda website (www.co.multnomah.or.us/cc/WeeklyAgendaPacket/). To obtain the adopted ordinance and exhibits electronically, please contact the Board Clerk at 503-988-3277. These documents may also be purchased on CD-Rom from the Land Use and Transportation Program. Contact the Planning Program at 503-988-3043 for further information.

ORDINANCE No. 183534

Strengthen invasive plant management by adopting the Invasive Plant Policy Review and Regulatory Improvement Project Report (Ordinance; amend Titles 33, 29 and Portland Plant List)

The City of Portland Ordains:

Section 1. The Council finds:

General Findings

1. City policy and regulations related to invasive plant management are evolving with continued scientific information. The City's regulations generally refer to invasive plants as nuisance plants. In 1991, the City published the *Portland Plant List*, which contains three lists: a Native Plants List, a Nuisance Plant List and a Prohibited Plant List. The Nuisance Plant List and the Prohibited Plant List contained plants that were not allowed to be planted in the City's Environmental Overlay Zones and Greenway Overlay Zones. At that time, the City also established that prohibited plants were not allowed in City-required landscaping anywhere within the City.
2. In July 2005, the City updated the provision to state that in addition to prohibited plants, nuisance plants are also not allowed in City-required landscaping anywhere in the City.
3. In 2005, the Pleasant Valley Natural Resources Overlay Zone provisions were added to the Zoning Code. Nuisance and prohibited plants are not allowed to be planted in the Pleasant Valley Natural Resources Overlay Zone.
4. In 2006, the City amended Title 29, Property Maintenance Regulations. Title 29 requires tall weeds to be removed to reduce risks associated with fire or vermin, and includes provisions allowing naturesscaped yards. Regulations do not identify specific species as a health risk or nuisance. The provisions of Title 29 are implemented through the Neighborhood Inspections staff. The City has a nuisance abatement process outlined in this Title.
5. In 2005, the City adopted the *Portland Watershed Management Plan (PWMP)* to provide a comprehensive approach to restoring watershed health. The *PWMP* identified the detrimental impacts of invasive plants.
6. On November 7, 2005, the City held a town hall meeting on invasive species. As follow up to the meeting, the City Council adopted Resolution No. 36360 on November 30, 2005. The resolution directed the development of a work plan and goals to reduce invasive plants in Portland and to support invasive plant management efforts within City bureaus.

7. In response to Resolution No. 36360, the City's Bureau of Environmental Services (BES) led a multi-bureau effort in 2005, culminating in publication of the *Invasive Plant Management Strategy (Strategy)* in November 2008. The *Strategy* calls for many actions, including protecting the best parks habitat; preventing the establishment of new plant invaders; integrating invasive plant management policies into the City's Comprehensive Plan; and incorporating new invasive plant regulations into existing City Codes.
8. In September 2008, BES funded a position in the Bureau of Planning and Sustainability (BPS) to lead a further evaluation and analysis of City policies and codes relating to invasive plants, and to develop recommendations for code updates and improvements. This project is referred to as the Invasive Plant Policy Review and Regulatory Improvement Project. This multi-bureau project effort included review of Portland City Code and other regulatory and policy documents. As part of the effort, numerous amendments and recommendations have emerged.
9. In August, 2009, the City adopted Resolution No. 36726, which adopted the *Strategy* to guide work within all City bureaus related to invasive plants from the present to 2020.
10. On September 24, 2009, a notice of the proposed actions for code updates and improvements as part of the Invasive Plant Policy Review and Regulatory Improvement Project was mailed to the Department of Land Conservation and Development (DLCD). This was done in compliance with the post-acknowledgement review process required by OAR 660-18-020. On September 25, 2009, a confirmation that the notice was received by DLCD was signed.
11. On October 9, 2009, the *Proposed Draft: Report and Recommendations to Planning Commission* for the Invasive Plant Policy Review and Regulatory Improvement Project was published. The *Proposed Draft* recommends, among other things, updating the *Portland Plant List* to include priority ranks and guidance regarding invasive plants, and to amend City Code Titles 33 (Planning and Zoning) and 29 (Property Maintenance Regulations) to improve invasive plant control throughout the City.
12. On November 10, 2009, the Portland Planning Commission held a hearing on the proposal. Staff from the Bureau of Planning and Sustainability, and the Bureau of Environmental Services, presented the proposal. Public testimony was received in both written and verbal form. The Planning Commission voted unanimously to approve the Invasive Plant Policy Review and Regulatory Improvement Project proposal and forward it to City Council.
13. On February 3, 2010, the City Council held a hearing on the Planning Commission recommendation for the Invasive Plant Policy Review and Regulatory Improvement Project. Staff from the Bureau of Planning and Sustainability, and the Bureau of Environmental Services, presented the proposal. Public testimony was received. City Council passed the Invasive Plant Policy Review and Regulatory Improvement Project to a second reading.

14. On February 10, 2010, the City Council held a second reading of the Invasive Plant Policy Review and Regulatory Improvement Project.

Findings on Statewide Planning Goals

15. State of Oregon planning statutes require Oregon cities and counties to adopt and amend comprehensive plans and land use regulations in compliance with statewide land use planning goals. Only the state goals addressed below apply to this project.
16. **Goal 1, Citizen Involvement**, requires provision of opportunities for citizens to be involved in all phases of the planning process. The preparation of these amendments has provided numerous opportunities for public involvement, as described below:
 - a. The Bureau of Planning and Sustainability held numerous meetings with internal and external stakeholders. The internal meetings for the project included staff from BPS, BES, the Bureau of Development Services, the Portland Bureau of Maintenance, the Fire Bureau, the Water Bureau, and the Office of Emergency Management.
 - b. In November 2008, an article about the project, written by BPS staff, was published in the League of Oregon Cities magazine, *Local Focus*.
 - c. The Bureau of Planning and Sustainability held informational public meetings on May 20 and 21, 2009 and on October 29, 2009. BPS and BES staff explained the proposals, answered questions, and accepted public comments and suggestions.
 - d. BPS staff periodically met with and engaged in telephone and email exchanges with many people. For example, BPS met with staff at Clean Water Services, the Oregon Department of Agriculture, the West Multnomah Soil and Water Conservation District, the East Multnomah Soil and Water Conservation District, the Oregon Association of Nurseries, the 4 County Cooperative Weed Area (CWMA), property owners, developers, members of the business community, watershed groups (e.g. Tryon Creek Watershed Council), neighborhood groups (e.g. Southwest Neighborhood and East Portland Neighborhood) and other interested parties in regards to project goals and proposed code provisions. In addition, BPS had communication with staff at local jurisdictions in Oregon, Washington and in other states.
 - e. The Bureau of Planning and Sustainability maintained a project web site that included basic project information, announcements of public events, project documents and staff contact information. This web site is available at <http://www.portlandonline.com/bps/index.cfm?c=51202>. In addition, information about the project was posted on the Bureau of Environmental Services web site.
 - f. A project overview paper describing the project and initial recommendations was sent to the stakeholders in the project database on May 7, 2009.
 - g. BPS staff, in conjunction with staff from BES, Parks & Recreation, and the Water Bureau, assigned ranks to the plants on the nuisance and prohibited plants list. The plant list was sent out for comment to the stakeholders in the project database on February 10, 2009 and May 7, 2009. Comments received were used to make revisions to the list.

- h. BPS, BES, and Multnomah County staff in Land Use Planning, Vector Control, and the County Attorney have worked collaboratively throughout the project. In addition, BPS, BES, and Multnomah County staff has met with the Board of County Commissioners to inform them about the project. BPS staff and Multnomah County staff have prepared an "Intergovernmental Agreement to Provide for the Coordinated Regulation and Management of Invasive Plants Between City of Portland and Multnomah County," to provide for the implementation of Title 29 provisions in the "urban pocket areas" of Multnomah County.
 - i. On October 8, 2009 the required public notice for the Planning Commission hearing was mailed to stakeholders in the project database and to the BPS legislative database.
 - j. On October 9, 2009, the *Proposed Draft: Report and Recommendations to Planning Commission* for the Invasive Plant Policy Review and Regulatory Improvement Project was published.
 - k. On November 10, 2009, the Planning Commission held a hearing on the Invasive Plant Policy Review and Regulatory Improvement Project.
 - l. On January 8, 2010, the required public notice for the City Council hearing was mailed to the project database and to the legislative database.
 - m. On January 15, 2010, the *Planning Commission Recommended Report to City Council* for the Invasive Plant Policy Review and Regulatory Improvement Project was published.
 - n. On February 3, 2010, the City Council held a public hearing on the Invasive Plant Policy Review and Regulatory Improvement Project.
17. **Goal 2, Land Use Planning**, requires the development of a process and policy framework that acts as a basis for all land use decisions and assures that decisions and actions are based on an understanding of the facts relevant to the decision. The amendments support this goal because the amendments use scientific information to formulate policy and regulations. This will provide the most effective regulatory provisions and practical implementation. Specifically, the amendments continue to support Policy 2.6, Open Space; Policy 2.7, Willamette River Greenway; Policy 2.8, Forest Lands; and Policy 2.22, Terwilliger Parkway Corridor Plan. Development of the amendments followed established City procedures for legislative actions. See also the findings for Portland Comprehensive Plan Goal 1, Metropolitan Coordination, and its related policies and objectives.
18. **Goals 3 and 4, Agricultural Lands and Forest Lands**, requires the preservation and maintenance of the state's agricultural and forest lands, generally located outside of urban areas. The amendments are supportive of this goal because they will improve the control of invasive plants, which can spread from urban to rural areas, and from rural to urban areas, and can cause severe environmental and economic impacts.
19. **Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces**, address the conservation of open space and the protection of natural and scenic resources. The amendments are consistent with this goal because they reinforce existing City policies, codes, and programs to conserve and protect identified significant natural resources. Implementation primarily occurs through the Environmental Overlay Zone and other

relevant regulations. The amendments will bolster the codes and programs by clarifying requirements for removal of nuisance plants in all base zones and certain overlay zones in the city. The amendments will also require the removal of certain plants when they are discovered on a property, regardless whether development is proposed. The amendments do not modify adopted ESEE analyses, zoning maps, or the Comprehensive Plan. The findings that relate to the Portland Comprehensive Plan Goal 8, Environment, and the related policies and objectives for Goal 8, also support Goal 5.

20. **Goal 6, Air, Water, and Land Resource Quality**, requires the maintenance and improvement of the quality of air, water, and land resources. The amendments are consistent with this goal because they will make existing regulations clearer and easier to implement, and will create new provisions requiring removal of nuisance plants in certain situations. Targeting removal of invasive (nuisance) plants when the plants are limited in distribution and quantity will reduce the time, money, and effort expended to remove the plants now instead of later, and will reduce the opportunities for the plants to increase in quantity and distribution. This will also reduce environmental impacts by preventing the impacts from occurring. The Portland Comprehensive Plan findings on Goal 8, Environment, and related policies and objectives also support this Goal 6.
21. **Goal 7, Areas Subject to Natural Hazards**, requires the protection of people and property from natural hazards. The amendments support this goal because the project advances the control of nuisance plants which can pose health risks to human and animals, and can exacerbate hazards including risks of wildfire and landslides. Many invasive plants create dense fire prone monocultures or act as fire accelerants. This can be a hazard to adjacent structures, people, and the environment. Removing invasive plants allows native plants to remain and to continue to provide benefits such as bank stabilization and shading in riparian corridors.
22. **Goal 8, Recreational Needs**, requires satisfaction of the recreational needs of both citizens and visitors to the state. The amendments support this goal because the clarifications to existing regulations and the new regulations will improve natural and urban areas by preventing the establishment of nuisance plants and requiring the removal of existing nuisance plants. Nuisance plants can block access to recreational use (e.g. aquatic plants filling a lake) and present fire or health hazards that limit or prevent active and passive recreation.
23. **Goal 9, Economic Development**, requires provision of adequate opportunities for a variety of economic activities vital to public health, welfare, and prosperity. The amendments support this goal. Invasive plants, also known as nuisance plants, affect urban and rural lands, and have dramatic economic and environmental impacts. The Oregon Department of Agriculture estimates that 21 invasive species reduced personal income by \$83 million per year. The U.S. Congress Office of Technology Assessment states that one dollar spent on weed control efforts prevents \$17 in costs for future control efforts. (These statistics come from the Oregon Department of Agriculture, Economic Analysis of Containment Programs, Damages, and Production Losses from Noxious Weeds in Oregon, 2000.)
24. **Goal 14, Urbanization**, requires provision of an orderly and efficient transition of rural lands to urban use. The amendments support this goal because invasive plants are found in urban and rural areas. As land is urbanized there may be an increased chance for invasive

plants to spread. See also findings for Portland Comprehensive Plan Goal 2, Urban Development, and its related policies and objectives.

25. **Goal 15, Willamette River Greenway**, requires protection, conservation, enhancement and maintenance of the natural, scenic, historic, agricultural, economic, and recreational qualities of lands along the Willamette River. The amendments support this goal because sensitive areas are affected more adversely by invasive plants, and stream and river corridors are classic pathways for invasive species to spread through rapidly. Removal of invasive plants is a key action to retaining native habitat for native fish and wildlife, and for maintaining and restoring watershed health.

Findings on Metro Urban Growth Management Functional Plan

26. State land use planning statutes require cities and counties within the Metropolitan Service District boundary to amend comprehensive plans and land use regulations in compliance with the provisions of the Urban Growth Management Functional Plan (UGMFP). Because of the limited scope of the amendments in this ordinance, only the UGMFP Titles addressed below apply.
27. **Title 3, Water Quality, Flood Management and Fish and Wildlife Conservation**, establishes requirements that Metro area cities and counties must meet to reduce flood and landslide hazards, control soil erosion and protect water quality. Title 3 specifically implements the Statewide Land Use Goals 6 and 7. The findings for those Statewide Land Use Goals 6 and 7 are incorporated here to show that the amendments are consistent with this Title. The City's compliance with Title 3 is based on the existing Environmental Overlay Zones and the Greenway Overlay Zones. The amendments are consistent with this Title in that they will prevent harm to the functions of natural resources provide within these overlay zones, including reducing flood hazards, controlling erosion and protecting water quality. The amendments to the City's Property Maintenance Regulations will also help protect natural resources from the impacts of invasive plants. See also findings for Comprehensive Plan Goal 8, Environment.
28. **Title 13, Nature in Neighborhoods**, establishes requirements to conserve, protect, and restore a continuous ecologically viable streamside corridor system that is integrated with upland wildlife habitat and the surrounding urban landscape. These amendments are consistent with this Title because they will protect streamside corridors from invasive plants that can decrease the quality of upland wildlife habitat and streamside habitat. Streamside habitats are sensitive habitats that can be greatly impacted by invasive plants. In addition, streams are classic pathways for the spread of invasive plants.

Findings on Portland's Comprehensive Plan Goals

29. Only the Comprehensive Plan goals addressed below apply.

30. **Goal 1, Metropolitan Coordination**, calls for the Comprehensive Plan to be coordinated with federal and state law and to support regional goals, objectives and plans. The amendments support this goal because the amendments are made in compliance with requirements.

- a. The City's Comprehensive Plan was adopted by the Portland City Council on October 16, 1980, and was acknowledged as being in conformance with the statewide planning goals by the Land Conservation and Development Commission (LCDC) on May 1, 1981. On May 26, 1995, and again on January 25, 2000, the LCDC completed its review of the City's final local periodic review order and periodic review work program, and reaffirmed the plan's compliance with the Statewide Planning Goals.
- b. This ordinance amends the certain portions of the Portland Zoning Code (Title 33) pertaining to Landscaping and Screening (Chapter 248), the Environmental Overlay Zone (Chapter 430), the Greenway Overlay Zone (Chapter 440), the Pleasant Valley Natural Resources Overlay Zone (Chapter 465), the Cascade Station/Portland International Center Plan District (Chapter 508), the Columbia South Shore Plan District (Chapter 515), and the Johnson Creek Basin Plan District (Chapter 537). The amendments do not change the Comprehensive Plan, though recommendations for changes are made. The amendments do not change the official zoning maps.
- c. During the course of public hearings, the Bureau of Planning and Sustainability, the Planning Commission, and the City Council provided all interested parties opportunities to identify, either orally or in writing, any other Comprehensive Plan goal, policy or objective that might apply to the amendments. No additional provisions were identified. Therefore, the amendments satisfy the applicable existing Comprehensive Plan goals, policies and objectives for the reasons stated below.

31. **Policy 1.4, Intergovernmental Coordination**, requires continuous participation in intergovernmental affairs. Policy 1.4 emphasizes working with public agencies to coordinate metropolitan planning and project development, and to maximize the efficient use of public funds. The amendments support this policy because a number of government agencies were notified of this proposal and given the opportunity to comment. Agencies contacted include but are not limited to Metro; the Oregon Department of Agriculture; the Clark County, WA Weed Department; the Multnomah County Drainage District; the Multnomah County, OR Land Use Planning, Vector Control, and County Attorney Departments; the Marion County, OR Department of Public Works; and the King County, WA Noxious Weed Department. In addition, BPS staff discussed the project with the staff of local jurisdictions throughout Oregon, and in states outside of the Pacific Northwest, such as the Illinois Department of Natural Resources.

32. **Goal 2, Urban Development**, calls for maintaining Portland's role as the major regional employment and population center by expanding opportunities for housing and jobs, while retaining the character of established residential neighborhoods and business centers. The amendments support this goal because they continue to support urban development while recognizing and requiring actions related to preventing and managing invasive plants.

33. **Goal 3, Neighborhoods**, calls for the preservation and reinforcement of the stability and diversity of the City's neighborhoods while allowing for increased density. The amendments support this goal because they will help reduce the adverse health and ecological impacts of invasive plants on Portland neighborhoods.
34. **Goal 4, Housing**, calls for enhancing Portland's vitality as a community at the center of the region's housing market by providing housing of different types, density, sizes, costs and locations that accommodates the needs, preferences, and financial capabilities of current and future households. The amendments are consistent with this goal because they will not affect the City's ability to offer diverse housing opportunities to Portlanders. See also the findings for Statewide Planning Goal, Goal 10, Housing and for Metro Title 1.
35. **Goal 5, Economic Development**, calls for the promotion of a strong and diverse economy that provides a full range of employment and economic choices for individuals and families in all parts of the city. The amendments support this goal because invasive plants, also known as nuisance plants, affect urban and rural lands, and have dramatic economic and environmental impacts. The Oregon Department of Agriculture estimates that 21 invasive species reduced personal income by \$83 million per year. The U.S. Congress Office of Technology Assessment states that one dollar spent on weed control efforts prevents \$17 in costs for future control efforts. (These statistics come from the Oregon Department of Agriculture, Economic Analysis of Containment Programs, Damages, and Production Losses from Noxious Weeds in Oregon, 2000.) See also findings for Statewide Planning Goal, Goal 9, Economic Development.
36. **Goal 8, Environment**, calls for the maintenance and improvement of the quality of Portland's air, water, and land resources, as well as the protection of neighborhoods and business centers from noise pollution. The amendments support this goal because they continue and advance existing City policies and programs to conserve and protect significant natural resources as identified in City-adopted natural resource inventories, protection plans, the Environmental Overlay Zone regulations, and the Greenway Overlay Zone regulations. In addition, the amendments will further foster this goal by clarifying requirements for removal of nuisance plants in all base zone and overlay zones in the city. The amendments will also require the removal of certain plants when they are discovered on a property, regardless of development. In addition, the amendments continue to support Policy 8.10, Drainageways; Policy 8.11, Special Areas; Policy 8.14, Natural Resources; Policy 8.15 Wetlands/Riparian/Water Bodies protection; Policy 8.16, Uplands Protection; and Policy 8.17, Wildlife.
37. **Goal 9, Citizen Involvement**, calls for improved methods and ongoing opportunities for citizen involvement in the land use decision-making process, and the implementation, review, and amendment of the Comprehensive Plan. This project followed the process and requirements specified in Chapter 33.740, Legislative Procedure. The amendments support this goal for the reasons found in the findings for Statewide Planning Goal 1, Citizen Involvement. The amendments support this goal because there was early public involvement for all aspects of the project, including collaborative problem definition, goal setting and desired outcomes, development of solution concepts, and early review of documents.
38. **Goal 10, Plan Review and Administration**, calls for periodic review of the Comprehensive Plan, for implementation of the Plan, and addresses amendments to the Plan, to the Plan

Map, and to the Zoning Code and Zoning Map. The amendments support this goal because they will further support existing Comprehensive Plan policies. No recommendations are made to change the Plan Map and the Zoning Map.

39. **Policy 10.10, Amendments to the Zoning and Subdivision Regulations**, requires amendments to the zoning and subdivision regulations to be clear, concise, and applicable to the broad range of development situations faced by a growing, urban city. The amendments support this policy by clarifying Zoning Code provisions related to required removal of invasive plants, and adding a few new provisions requiring removal of invasive plants.
40. **Goal 11 F, Parks and Recreation**, calls for maximizing the quality, safety and usability of parklands and facilities. The amendments support this goal because removing invasive plants and preventing the spread of invasive plants improves the quality of the City's parks. This also limits the spread of invasive plants from City parks to other properties. In addition, when invasive plants are removed from the properties around the City's parks, the spread of plants into the City's parks is reduced.

PUBLIC SAFETY GOALS & POLICIES

41. **Goal 11 G, Fire**, calls for development and maintenance of facilities that adequately respond to the fire protection needs of Portland. The amendments support this goal because some invasive plants are fuel sources for wildfires. Plants such as Traveler's joy (*Clematis vitalba*) can spread quickly and form layers or thickets of vegetation. The monocultures can also increase the frequency of wildfires. Some plants, such as gorse (*Ulex europaeus*) contain high levels of natural oils that make the plants highly flammable. Dead plants can be problematic too. For example, English ivy (*Hedera helix*) can become a conduit for fire to reach tree canopy, and threaten nearby structures.
42. **Goal 11 I, Schools**, calls for enhancing the educational opportunities of Portland's citizens. The amendments support this goal because there opportunities to educate citizens about the impacts of invasive plants.
43. **Goal 12, Urban Design**, calls for enhancing Portland as a livable city, attractive in its setting and dynamic in its urban character by preserving its history and building a substantial legacy of quality private developments and public improvements for future generations. The amendments support this goal because they ensure the continued protection and conservation of Portland's natural resources; the amendments do not change the existing provisions of allowed development.

NOW, THEREFORE, the Council directs:

- a. Adopt Exhibit A, the *Invasive Plant Policy Review and Regulatory Improvement Project: Planning Commission Recommended Report to City Council (Recommended Report)*, dated January 15, 2010.
- b. Amend Title 33, Planning and Zoning, as shown in Appendix A of the *Recommended Report* (Exhibit A).
- c. Adopt the commentary in Appendix A of the *Recommended Report* (Exhibit A) as legislative intent and further findings.

- d. Amend the *Portland Plant List* from an ordinance to an administrative rule as shown in Appendix B of the *Recommended Report* (Exhibit A).
- e. Amend Title 29, Property Maintenance Regulations, as shown in Appendix C of the *Recommended Report* (Exhibit A). Commentary for Title 29 is provided in the administrative rules for Title 29.
- f. Direct the Bureau of Development Services and the Bureau of Environmental Services to adopt the administrative rules entitled "Nuisance Plants Required Removal Program" in Appendix D of the *Recommended Report* (Exhibit A).
- g. Authorize the Mayor and the City Auditor to sign an intergovernmental agreement substantially similar in form and substance to the "Intergovernmental Agreement to Provide for the Coordinated Regulation and Management of Invasive Plants Between City of Portland and Multnomah County," as shown in Appendix G of the *Recommended Report* (Exhibit A).


Section 2. To provide time for City staff to undergo training and develop case tracking systems and documents for staff and public use, this ordinance shall be in force and become effective on July 1, 2010, with the exception of Section 33.430.140.L and Section 33.465.150.G which shall become effective on July 1, 2011.

Section 3. If any section, subsection, clause or phrase of this Ordinance, or the code amendments it adopts, is for any reason held to be invalid or unconstitutional, that shall not affect the validity of the remaining portions of the Portland City Code and other identified documents. Council declares that it would have passed the Portland City Code and other identified documents, and each section, subsection, sentence, clause, and phrase thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, or phrases of this Ordinance, may be found to be invalid or unconstitutional.

Passed by the Council: FEB 10 2010
Mayor Sam Adams
Prepared by: Tricia Sears
Date Prepared: January 26, 2010

LaVonne Griffin-Valade
Auditor of the City of Portland

By


Deputy

✓140

~~155~~ - 215

Agenda No. **183534**
ORDINANCE NO.
 Title

Strengthen invasive plant management by adopting the Invasive Plant Policy Review and Regulatory Improvement Project Report (Ordinance; amend Titles 33, 29 and Portland Plant List)

<p>INTRODUCED BY Commissioner/Auditor: Mayor Sam Adams</p> <p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Adams <i>[Signature]</i></p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Leonard</p> <p>BUREAU APPROVAL</p> <p>Bureau: Planning and Sustainability Bureau Head: Susan Anderson <i>[Signature]</i></p> <p>Prepared by: Tricia Sears Date Prepared: 1/21/2010</p> <p>Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Council Meeting Date February 3, 2010; 9:30 am</p> <p>✓ City Attorney Approval <i>[Signature]</i></p>	<p>CLERK USE: DATE FILED <u>JAN 29 2010</u></p> <p style="text-align: right;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p> <p>ACTION TAKEN:</p> <p style="text-align: center;">FEB 03 2010 PASSED TO SECOND READING FEB 10 2010 9:30 A.M.</p>
---	---

AGENDA
<p>TIME CERTAIN <input checked="" type="checkbox"/> Start time: <u>9:30 am</u></p> <p>Total amount of time needed: <u>45 min</u> (for presentation, testimony and discussion)</p> <p>CONSENT <input type="checkbox"/></p> <p>REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Leonard	✓	
Adams	✓	



Non-Financial Agreement

Vendor Address

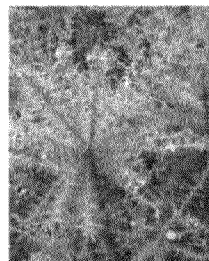
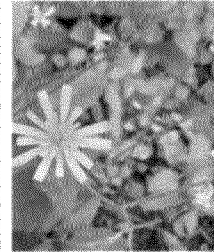
PORTLAND CITY OF OFFICE OF
PLANNING & DEVELOPMENT REVIEW
299/5000

Information

Contract Number 4710000338
Date 07/01/2010
Vendor No. 40847
Contact/Phone Land Use Plng /
X85276
Validity Period: 07/01/2010 - 06/30/2030
Minority Indicator: Not Identified

Item	Material/Description	Target Qty	UM	Unit Price
0001	<p>IGA w/Portland re Invasive Plant Mgmt</p> <p>Plant: F030 Community Service <i>Intergovernmental Agreement with the City of Portland's Bureau of Development Services to provide coordinated regulation and management of Invasive Plants.</i> County Contact: Karen Schilling, Program Manager, x29635 Effective date: July 1, 2010 This is a perpetual agreement</p>			\$ 0.0000

Planning Commission



Invasive Plant Policy Review and Regulatory Improvement Project



City of Portland
Bureau of
**Planning and
Sustainability**
Sam Adams, Mayor
Susan Anderson, Director

Examples of Invasive Plants of Portland

Recommended Report to City Council

January 15, 2010



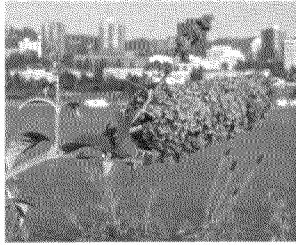
ENVIRONMENTAL SERVICES
CITY OF PORTLAND

working for clean rivers

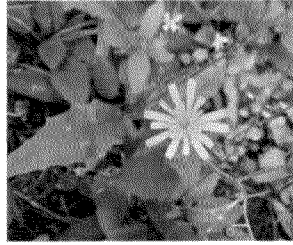
Dan Saltzman, Commissioner in Charge
Dean Marriott, Director

Invasive Plants of Portland

(identification of cover photos)



Butterfly bush
Buddleia davidii



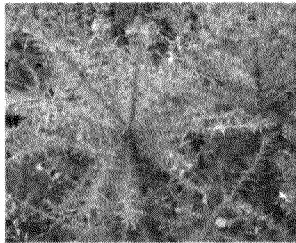
Common hawkweed
Hieracium vulgatum



Garlic mustard
Alliaria petiolata



Giant hogweed
Heracleum mantegazzianum



Gorse
Ulex europaeus



Yellow flag iris
Iris pseudacorus



Purple loosestrife
Lythrum salicaria

The Bureau of Planning and Sustainability is committed to providing equal access to information and hearings.

If you need special accommodation, please call 503-823-7700, the City's TTY at 503-823-6868, or the Oregon Relay Service at 1-800-735-2900.

For more information about the **Invasive Plant Policy Review and Regulatory Improvement Program**, please contact:

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A digital copy of this report can be found at:
<http://www.portlandonline.com/bps>

Acknowledgements

Portland City Council

Sam Adams, *Mayor*
Nick Fish, *Commissioner*
Amanda Fritz, *Commissioner*
Randy Leonard, *Commissioner*
Dan Saltzman, *Commissioner*

Portland Planning Commission

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Amy Cortese, *Vice President*
Michelle Rudd, *Vice President*
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Acknowledgements

Jessica Richman, *BPS*; Shannon Buono, *BPS*; Ralph Sanders, *BPS*; Leslie Wilson, *BPS*; Julie White, *BPS*; Sandra Wood, *BDS*; Kim Freeman, *BDS*; Rachel Whiteside, *BDS*; Doug Morgan, *BDS*; Emily Roth, *BES*; Jennifer Karp, *BES*; Kathryn Beaumont, *City Attorney*; Roland Iparraguirre, *City Attorney*; Ben Walters, *City Attorney*; Adam Barber, *Multnomah County*; Chris Wirth, *Multnomah County*; Sandy Duffy, *Multnomah County*; Damon Reische, *Clean Water Services*; Tim Butler, *Oregon Department of Agriculture (ODA)*; Shannon Brubaker, *ODA*; Tom Forney, *ODA*; 4 County Cooperative Weed Area (CWMA); Oregon Association of Nurseries (OAN); Jonna Papaefthimiou, *Lake Oswego*; Mary Logalbo, *West Multnomah Soil & Water Conservation District*; Phil Burgess, *Clark County, WA*; Glenn Lebsack, *Clark County, WA*; Tanya Beard, *Marion County*; Don Farrar, *Gilliam County*; Vern Holm, *Yamhill County*; Suzanne Rowe, *King County, WA*; Sasha Shaw, *King County, WA*; Sarah Beazley, *City of Chicago*; Steve Shults, *Illinois Department of Natural Resources*; Jody Shimp, *Illinois Department of Natural Resources*

Contributors are from Oregon unless otherwise noted.

Special thanks to those listed above and to all who participated in the project by discussion, coordination, research, review, comment, and other efforts.



City of Portland
Bureau of
**Planning and
Sustainability**

Sam Adams, Mayor
Susan Anderson, Director

**Portland Planning
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January 11, 2010

Mayor Sam Adams and Members of Portland City Council
Portland City Hall
1221 SW Fourth Avenue
Portland, OR 97204

Dear Mayor Adams and Members of Portland City Council:

On November 10, 2010, the Portland Planning Commission voted unanimously to recommend adoption of the **Invasive Plant Policy Review and Regulatory Improvement Project**, which includes amendments to the Portland Plant List, Portland City Code Title 29, Property Maintenance Regulations, and Title 33, Planning and Zoning. We heard from three testifiers and received 13 letters of testimony supporting the City's thorough and necessary work. During the discussion of public involvement City staff readily agreed to continue to work with neighborhood groups and any others who might request briefings in the future.

We appreciated the opportunity to review this City plan that comprehensively addresses the serious issue of invasive plants that crowd out trees, spread forest fires and create other potential hazards in our community. Our responsibility is to oversee land use regulations and policies related to planning, transportation, housing, and the environment. As stewards of the Comprehensive Plan and eventual Portland Plan, we praise the City's efforts to collaborate internally as well as with agencies, businesses and others to address multi-faceted issues.

The Planning Commission recommends adoption of this project that supports the City's Invasive Plant Management Strategy. *We base our recommendation on the following:*

- *Extensive Public Outreach* – Staff assured us they worked with internal staff, interest groups and agencies. In addition, staff provided notice and opportunities for input on the project to the public.
- *Consideration of Impacts on Public and Private Property Owners* – We support authorization of the Portland Plant List as an administrative rule because we feel responsiveness and flexibility will be important to help residents and agencies comply with requirements for removal of certain plants and restoration efforts. The Portland Plant List plus changes to City regulations will assist decision-making regarding removal of plants and restoration efforts.
- *Trained Staff and Sufficient Funding* – We believe changes reflect an effective strategy that relies on trained staff, free assistance to citizens for certain plant removal efforts, and widespread *public education*.
- *Comprehensive Plan / Portland Plan* – As stewards of the City's comprehensive planning rules and policies, we urge further collaborative work among City offices and agencies and comprehensive approaches to multi-faceted issues such as prioritized management of invasive plant contamination.

In summary, we applaud the application of science in support of sound public policy. We thank you for your consideration of our recommendation.

Very truly yours,

Michelle Rudd, Vice President
Portland Planning Commission



Invasive Plant Policy and Regulatory Improvement Project

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Summary

Introduction

The Invasive Plant Policy Review and Regulatory Improvement Project is an effort to improve the City's policies, regulations and procedures related to management of invasive plants. The project is funded by the Bureau of Environmental Services (BES), and led by the Bureau of Planning and Sustainability (BPS).

Context

As a follow up to City-sponsored town hall meeting on invasive species in November 2005, the City Council passed Resolution No. 36360 which required the City to develop a three year work plan and ten year goals to reduce noxious weeds within the city.

In response to Resolution No. 36360, BES led a multi-bureau effort to develop a city-wide invasive species management strategy. The Invasive Plant Management Strategy (Strategy) was published in November 2008. On August 26, 2009, the City Council approved Resolution No. 36726, which established the Strategy as the City's management plan on invasive plants.

The Strategy calls for numerous actions including protecting the highest value City natural areas; preventing the establishment of new plant invaders; integrating invasive plant management policies into the City's Comprehensive Plan; and updating invasive plant regulations in existing City codes.

What Will the Project Change?

The Invasive Plant Policy Review and Regulatory Improvement Project has four components that focus on actions identified by the Strategy.

- *Update the Portland Plant List (PPL) to include priority ranks and guidance regarding invasive plants.* Staff proposes revisions to the PPL to inform City and community invasive species management activities, program development, and priority setting.
- *Evaluate opportunities to improve invasive plant control through development and non-development situations, including updates to City codes and rules.* Staff has evaluated City codes to establish code and policy to effectively manage invasive plant species in development and non-development situations.
- *Coordinate with the Portland Plan project to ensure that invasive species are addressed in the Comprehensive Plan update and the Portland work plan.* Through the Portland Plan, the City should establish clear and ambitious policies and objectives to help advance the invasive species management strategy. Policies relating to invasive plants should be addressed in the contexts of public health, safety, environment, and economy.
- *Research the feasibility of establishing a local noxious or invasive weed law.* Staff is analyzing the legality and the potential benefits, costs, and impacts of establishing a local noxious weed law. Staff has also researched similar laws in other jurisdictions.

What Documents are Attached?

The Report and Recommendations to City Council is comprised of the documents related to the four project components.

The Project Overview Report provides a detailed description of each of the project components, and recommendations. The recommendations address codes and technical documents used by multiple City bureaus and citizens. Specifically, changes are recommended for the Zoning Code (Title 33), the Property Maintenance Regulations (Title 29), the *Portland Plant List*, the *Erosion Control Manual*, the *Stormwater Management Manual*, and the *Tree and Landscaping Manual*. Recommendations also evaluate the feasibility of establishing a City noxious weed law. In some situations, ideas and suggestions were explored and are identified for future research and projects.

The proposed changes to the Zoning Code, with commentary explaining the proposed changes, primarily involve clarifications of existing language related to removal of invasive plants in conjunction with City-required landscaping and mitigation as part of a land use review. An additional provision is proposed to require removal of invasive plants and replanting with natives to compensate for disturbance within the Environmental Overlay Zone and the Pleasant Valley Natural Resources Overlay Zone. Coordination efforts have been made with the Citywide Tree Project and the River Plan/North Reach project staff to ensure that changes for this project are consistent with the changes proposed in the other two projects.

Substantial changes are proposed to the existing text and organization of the *Portland Plant List*. In addition, the Nuisance Plant List and the Prohibited Plant List have been consolidated into one list called the Nuisance Plants List. Forty-three plant species have been added to the list, and twenty-three plant species have been removed from the list. A priority rank has been assigned to each of the plant species on the Nuisance Plant List. These ranks have been established to inform the development and implementation of management activities and regulations. Information added after the 2004 update and printing of the *Portland Plant List*, which has been available on the City's web page, will be included in this revised *Portland Plant List*.

The Planning Commission recommends that the *Portland Plant List* be "reauthorized" by the City Council as an administrative rule. This would affirm the role of the *Portland Plant List* as a technical document similar to the City's other technical documents such as the *Erosion Control Manual* and the *Stormwater Management Manual*. As an administrative rule, the *Portland Plant List* can be updated regularly and as new scientific information emerges. The process to update administrative rules includes an opportunity for public input, but it is more streamlined and less costly than the City's legislative review process.

Two amendments are made to Title 29 Property Maintenance Regulations. The first amendment is the addition of code requiring eradication of specified plants on the Nuisance Plants List, Required Eradication List. There are fifteen plants on this list. The new code provision will be added to Section 29.20.010.G. The second amendment is addition of the definition of eradication, which will be added to Section 29.10.020.V. The purpose of these changes to Title 29 is to promote removal of invasive plants that are not yet widespread in the City. Taking a preventive approach will reduce risks to public health and the environment, and prevent future costs.

Administrative rules for the "Nuisance Plants Required Removal Program" have been drafted to establish and describe the processes and responsibilities for the Bureau of Environmental Services and the Bureau of Development Services related to the implementation of the required eradication of plants on the Nuisance Plants List, Required Eradication List. The authorizing code in Title 29 allows the City to initiate abatement procedures if eradication cannot be accomplished using

voluntary measures and technical assistance from the City. In addition, an intergovernmental agreement between the City of Portland and Multnomah County has been drafted for the implementation of the Title 29 provisions.

The Financial Impact Statement for Council Action Items has been completed as required. Minor fiscal impacts are anticipated because the existing budgeted positions and responsibilities are identified to accommodate the project proposals. For example, the 0.5 position for a dedicated, trained plant specialist to inspect landscape and mitigation sites, to monitor for invasive plant recurrence, and to assist in abatement as necessary is identified in the BES Grey to Green budget for FY 2010-2013.

Copies of the letters submitted to the Planning Commission are included in this report. In addition, a list of City stakeholder involvement actions is included.

Planning Commission Recommendation

The Bureau of Planning and Sustainability, in conjunction with the Bureau of Environmental Services, is seeking the City Council's approval of amendments that affect Title 33 Zoning Code. The Planning Commission also recommends that City Council adopt the ordinance associated with these changes.

It is the responsibility of the Planning Commission to make recommendations on land use policies and codes to the City Council. The Planning Commission notes that for this project, only proposed amendments to Title 33 Zoning Code and to the *Portland Plant List*, and potential future changes to the Comprehensive Plan (in conjunction with the Portland Plan) relate directly to land use policies. Hence, these are the land use policies and codes that the Planning Commission voted upon, and that vote is a recommendation of approval to City Council.

The project components are interrelated and intended to be synergistic. Proposed changes to Title 29 Property Maintenance Regulations and associated administrative rules were provided to the Planning Commission so the Commission could become familiar with the full scope of the Invasive Plant Policy Review and Regulatory Improvement Project. While the Planning Commission does not have an official advisory role in the review of non-land use actions, the review of the full project package helped inform the Commission's recommendation of approval of the project to City Council.

The changes to the *Portland Plant List*, as described within the *Portland Plant List* (an existing ordinance) must be approved by City Council. In addition, the changes to Title 29 Property Maintenance Regulations must be approved by City Council. The "Intergovernmental Agreement to Provide for the Coordinated Regulation and Management of Invasive Plants Between City of Portland and Multnomah County" must be approved by City Council. The Council Financial Statement is required to be included; it addresses potential fiscal impact concerns. The administrative rules for the "Nuisance Plants Required Removal Program" are not subject to a vote by City Council. These administrative rules are included to facilitate adoption of the rules by the Bureau of Environmental Services and the Bureau of Development Services.

Invasive Plant Policy and Regulatory Improvement Project Overview

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Introduction

Invasive plants are a problem that has become more serious in the City of Portland, and in many other Pacific Northwest cities and counties. The proliferation of invasive plants results in environmental and economic impacts. For example, invasive plants can reduce tree health and longevity, create fuel sources for wildfires, and can outcompete and displace native plants that provide food and cover for native wildlife. Removal of invasive plants and replanting with non-invasive plants can be time-consuming and expensive.

Prevention of invasive species, both plants and animals, could entail efforts to prohibit the sales and transportation of certain plants and animals. For example, the City of Chicago established a bold law in May 2007 that prohibits the sales of certain invasive plants and animals, both terrestrial and aquatic. However, the City of Portland does not limit the sales and transportation of invasive plants and animals.

Nursery sales are regulated by the Oregon Department of Agriculture (ODA) under administrative rule (OAR 603-052-1200). This rule prohibits import, transport, propagation or sale of select "A" and "B" State listed noxious weeds and plants on the Federal Noxious Weed List (7 C.F.R. 360.200). The City of Portland does not have jurisdiction to regulate nursery sales or agricultural commodities in Oregon, but the City can regulate the types of vegetation planted.

Some of the plants on the ODA noxious weed list are included in the City's Nuisance Plants List; these plants would remain subject to OAR 603-052-1200. The City of Portland has made managing invasive plants a priority and has established programs, regulations, and policies accordingly. In addition, the City focuses efforts on education and outreach, working with the nursery and seed industry, and other actions such as establishing and funding the Early Detection and Rapid Response program, to prevent invasive species.

Background

The City of Portland has long-recognized invasive plants as a problem. In 1991, the City published the *Portland Plant List* which contains three lists: a Native Plants list, a Nuisance Plant List and a Prohibited Plant List. Nuisance and prohibited plants were not allowed to be planted in Environmental Overlay Zones and in Greenway Overlay Zones. At that time, the City also established that prohibited plants were not allowed in City-required landscaping anywhere in the City. In July 2005, the City updated that provision to state nuisance plants and prohibited plants are not allowed in City-required landscaping anywhere in the City. In 2005, the Pleasant Valley Natural Resources Overlay Zone provisions were added to the Zoning Code. Nuisance and prohibited plants are not allowed to be planted in the Pleasant Valley Natural Resources Overlay Zone.

The Portland City Council adopted the Portland Watershed Management Plan (PWMP) in 2005 to guide City decisions and projects by providing a comprehensive approach to restoring watershed health. The detrimental impacts of invasive plants were identified in the PWMP.

On November 7, 2005, the City held a town hall meeting on invasive species. As a follow up to the meeting, on November 30, 2005, the City Council passed Resolution No. 36360 which required the City to develop a three year work plan and ten year goals to reduce noxious weeds within the City. The resolution states "be it further resolved: that the City of Portland will support invasive weed management efforts within City bureaus..."

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In response to Resolution No. 36360, the Bureau of Environmental Services led a multi-bureau effort to develop a citywide invasive species management strategy (<http://www.portlandonline.com/bes/index.cfm?c=45696>). The final document, the Invasive Plant Management Strategy (Strategy), was published in November 2008. The Strategy calls for numerous actions including protecting the best parks habitat; preventing the establishment of new plant invaders; integrating invasive plant management policies into the City's Comprehensive Plan; and incorporating new invasive plant regulations into existing City codes.

On August 26, 2009, the City Council adopted Resolution No. 36726, the Invasive Species Resolution. This Resolution adopts the November 2008 Invasive Plant Management Strategy to guide work within all bureaus related to invasive plants, from the present until 2020. The Resolution sets forth that the City owned and managed lands are kept free of rank "A" nuisance species, that the spread of rank "B" nuisance species is limited, and that rank "C" nuisance species are removed as funds are available. Actions for each bureau are identified in the Resolution, with additional details in the Strategy.

To implement certain recommendations in the Invasive Plant Management Strategy, the Bureau of Environmental Services is funding the Bureau of Planning and Sustainability (BPS) to lead an evaluation of City policies and rules relating to invasive plants, and to make recommendations for potential updates and improvements. The evaluation is called *the Invasive Plant Policy and Regulatory Improvement Project*.

The project includes these four components.

- Component 1:** Update the *Portland Plant List (PPL)* to include priority ranks and guidance regarding invasive plants. Staff proposes revisions to the *PPL* to inform City and community invasive species management activities, program development, and priority setting.
- Component 2:** Evaluate opportunities to improve invasive plant control through development and non-development situations, including updates to City codes and rules. Staff has evaluated City codes to determine how they could be used more effectively to manage invasive plant species.
- Component 3:** Coordinate with the Portland Plan project to help ensure that invasive species are addressed in the Comprehensive Plan update and Portland Plan work plan.
- Component 4:** Research the feasibility of establishing a local noxious or invasive weed law. Staff is analyzing the legality and the potential benefits, costs, and impacts of establishing a local noxious weed law.

It should be noted that the invasive plants that are regulated by the City of Portland are referred to as nuisance plants. Recommendations emerging from this project are now entering the legislative process to amend the Zoning Code, other City codes, and the *Portland Plant List*. Future changes to technical documents, such as the *Erosion Control Manual*, are recommended but are not part of this legislative process.

These four project components are described in more detail below.

Component 1: Update the *Portland Plant List (PPL)* to Include Priority Ranks and Guidance Regarding Invasive Plants

Currently, the *Portland Plant List* is comprised of the Native Plants List, the Nuisance Plant List, the Prohibited Plant List, and an introductory text that describes plant communities. The *Portland Plant List* was last updated

in March 2004. The City's invasive species management strategy includes updating the *Portland Plant List* to help meet City goals. Proposed changes to the *Portland Plant List* include the following items.

1A: Providing Additional Context, Guidance and Information on Invasive Plants

There are 163 plant species on the City's adopted Nuisance Plant List and the Prohibited Plant List in the *Portland Plant List*. Yet, the *Portland Plant List* contains little information about why the plants are so troublesome, or why the City has a prohibition on planting them in certain areas. Through this project, the City is updating the *Portland Plant List* to provide information about the characteristics and impacts associated with invasive plants. Text in existing sections is revised to include a description of native plants, non-native plants, and the non-native nuisance and prohibited plants. Sections such as the "Introduction," "The Lists," and "History" are re-organized and/ or re-located within the *Portland Plant List*. A new chapter describes the nuisance and prohibited plants, including the definition and assignment of priority ranks as described below. The *Portland Plant List* is revised to reflect the changes in terminology.

Staff also combines the existing Nuisance Plant List and the existing Prohibited Plant List into a single list called the Nuisance Plants List. The plants are grouped by their priority rank ("A-D", "W"). This simplification is appropriate since the City regulates the plants on both lists in the same manner. In addition, the term "prohibited" is confusing because the City does not have the jurisdiction to prohibit the sale of these plants. A plant on the Nuisance Plants List can typically be referred to as a nuisance plant or as a plant on the Nuisance Plants List. References in the *Portland Plant List*, the Zoning Code, and other City documents will be amended to reflect the change in terminology.

1B: Updating Listed Plant Species

Proposed changes to the Nuisance Plants List include removing species (23) and adding species (43). The changes are based on a growing understanding of invasive plants, the recognition of the impacts of invasive plants, the recognition of uses of these plants in erosion control measures, and changes to plant names. These changes have been reviewed and reflect input by local and regional plant experts and stakeholders from City bureaus, agencies, industry, and non-profits. The updated "City of Portland Nuisance Plants List" is provided in the Appendices as part of the *Portland Plant List*.

1C: Assigning Plant Priority Ranks to the Nuisance Plants List

Plants on the Nuisance Plants List can be considered invasive plants. However, some species are more aggressive than others on the list. Some species are already widespread throughout Portland and the metropolitan region, while others are just beginning to emerge here and the spread of these plants could be prevented if detected early. The City of Portland Invasive Plant Management Strategy emphasizes early detection and eradication of invasive plants that are not yet widespread. The Bureau of Environmental Services has established the Early Detection and Rapid Response Program to advance this goal. To further inform and support these management priorities, the City proposes to assign specific priority ranks to the plants on the Nuisance Plants List.

The State of Oregon Department of Agriculture has established priority ranks ("A", "B" and "T") for noxious weeds. The 4 County Cooperative Weed Management Area (CWMA for Multnomah, Washington, Clackamas and Clark counties) has also developed priority ranks ("A-F", "W", "H") for invasive plants in the region. These

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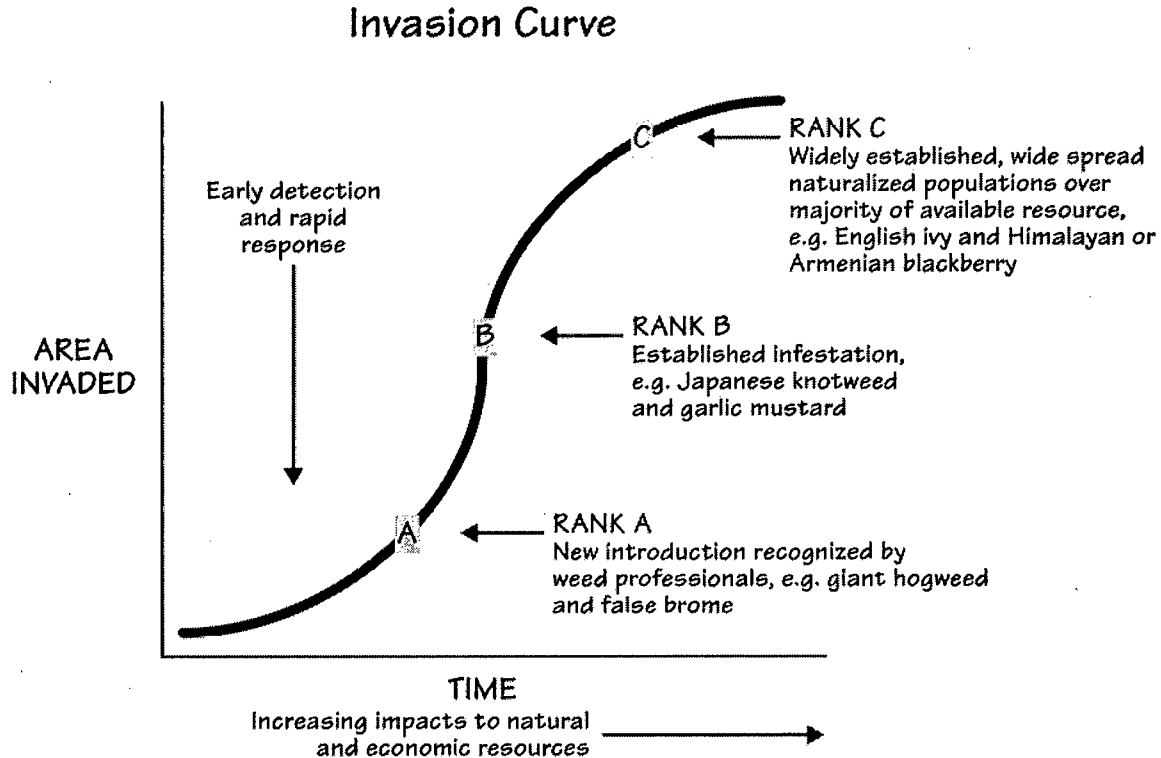
existing ranking systems have been reviewed and refined by City staff from the Bureaus of Environmental Services, Parks and Recreation, Water, and Planning and Sustainability for application to the City of Portland Nuisance Plants List. The ranks indicate the current, relative distribution and extent of the plant in the region.

Proposed ranks are defined as follows:

- A** These species are known to be invasive. These species are known to occur but are not widely distributed in the region. Distribution is limited to a few sites. They spread rapidly and they are difficult to control once they become widespread.
- B** These species are known to be invasive. These species are known to occur in the region. They are more abundant and widely distributed than A; however, the distribution is still limited to patches or specific habitats. Distribution is not as widespread as C plants. These plants can spread rapidly and are difficult to control once they become widespread.
- C** These species are known to be invasive. These species are widely distributed and abundant throughout the region. Their distribution is already very extensive throughout the natural areas and they are difficult to control once they become widespread. These plants are considered ubiquitous.
- D** These species are known to be less aggressive than A, B, and C species. These species are known to occur in the region. These plants persist in the ecosystems with native species and therefore, have less impact on the system than the A, B, and C species.
- W** Watch species. Species occurrence and distribution should be monitored for presence and/or to determine the level of invasiveness in the region.

The proposed ranks will serve as a tool in setting priorities for invasive plant management. Plants that are locally abundant and widely distributed are identified with ranks "C" or "D", while those plants that are not as abundant are identified with ranks "A" or "B". Rank "A" plants are a top priority for control and removal, while rank "D" plants tend to pose less threat to ecological functions.

If the plant has a limited distribution, it is easier to eradicate than if it has a widespread distribution. The diagram below, the Invasion Curve, illustrates this point. When early detection of a plant is achieved, focus on control and eradication can occur. Removal takes less time and money, and is more successful because the native plant community is still intact. As time progresses, the plant becomes widely distributed and abundant throughout the region. It becomes more expensive and time-consuming to control and eradicate the plant. Plus, at this later stage, eradication must be coupled with restoration of the native plant community.



1D: Establishing Definitions

In addition to the priority ranks identified and defined above, the updated *Portland Plant List* will also contain new definitions. Proposed definitions are as follows:

Eradication. Eradication is the removal of the entire nuisance plant – including the above ground portion of the plant, and the roots, shoots and seeds of the plant. The eradication provisions apply to those plants on the Nuisance Plants List, Required Eradication List.

Invasive. Those species that spread at such a rate that they cause harm to human health, the environment and/or the economy. In natural areas, invasive plants are those species that left unchecked could displace native plants and become the dominant species in that vegetation layer. Invasive plants can halt successional processes by limiting the establishment and the growth patterns of native species, and or by changing environmental conditions.

Nuisance Plants List. The Nuisance Plants List is a portion of the City's *Portland Plant List* that identifies undesirable species of plants that are considered invasive in this region. Some plants may be toxic and pose health risks to humans, pets, or livestock. These species may not be planted within the Environmental Overlay Zone, the Greenway Overlay Zone and the Pleasant Valley Natural Resources Overlay Zone. These species may not be planted within City-required landscaped and mitigation areas. The Required Eradication List is part of the Nuisance Plants List.

Region. The region includes the four counties, and the associated cities, of Multnomah, Clackamas, Washington counties in Oregon, and Clark County in Washington. These entities are part of the 4 County Cooperative Weed Management Area (CWMA).

Nuisance Plant Removal. Removal may entail actions such as the removal of: roots, the above ground portion of the plant, and/ or the seeds of the plants such that existing non-nuisance and/or newly installed plants are able to grow and survive. The non-nuisance plants are maintained free of nuisance plants. The City's nuisance plants are identified on the Nuisance Plants List.

1E: Establishing the *Portland Plant List* as an Administrative Rule

Currently the *Portland Plant List* is a blend of City code and administrative rule. The Native Plants List and the Nuisance Plant List can be amended through an administrative procedure; these changes may occur relatively quickly to reflect new information. Amendments to the informational portion of the document or the Prohibited Plant List must be approved through a lengthy legislative process with public hearings before the Planning Commission and City Council.

The City proposes that the *Portland Plant List* be re-established as administrative rule to better reflect its role as a technical document similar to the City's *Erosion Control Manual* and the *Stormwater Management Manual*. This will allow the document to be updated more regularly and as needed to reflect emerging scientific information regarding plants in the region. The revised *Portland Plant List* describes the steps to amend to the Native Plant List, the Nuisance Plants List (the renamed and consolidated list of what are currently referred to as nuisance and prohibited plants), and the informational portion of the document.

The public can request changes to the list or changes to the ranks at any time by sending a written request to BPS. Potential amendments might be collected over a period of time and processed in batches, depending on the nature of the changes and resource availability. BPS will inform key stakeholders; for example, but not limited to neighborhood associations and others, of potential changes and provide reasonable opportunity for review and comment. Potential modifications to the listed species and ranks will be reviewed by at least three or more knowledgeable people with botany, biology, landscape architecture, or other qualified backgrounds. BPS will coordinate the review process, and will make the final decision on the proposed changes.

Component 2: Evaluate Opportunities to Improve Invasive Plant Control in Development and Non-Development Situations, including Updates to City Codes and Rules

The City's Invasive Plant Management Strategy calls for leveraging the City's regulatory authority to advance the removal and management of invasive plants in conjunction with development and in non-development situations. As such, this project has involved an evaluation of City titles including but not limited to: Title 10, Erosion and Sediment Control Regulations; Title 13, Animals; Title 17, Public Improvements; Title 24, Building Regulations; Title 29, Property Maintenance Regulations; and Title 33, Zoning Code. The *Erosion Control Manual*, the *Stormwater Management Manual*, the *Tree and Landscaping Manual*, and the *Recommended Street Tree List* have also been evaluated for consistency with City invasive plant management goals.

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In addition, staff has examined existing and potential avenues of technical assistance the City can provide, as well as current and potential enforcement processes.

The table below summarizes and identifies proposed regulatory improvements to support invasive plant control.

Development and Non-Development Options to Improve Policy and Regulations

Opportunity: Clarify landscape provisions.		
Related City Code Title 33: Zoning Code Ch. 248: Landscaping and Screening	Where it Applies Citywide.	Current & Proposed Approaches Current: Nuisance and prohibited plants are not allowed to be installed as part of City-required landscaping. Current: Extent of required removal of nuisance and prohibited plants is unclear. Proposed: Required removal of groundcovers and shrubs on the Nuisance Plants List, within the City-required landscaping.
Opportunity: Clarify mitigation requirements.		
Related City Code Title 33: Zoning Code -Ch. 248: Landscaping and Screening -Ch. 430: Environmental Overlay Zone -Ch. 440: Greenway Overlay Zone -Ch. 465: Pleasant Valley Natural Resources Overlay Zone	Where it Applies Environmental, Greenway, Pleasant Valley Natural Resources Overlay Zones.	Current & Proposed Approaches Current: Nuisance and prohibited plants are not allowed to be installed in these overlay zones. Current: Extent of required removal of nuisance and prohibited plants is unclear. Proposed: Required removal of groundcovers, shrubs, and trees on the Nuisance Plants List.
Opportunity: Allowed removal of trees, shrubs, and groundcovers on the Nuisance Plants List.		
Related City Code Title 33: Zoning Code -Ch. 430: Environmental Overlay Zone -Ch. 440: Greenway Overlay Zone -Ch. 465: Pleasant Valley Natural Resources Overlay Zone -Ch. 508 Cascade Station/ Portland International Center Plan District -Ch. 33.515: Columbia South Shore Plan District -Ch. 33.537: Johnson Creek Basin Plan District	Where it Applies Environmental, Greenway, Pleasant Valley Natural Resources Overlay Zones. Also, in the Cascade Station/ Portland International Center Plan District, the Columbia South Shore Plan District, and the Johnson Creek Basin Plan District.	Current & Proposed Approaches Current: Allowed by exemption to remove nuisance and prohibited groundcovers, shrubs, and trees in the Environmental, Greenway, and Pleasant Valley Natural Resources Overlay Zones. Removal of nuisance trees is exempt in the Cascade Station/ Portland International Center Plan District and the Columbia South Shore Plan District. Proposed: Continue to allow trees on the Nuisance Plants List to be removed by exemption. For trees, when removed, replacement requirements will be addressed through the Citywide Tree Project. In the Johnson Creek Basin Plan District, add language to allow removal of shrubs and groundcovers on the Nuisance Plants List is proposed.
Opportunity: Require removal of plants on the Nuisance Plants list to compensate for disturbance.		
Related City Code Title 33: Zoning Code -Ch. 430: Environmental Overlay Zone -Ch. 465: Pleasant Valley Natural Resources Overlay Zone	Where it Applies Environmental Overlay Zone and Pleasant Valley Natural Resources Overlay Zone.	Current & Proposed Approaches Current: NA. Proposed: New standard in Section 33.430.140 requires removal of plants on the Nuisance Plants List as compensation for disturbance in the Environmental Overlay Zone. The same standard is proposed in Section 33.465.150 in the Pleasant Valley Natural Resources Overlay Zone.

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Opportunity: Require eradication of certain plants to prevent them from becoming widespread.

Related City Code	Where it Applies	Current & Proposed Approaches
Title 29: Property Maintenance Regulations	Citywide. Plants found during landscape and mitigation inspections, site visits, or otherwise reported in development and non-development situations.	Current: Title 29 requires tall weeds to be removed to reduce risks associated with fire or vermin. Regulations do not identify specific species as a health risk or nuisance. Proposed: Require removal of plants on the Nuisance Plants List, Required Eradication List from the entire property if found. These plants are designated as Rank "A" plants that are also contained in the State of Oregon Noxious Weed List. Note: The City has the authority to place plants on the City list that are not on the state list, if deemed appropriate in the future.

Opportunity: Erosion Control Manual, Stormwater Management Manual, Tree and Landscaping Manual, Recommended Street Trees

Related City Code	Where it Applies	Current & Proposed Approaches
Technical manuals adopted as administrative rules, and handouts.	Citywide.	Current: Some nuisance and prohibited plants are allowed to be installed to meet City requirements. Proposed: Work to ensure these lists are consistent with the City's goals to control and eradicate invasive plants.

Details from this summary table are described below.

- 2A:** Clarify zoning regulations to require removal of plants on the Nuisance Plants List in conjunction with required landscaping.
- 2B:** Clarify zoning regulations to require removal of plants on the Nuisance Plants List in the Environmental, Greenway, and Pleasant Valley Natural Resources Overlay Zones, and the Cascade Station/ Portland International Center, Columbia South Shore, and Johnson Creek Basin Plan Districts.
- 2C:** Establish rules requiring that certain early detection species on the Nuisance Plants List be eradicated from a property if discovered.
- 2D:** Initiate a process to ensure the *Erosion Control Manual* be made consistent with City goals to control and eradicate invasive plants.
- 2E:** Initiate a process to ensure the *Tree and Landscaping Manual*, the *Recommended Street Tree List*, and the *Stormwater Management Manual* be made consistent with City goals to control and eradicate invasive plants.

Each of these is further described below.

2A: Clarify Zoning Regulations to Require Removal of Plants on the Nuisance Plants List in Conjunction with Required Landscaping

Currently, the City does not allow plants on the Nuisance Plants List to be planted in the Environmental Overlay Zones, the Greenway Overlay Zones, the Pleasant Valley Natural Resources Overlay Zone, and City-required landscaped areas. The existing language in the Zoning Code is clear.

However, it is unclear whether the Zoning Code requires removal of plants on the Nuisance Plants List in required landscape and mitigation areas. Clarifications are proposed to clearly specify that citywide (i.e., in all

base zones, overlay zones, and plan districts), plants on the Nuisance Plants List must be removed from City-required landscaped areas and mitigation areas (mitigation is discussed below). Removal of these plants facilitates growth and survival of non-nuisance vegetation.

To clarify what constitutes “removal” and “eradication” of plants on the Nuisance Plants List, new description of nuisance plant removal and a definition of eradication are proposed. Eradication is a form of removal that essentially eliminates the plant in its entirety, while a portion of the plant may remain with nuisance plant removal. The term nuisance plant removal is added to the Zoning Code (Title 33). The definition of eradication is added to the Property Maintenance Regulations (Title 29). Both terms are included as part of the changes to the *Portland Plant List*.

New provisions require removal of all plants - groundcovers, shrubs, and trees - on the Nuisance Plants List from the City-required landscaped areas and mitigation areas. This proposal distinguishes between required removal of groundcovers and shrubs, and required removal of trees. Trees provide a diverse range of benefits that contribute to community livability and watershed health, including neighborhood character and property value, cooling and cleaning of air and water, capturing carbon dioxide, and providing wildlife habitat. Invasive trees can spread by several methods, such as seed dispersal by wind, animal consumption and defecation, and transportation by shoes and tires. Seeds can move into natural and developed areas.

Requiring removal of trees in all City-required landscaped areas and mitigation areas was considered, but requiring removal of trees would eliminate many of the benefits of trees from a site and if done at a large scale, cumulatively, could degrade the health of the watershed. Plus, tree removal is often costly. In attempts to balance these public and private benefits, risks, and costs, the proposed provisions require trees on the Nuisance Plants List to be removed only in conjunction with City-required mitigation in environmentally sensitive areas.

The proposed requirements to remove plants on the Nuisance Plants List from City-required landscaping areas and mitigation areas, are stated in Chapter 33.248, Landscaping and Screening. Section 33.248.030 is applicable to landscape areas in all base zones, while Section 33.248.090 is applicable to mitigation areas.

Implementation of these provisions will be through the existing inspections procedures; therefore, no new inspections are required. Having trained and dedicated staff with plant identification skills, including recognition of plants on the Nuisance Plants List, will be the most effective way to implement the provisions.

Proposed amendments to Section 33.248.030 clarify that plants on the Nuisance Plants List are not allowed to be installed; and that removal of plants on the Nuisance Plants List – specifically groundcovers and shrubs - is required. Trees on the Nuisance Plants List are not required to be removed. These amendments help ensure that invasive plants are not spreading from City-required landscaped areas.

The provisions in Section 33.248.090 state that all required mitigation areas must be cleared of groundcovers and shrubs on the Nuisance Plants List. And, if the site is within the Environmental Overlay Zone, the Pleasant Valley Natural Resources Overlay Zone, and the River Natural and River Water Quality Zones in the Greenway Overlay Zone, then trees on the Nuisance Plants List must also be removed from the mitigation area.

An applicant could request to not meet the requirement in Section 33.248.090 in one or more of the following ways:

- In an Environmental Review, that request would be a Modification and reviewed as part of the land use review. Modification criteria are in Section 33.430.280.

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- In a Pleasant Valley Review, that request would be part of the land use review; neither a Modification nor an Adjustment would be needed because Chapter 33.465 has Section 33.465.180 Standards for Mitigation. Subsection C requires removal of invasive vegetation and Section G requires compliance with Section 33.248.090. If the standard is not met, the proposed development must be reviewed through a land use review.
- In a Greenway Review, the request would be an Adjustment that would be reviewed as part of the land use review. Chapter 33.440 has Section 33.440.345.B.1.e which requires the applicant to comply with Section 33.248.090. If that requirement is not met, an Adjustment must be requested.

2B: Clarify Zoning Regulations to Require Removal of Plants on the Nuisance Plants List in the Environmental, Greenway, and Pleasant Valley Natural Resources Overlay Zones and the Columbia South Shore and Johnson Creek Basin Plan Districts

Section 33.248.090 relates to mitigation for loss of natural resources; this is most commonly related to requirements in the Environmental, Greenway, and Pleasant Valley Natural Resources Overlay Zones. In addition to the provisions in Section 33.248.090, mitigation requirements are also found in the respective chapters of the overlay zones.

Amendments are proposed in each of these chapters to more clearly and effectively address removal of invasive plants. Several amendments proposed with the *Proposed Draft: Report and Recommendations to Planning Commission*, dated October 9, 2009, have been revised or eliminated with the Planning Commission memo dated November 10, 2009. The memo is entitled "Addendum to the Invasive Plant Policy Review and Regulatory Improvement Project regarding the Proposed Draft: Report and Recommendations to Planning Commission, October 9, 2009". Changes are noted below.

- Environmental Overlay Zone, Chapter 33.430

■ Exemptions

The Environmental Overlay Zone has existing provisions pertaining to removal of plants on the Nuisance Plants List, and replanting of land with native plants as a mitigation requirement for development impacts. Currently, removal of groundcovers, shrubs, and trees on the Nuisance Plants List is, and is proposed to remain, an exempt activity.

The proposal before the City Council no longer modifies the exemption to require replacement of nuisance trees that are removed, with native trees. The discussion about required replacement of trees, when it applies and what size of replacement trees is required, is integrated into the *Citywide Tree Project*. The replacement requirement is meant to ensure that the urban forest and associated benefits are replenished over time. However, how to establish the thresholds of when and how to replace removed trees – native trees, non-native non-nuisance trees, and non-native nuisance trees- necessitates that the discussion be folded into the project with the larger scale.

■ Development Standards

A new standard is proposed in Section 33.430.140, General Development Standards. The purpose of the standard is to help restore lost resource values and functions resulting from disturbance in the Environmental Overlay Zone. This standard is similar in purpose and approach to the existing tree replacement and site enhancement standards in this chapter.

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The new standard requires removal of plants on the Nuisance Plants List in an area on the site that is 50 percent of the size of the proposed permanent disturbance area. The nuisance plant removal must occur outside of the permanent and temporary disturbance areas.

If the site does not contain an area or areas of nuisance plants that total at least 50 percent of the size of the proposed permanent disturbance area, then the area of required plant removal will be less than 50% but will include the entire area or areas of nuisance plants. If site contains an area of nuisance plants that totals more than 50 percent of the size of the proposed permanent disturbance area, then the required nuisance plant removal area would not exceed the 50 percent.

Replanting of the area of removal with native species listed on the *Portland Plant List* is required. The minimum planting density requirement is to seed the entire area of removal with a native grass seed and to install seven groundcover plants and two shrubs per 50 square feet. The groundcover plants must be a minimum size of four inch pots and the shrubs must be a minimum size of 1 gallon pots.

■ Mitigation Areas

Currently, as part of an Environmental Review, nuisance groundcovers and shrubs are typically required to be removed from the mitigation area. The proposal clarifies the requirements for nuisance plant removal, including stating that the removal of trees on the Nuisance Plants List is required within a mitigation area. The removal of trees would only be required as part of an Environmental Review, within the mitigation area. If removal of those trees is not desired or is not possible, the applicant may propose to provide an alternative; that will be reviewed as part of the Environmental Review. This requirement is, as noted earlier, part of the requirements in Section 33.248.090, Mitigation and Restoration Plantings, and also applies to the Pleasant Valley Natural Resources Overlay Zone and the Greenway Overlay Zone in the River Natural and River Water Quality Zones. All of these areas require mitigation when development occurs.

The City recognizes that trees provide many benefits; these benefits are so substantial that removal of trees listed on the Nuisance Plants List should only occur in the areas that will be most impacted by the spread of invasive species. The Environmental Overlay Zone is considered a valuable resource area, which includes riparian corridors and terrestrial areas that provide habitat and other functions. These are sensitive areas.

- Greenway Overlay Zone, Chapter 33.440

Like Chapter 33.430, Chapter 33.440, Greenway Overlay Zones, exempts removal of plants (groundcovers, shrubs and trees) on the Nuisance Plants List from the regulations of that chapter (Section 33.440.320.L). As is proposed for the Environmental Overlay Zone, the language in the Greenway Overlay Zone will retain the provision that nuisance plant removal is exempt from the regulations and does not require review. Shrubs and groundcovers continue to be allowed to be removed without replacement. As was noted in the exemptions provisions for the Environmental Overlay Zone, trees on the Nuisance Plants List that are removed will remain an exempt activity. At this time, the removed nuisance trees will not be required to be replaced with native trees from the *Portland Plant List*.

Other than the language in Section 33.440.320.L, the Greenway Overlay Zone regulations do not address removal of plants on the Nuisance Plants List during development projects. However, the general landscape provisions of Section 33.248.030 and Section 33.248.090 apply to development in the Greenway Overlay Zone. With the proposed changes described previously in the provisions for Chapter 33.248, the removal of plants on the Nuisance Plants List is required. Groundcovers and shrubs are required to be removed, but not trees.

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However, as is proposed for the Environmental Overlay Zone, removal of nuisance trees is required in conjunction with required mitigation within the River Natural and River Water Quality Zones.

■ River Plan/North Reach Project

Currently, the Greenway Overlay Zone is being updated through the River Plan project. The proposed update for the North Reach of the Willamette River is underway. New River Plan/North Reach code provisions are in the public review process. Some of the Chapter 33.440 provisions will be re-located in a new Chapter 33.475, River Overlay Zones. The proposal includes consolidation of the River Natural and Water Quality Overlay Zones into a new River Environmental Overlay Zone. Proposed language in the River Environmental Overlay Zone addresses removal of plants on the Nuisance Plants List. The provisions noted below are subject to change during the on-going review process for the River Plan/ North Reach.

Section 33.475.430 Items Allowed without River Review

As proposed, the exemption stated in Section 33.475.430.A.3.f is "Removing plants listed on the nuisance and prohibited plants lists except for trees." This provision allows groundcovers and shrubs on the Nuisance Plants List to be removed as an exempt activity; but removal of trees on the Nuisance Plants List is not an exempt activity.

Removal of trees on the Nuisance Plants List is an activity that must meet standards. Section 33.475.430.B Standards for Development and Exterior Alterations includes tree removal standards.

Section 33.475.430.B.8 is Standards for Tree Removal. Under subsection a it states "Trees that are not native trees on the *Portland Plant List* may be removed."

Section 33.475.430.B.9 is Mitigation. Section 33.475.430.B.9.d states "Nuisance and prohibited plants identified on the *Portland Plant List* must be removed within the area to be replanted. Trees removed to meet this subparagraph must be replaced as specified in subparagraph B.8.c above." Section 33.475.430.9.i states "The requirements of Section 33.248.090, Mitigation and Restoration Plantings must be met."

The *Invasive Plant Policy Review and Regulatory Improvement Project* and the *River Plan/North Reach Project* staff coordinate efforts to ensure that code provisions will correspond and be consistent with each project. This is an on-going effort and will be carried forth through the upcoming River Plan projects for the Central and South reaches of the Willamette River.

- Pleasant Valley Natural Resources Overlay Zone, Chapter 33.465

The Pleasant Valley Natural Resources Overlay Zone, Chapter 33.465, is set up similar to the Environmental Overlay Zone format of exemptions, prohibitions, and requirements relating to native plants and to plants on the Nuisance Plants List.

Section 33.465.180.C states that "invasive vegetation must be removed within the mitigation area." This provision is changed to specify that plants on the Nuisance Plants List must be removed within the mitigation area. Other amendments to the Environmental Overlay Zone regulations, as described above, are proposed for the Pleasant Valley Natural Resources Overlay Zone provisions. These include nuisance plant removal to compensate for impacts of disturbance, and the removal of nuisance trees in required mitigation areas.

- Cascade Station/ Portland International Center Plan District, Chapter 33.508

As is proposed in the overlay zones noted above, the removal of trees on the Nuisance Plants List will remain an exempt activity. At this time, replacement will not be required. The main change in this chapter is to reflect the consolidation and name change of the Nuisance Plants List.

- Columbia South Shore Plan District, Chapter 33.515

As is proposed for the Environmental Overlay Zone, the Greenway Overlay Zone, and the Pleasant Valley Natural Resources Overlay Zone, the removal of groundcovers, shrubs, and trees on the Nuisance Plants List remains an exempt activity. At this time, replacement will not be required. The main change in this chapter is to reflect the consolidation and name change of the Nuisance Plants List.

- Johnson Creek Basin Plan District, Chapter 33.537

The Johnson Creek Basin Plan District contains no existing language about removal of plants on the Nuisance Plants List. New language is proposed to address removal of groundcovers, shrubs, and trees on the Nuisance Plants List. The language distinguishes between removal of groundcovers and shrubs, and removal of trees, on the Nuisance Plants List. The proposed language in the Johnson Creek Basin Plan District is similar to the language in noted above for the three overlay zones, the Cascade Station/ Portland International Center Plan District, and the Columbia South Shore Plan District. New language in Section 33.537.100, General Development Standards, allows removal of groundcovers and shrubs on the Nuisance Plants List without replacement vegetation. The language proposed in Sections 33.537.130, 33.537.140, and 33.537.150 regarding removal of trees on the Nuisance Plants List while requiring replacement with trees not on the Nuisance Plants List has been removed from the proposal. This language is under discussion as part of the *Citywide Tree Project*.

- Definitions

As mentioned earlier, a description of nuisance plant removal and a definition of eradication are proposed to be created through this project. The description of nuisance plants removal will be included in the Zoning Code (Title 33) as part of the landscaping provisions in Chapter 248 instead of as a definition in Chapter 33.910. The definition of eradication will be included in the Property Maintenance Regulations (Title 29). Both terms will be included in the *Portland Plant List*.

- Other recommendations:

Several other ideas are recommended for additional research and dialogue, including the following:

- **Site Enhancements in the Environmental Overlay Zone.** Section 33.430.140.D.2.b. could be revised to encourage additional removal of invasive plants in conjunction with alterations to existing development. The existing standard under D. states: "Increases in building coverage and exterior improvement area are allowed if a site enhancement option is completed on the site. Applicants must show that an area equivalent in size to at least 50 percent of the area proposed for development will be enhanced following one or more of the options described in Table 430-2. If the proposed development is less than 100 square feet, the minimum enhanced area will be 50 square feet." Table 430-2 includes four options for enhancement. The current standard results in a net loss of natural resources. Staff recommends assessing the benefits and drawbacks of changing the enhancement requirement from 50 percent to 100 percent of the area proposed for development. Another option might be to require enhancement using a 2:1 or 3:1 replacement ratio relative to the area to be disturbed. This would be comparable to the mitigation ratios used by the Oregon Department of State Lands and the Army Corps of Engineers for projects that impact wetlands.

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- **Fee-in-lieu.** In situations where required removal of the invasive plant is cost prohibitive or less ecologically desirable because invasive plants from adjacent areas would continue to encroach into the property, then the property owner could pay into a fund to contribute to invasive plant removal and revegetation off-site. Additional research is needed to identify the full extent of when and how this option could be used. Option 4 of Table 430-2 includes language about a “revegetation fee” that is paid in certain circumstances. The funds from that fee are directed to the BES Watershed Revegetation program. Options for use of this fee could be expanded.
- **Incentives could help people remove plants on the Nuisance Plants List.** Currently the BES Watershed Revegetation program can be contracted by property owners to perform invasive plant removal and revegetation of a site. The BES Early Detection and Rapid Response program provides technical assistance to property owners to remove invasive plants. Another possibility is to provide a cost share option where the City carries a portion of the cost of invasive plant removal by providing money to the property owner or, by providing the appropriate nuisance plant removal supplies. Coupons for discounts on plants for sale at nurseries could be given out.
- **Planting standards.** Staff recommends that planting specifications such as the size of the required plant, be reviewed and made more consistent throughout Chapter 33.430. For example, planting requirements for the size of trees range from ½ inch diameter to 1 inch diameter, and also refer to 1 gallon pots, 3-5 gallon pots, and bare root. Additional options to meet the standards could also be created.
- **Redundant language or clarification of language.** Staff recommends provisions in Chapter 33.430 Environmental Overlay Zone and Chapter 33.465 Pleasant Valley Natural Resources Overlay Zone be reviewed and revised to eliminate redundancy. For example, the existing provision in Section 33.430.090.B prohibits the planting and propagation of plants on the Nuisance Plants List, and the existing provision in Section 33.430.140.L includes a statement that planting of plants on the Nuisance Plants List is not allowed. Seemingly, the statement in Section 33.430.140 is redundant. Section 33.465.090.B and Section 33.465.150.H are set up similarly to the provisions in Chapter 33.430. It may be possible to eliminate redundancy for some provisions in Chapters 33.430 and 33.465.

2C: Establish Rules Requiring that Certain Early Detection Species on the Nuisance Plants List be Eradicated from a Property if Discovered

This component of proposal, if approved, would broaden how the City has regulated invasive plants to date. Currently, the City regulates invasive plants primarily in the context of proposed development and prohibits planting nuisance plants in the Environmental Overlay Zone, the Greenway Overlay Zone, the Pleasant Valley Natural Resources Overlay Zone, and the City-required landscaped areas. This proposal establishes requirements to foster early detection of certain nuisance plants wherever they are observed, i.e., in the context of both development and in non-development situations citywide. For example, these plants could be found during site visits, landscape inspections, or mitigation inspections in conjunction with building permits or land use review. The nuisance plants could also be reported to the City by a citizen at any time.

A new “Required Eradication List” is proposed to be established as part of the *Portland Plant List*. This list contains rank “A” plants from the updated Nuisance Plants List that are also included in the Oregon Noxious Weed List. Under this proposal, if a plant on the Required Eradication List is found on a property and reported to the City, the plant must be eradicated from the entire property.

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Recall the description of plant ranks, “A-D”, and “W” on the Nuisance Plants List. The rank “A” plants are priorities for early detection. These plants are extremely invasive and are in the early stages of detection or discovery in the Portland metropolitan area. Removal of these plants as they arrive will prevent them from becoming widespread.

Removal of both rank “A” and rank “B” plants is the focus of the Bureau of Environmental Services (BES) Early Detection and Rapid Response (EDRR) team. However, at this time, the proposal is that the eradication requirement focuses only on certain rank “A” plants to help manage the work load, funding, and education concerns.

Code language establishing the eradication requirement will be added to Title 29 Property Maintenance Regulations. New administrative rules describe the steps involved when rank “A” plants are discovered and reported. The administrative rules list the specific plants requiring eradication, the steps that the Bureau of Environmental Services will take to assist property owners in removing the plant(s), and abatement procedures that the Bureau of Development Services (BDS) will implement if needed.

When discovery of a plant on the Required Eradication List is reported to the City, the report will go to the existing EDRR team in BES. Once BES is alerted to the discovery of the plant, and agreements with the property owner have been made, the EDRR team will visit the site and provide guidance on how to remove the plant(s). If plants on the Nuisance Plants List, Required Eradication List are confirmed, the plants must be removed. If the plants found on the site are not on the Required Eradication List, the EDRR team will also provide technical guidance but removal would be voluntary.

If a property owner declines City assistance to remove a plant on the Required Eradication List and/or otherwise refuses to comply with the removal requirement, then the City will initiate the nuisance abatement process, in accordance with the abatement process identified in Title 29 Property Maintenance Regulations. The abatement process is handled by BDS. The nuisance abatement process will be employed only when property owners do not agree to remove the specified plants. Based on similar programs in other jurisdictions such as Clark County, WA and King County, WA, it is anticipated that such abatement cases would be rare. An agreement will be established between BES and BDS to confirm the roles, responsibilities and funding for each bureau.

If there is a land use review or building permit in process when the plant on the Nuisance Plants List, Required Eradication List is found on the property, issuance of the land use approval or building permit will not be delayed. Removal of the plants would be required but will not hold up the final permits. A brief description of the required removal process is included below; see also the administrative rules for the authorizing code in Title 29 Property Maintenance Regulations. The administrative rules are in the appendices of the Report and Recommendations to City Council.

Staff evaluated the following options for placement of authorizing code for the nuisance plants eradication requirement:

- Title 13 Animals
- Title 17 Public Improvements
- Title 29 Property Maintenance Regulations
- New Title Invasive Plants

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■ Title 13 Animals

Title 13, Animals, focuses on the care and management of animals such as roosters, dogs, swine and so forth that are on residential, commercial, industry, non-profit and other premises within the city limits. The title is currently implemented by the Multnomah County Health Department. If invasive plant removal were added to this title, the provisions would need to be revised and expanded to authorize the City of Portland to implement the plant related provisions. If the City moves in the direction of managing invasive animal species in addition to invasive plant species, Title 13 may be an appropriate place for language for both invasive animals and plants.

■ Title 17 Public Improvements

Title 17, Public Improvements, primarily focuses on public improvements. It also addresses quality and protection of waterways, and storm and drainage systems. Requirements to remove invasive plants could be added to this title; however, the geographic applicability would likely be limited to riparian corridors. Potentially, implementation could occur through the existing drainage reserve requirements. As has been described, invasive plants can impair watershed health. Establishing invasive plant removal language and revegetation language in the drainage reserve provisions could be appropriate and effective. Invasive plants can be found on private and public property, and can spread easily throughout properties, and beyond waterways, regardless of public or private ownership or jurisdictional boundaries.

■ Title 29 Property Management Regulations

Title 29, Property Management Regulations, applies to all property in the City of Portland except as otherwise excluded by law. The purpose of Title 29 is "to protect the health, safety and welfare of Portland citizens..." In Section 29.20.010, Outdoor Maintenance Requirements, it states that a property owner must maintain the outdoor areas of the property for "thickets that conceal hazards" and "overgrown lawn areas." Weeds must be cut and kept removed if they are more than 10 inches in height. Naturescaped properties are exempt from this provision. Violations of the provisions "constitute a nuisance." Title 29 has existing language about weeds. Title 29 focuses on the maintenance and condition of the plants as a nuisance, not the plants themselves as nuisances. BDS Neighborhood Inspections staff implements the provisions of Title 29. Administrative rules, as noted above, have been drafted for implementation of the eradication requirements that will be established in Title 29.

■ New Title Invasive Plants

The City could establish a new title for invasive species, with a focus on plants. Potentially, invasive animals could be part of the title. The creation of a new title could be redundant given the existing functions of Title 13 and Title 29.

The City Attorney has indicated that there is no specific legal constraint to placing authorizing code in Title 13, Title 17, Title 29, or in a new title; however, the City Attorney felt that Title 29 provides the simplest and most appropriate option. Staff agrees and proposes that the authorizing code be included in Title 29 as follows:

- 29.20.010.G. "Nuisance Plants. Eradication, as defined in 29.10.020.V, is required of all plants identified on the Nuisance Plants List. The Director shall adopt administrative rules detailing implementation and enforcement of this provision."
- 29.10.020.V. "Eradication is the removal of the entire nuisance plant – including the above ground portion of the plant, and the roots, shoots and seeds of the plant. The eradication provisions apply to those plants on the Nuisance Plants List, Required Eradication List."

As proposed, the 15 plants on the Nuisance Plants List, Required Eradication List are not listed in Title 29, but they are listed in the administrative rules. In the future, the administrative rules could be expanded to include other rank "A" plants or potentially the rank "B" plants on the Nuisance Plants List if deemed appropriate. Plants could also be removed from the Required Eradication List. The "City of Portland Nuisance Plants List" and the administrative rules for the authorizing code in Title 29 are separate documents in the appendices of the Report and Recommendations to City Council.

Application of Proposed Regulatory Changes Described in 2A, 2B, and 2C in the "Urban Pocket" Areas of Unincorporated Multnomah County

The proposed changes to the Zoning Code and the proposed new eradication requirement in Title 29 would be implemented citywide, and also in urbanizing portions of unincorporated Multnomah County.

The City has an Intergovernmental Agreement (IGA) with Multnomah County for an area referred to as the "urban pockets," that is comprised of 2,427 acres. Under the agreement, the City implements land use provisions and permitting for development of properties within unincorporated Multnomah County. The above noted changes to the City's Zoning Code provisions would apply to these areas under the existing agreement.

The application of the proposed provisions in Title 29 Property Maintenance Regulations, to require eradication of certain plants if they are found on a property, would necessitate a separate IGA between the City of Portland and Multnomah County. The County Attorney and Multnomah County Land Use Planning staff has worked with the City of Portland to draft this IGA. The IGA is included in the appendices of the Report and Recommendations to City Council.

One question of concern for implementation came up during the preparation of the IGA. How would the provisions in Title 33 and in Title 29 apply to roads or right-of-ways in the "urban pockets"? The Road Services Manager of Multnomah County stated that the road and drainage maintenance that occurs in the unincorporated pockets is performed via an IGA with Portland Department of Transportation (PDOT) in conformance with PDOT standards and Portland's National Pollutant Discharge Elimination System (NPDES) best management practices. The changes to Title 29 and Title 33 will not change the IGA between Multnomah County and PDOT. However, because PDOT would be subject to Title 29 provisions, the new provisions of Title 29 would thus apply to road and drainage maintenance that occurs in the unincorporated pockets.

Fiscal Impact of Proposed Regulatory Changes Described in 2A, 2B, and 2C.

Staff has completed the required fiscal impact analysis in relationship to the proposed changes to the Zoning Code and the Property Maintenance Regulations. The appendices of the *Recommended Report to City Council* include the Financial Impact Statement for Council Action Items.

Proposed changes to the Zoning Code are expected to create minor changes to existing steps and procedures in the land use review and building permit processes. Changes to the landscape and mitigation requirements are primarily clarifications to the Zoning Code. City-required landscape and mitigation areas are already identified as areas that are inspected by City staff.

The proposed new standard in Chapter 33.430 and in Chapter 33.465 would require some additional time to review and process the Environmental Plan Checks and Environmental Reviews. The additional time would mostly be associated with inspections to confirm that the nuisance plants were removed and the area was replanted with native plants.

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The inspections for the Zoning Code provisions would be handled by the inspector position that is already included in the BES 5-year workplan for Grey to Green, as described below. This is a shift from the current procedure. Additional incremental costs associated with proposed changes to Title 33 should be minor.

The fiscal impact of establishing the eradication provisions in Title 29 is expected to be minor, and is included as part of the Grey to Green budget. The BES EDRR program is funded and has staff already working with property owners on invasive plant eradication. The proposed change to Title 29 would add a regulatory backstop to the existing efforts. However, since plants on the Required Eradication List are not yet widespread in the City, and because BES will be assisting property owners in removing such plants, staff expects abatement cases to occur very infrequently. The costs of abatement cases vary; staff estimates an average cost of approximately \$1,600 per case. BES is reserving funds from the Grey to Green budget to cover these cases, should they arise.

Although the proposed code changes would not, in and of themselves, be expected to increase City costs, BES has included a 0.5 FTE position in the Grey-to-Green 5-year budget, starting in FY 2010-11, to enhance the quality of invasive plant regulatory implementation. This position is intended to provide trained staff dedicated to plants, including landscape and mitigation inspections.

Currently, landscape and mitigation inspections are carried out by BDS building inspectors who must fit these inspections in with their other priorities, and who do not have expertise in mitigation, landscaping, and plant identification. This person would follow up on land use approvals involving mitigation, and could track required monitoring and maintenance. Primarily, these land use reviews would be Environmental Reviews. The person could also send letters to property owners reminding them that their monitoring reports are due, review the monitoring reports, and visit the site as needed. These actions help prevent complaints and zoning violations, and help establish follow through with the property owner because people know the City will check to see that the nuisance plants are removed and appropriate plants are installed and maintained.

When considering potential costs, the City should also consider the benefits. The proposal described in this report should be viewed as extremely cost-effective. According to the State of Oregon, every dollar spent now to control invasive plants saves \$17-34 in future costs.

Next Steps for the Project

The *Invasive Plant Policy Review and Regulatory Improvement Project* is funded through June 2010. In addition to completion of the legislative process for adoption of this proposal, staff has undertaken the following tasks described in 2D and 2E.

2D: Initiate a Process to Ensure the *Erosion Control Manual* be made Consistent with City Goals to Control and Eradicate Invasive Plants

Title 10 establishes Portland's Erosion and Sediment Control Regulations; the *Erosion Control Manual* is the implementing document the City relies upon.

The *Erosion Control Manual (ECM)* provides critical information to applicants and owners for private and public projects with ground-disturbing activities. The *ECM* is a useful tool with an extensive audience. It includes requirements and recommendations for erosion control methods and plant materials. Requirements and recommendations in the *ECM* are reviewed and implemented across every kind of development and site. The *ECM* provisions apply to areas of disturbance that exceed 500 sq. ft. Most projects that have a land use review or building permit trigger the *ECM* provisions.

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Currently, the *ECM* allows permanent and temporary soil stabilization methods to use plants on the Nuisance Plants List. The City recognizes that plants used for temporary and permanent soil stabilization must establish quickly and effectively, and be readily available for purchase. However, allowing the use of plants on the Nuisance Plants List, including seed mixes, to meet the *ECM* requirements, sends a mixed message to the community and is counter-productive in terms of the City's goals to control and eradicate invasive species. Currently, the *Erosion Control Manual* recognizes and addresses this situation by establishing recommendations rather than requirements to help discourage the use of plants on the Nuisance Plants List.

Examples from the *Erosion Control Manual* include, but are not limited to, the following.

- Under Temporary Erosion Control Grasses (page 87), "Although perennial ryegrass and non-native clover species are often used for erosion control, these plants can invade and cause problems for the city's natural areas. Native grasses and other native plants are highly recommended for erosion control. Check the seed mixes listed in this chapter." Many of the principles of the temporary erosion control also apply to the permanent vegetated cover.
- Under the Preparation provisions (page 88), "The use of native grass mixes that can be incorporated into a permanent vegetative cover is recommended. These grasses provide cover as quickly as the temporary varieties, and the areas do not need to be replanted later."
- Under the Seed provisions (page 88), "When possible, seed supplies shall be selected from local sources that grow local genetic strains. These supplies will usually contain fewer weed species that could be noxious or invasive to the local environment."
- Under the Maintenance Specifications provisions (page 89), "All plantings require water and nutritional support during the first 3 years of establishment. Removal of invasive plant species is recommended. The property owner is responsible for ongoing maintenance of any plantings used for permanent cover."
- Table 4.5.-A, Grasses and Other Groundcover Plants for Temporary or Permanent Vegetative Cover (page 91) notes, "Native grasses may have different maintenance requirements and susceptibilities to horticultural chemical use."
- Erosion Control Seed Mixes and Sources (page 97) states, "The City of Portland highly recommends the use of native seed mixes and plants for erosion control, both temporary and permanent measures. Although perennial ryegrass and non-native clovers are often used for erosion control, these plants are invasive and can create problems off of your site. The City discourages their use." There is a short list of businesses with "suitable erosion control seed mixes" and native plants.
- Section 4.5.3, Mulch, includes a section, Design Criteria/Specifications (page 100). Under that provision, "Mulch made from nuisance or prohibited plant species or weeds shall not be used."

To address the mixed messages in the *Erosion Control Manual*, staff recommends additional research and dialogue with stakeholders. It is also critical to ensure that alternative plants, including seed mixes, are readily available for purchase. These issues warrant further exploration with stakeholders including City bureaus, non-profits, industry, and businesses.

Potential changes to the *Erosion Control Manual* include:

- Change the text (page 89) to say that removal of invasive plants is *required* instead of recommended. Specify an amount of area that must be cleared.

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- Change Table 4.5.-B, Nuisance Grass Species Not Recommended for Use on Erosion Control or Stormwater Projects or Not Allowed for Use in E-Zones (page 96), to say *Not Allowed* for Use in Erosion Control or Stormwater Projects, in *E-Zones, Greenway Zones, Pleasant Valley Resource Overlay Zones, and all City-required landscaping* or simply *Not Allowed* regardless of circumstance.
- Section 4.5.4, Erosion Control Blankets, includes a section, Design Criteria/Specifications (page 103). Under that provision, include language just like the language in Section 4.5.3, which states, “Mulch made from nuisance or prohibited plant species or weeds shall not be used.” Note again, language in the *Erosion Control Manual* will need to be updated to refer to the Nuisance Plants List rather than nuisance and prohibited plants.
- Under Sections 4.5.8, Soil Bioengineering (page 119), and 4.5.9, Live Fascines (page 123), under the Design Criteria/Specifications, add this language “cuttings, woody debris or other plant materials made from nuisance or prohibited plant species or weeds shall not be used.”
- Table 4.5.-B, Nuisance Grass Species Not Recommended for Use on Erosion Control or Stormwater Projects or Not Allowed for Use in E-Zones (page 96), includes a list of 21 plants. Of the 21 plants, 19 are on the nuisance list of the *Portland Plant List*. Two of the plants, redtop bentgrass (*Agrostis alba*) and colonial bentgrass *Agrostis tenuis*) are not on the nuisance list of the *Portland Plant List*. The revisions to the *Portland Plant List* include the addition of redtop bentgrass and colonial bentgrass; the plants are rank “D”.
- Plants on the Nuisance Plants List should be prohibited from installation for permanent erosion control or in seed mixes used for permanent erosion control, unless the seeds are sterile. Staff recommends these changes be made through a targeted amendment process prior to a full update of the *Erosion Control Manual*.
- Some portion of seed mix that is applied for erosion control, as required by the *Erosion Control Manual*, should include native seed. As has been stated, no seed mix should contain plants on the Nuisance Plants List. The City is working to make the seed mix that BES Watershed Revegetation Program uses, which contains a mix of primarily native plants, a commercially available seed mix.
- The *ECM* should provide more educational information about native, non-native non-invasive, and non-native invasive plants. It would be appropriate to produce brochures in English, Spanish, Vietnamese, and Russian.

Recommendations related to erosion control but outside of the *Erosion Control Manual* are as follows:

- Continue to evaluate the plants on the Nuisance Plants List and determine if some plants can be removed because use of them for erosion control is not problematic.
- Staff recommends that City specifications in Section 01030, Seeding, be reviewed and revised to exclude plants on the Nuisance Plants List. Currently, the City specifications do not include State of Oregon noxious weeds; however, some plants on the Nuisance Plants List are found in City specifications for erosion control. Efforts are underway to revise the specifications to not allow the City specifications to be used in the Environmental, Greenway, and Pleasant Valley Natural Resources Overlay Zones. In addition, efforts are being made to ensure plants on the Nuisance Plants List are not included in the City specifications.

- Staff is also recommending that the City's vehicle cleaning specifications be reviewed and potentially revised to prevent spreading invasive plants. Washing vehicles prevents the transportation of invasive plants.

The City recognizes that changing City specifications will take considerable additional discussion and coordination with staff from City bureaus, and will involve agencies such as the Oregon Department of Transportation, and industry such as the Oregon Association of Nurseries. The recommendations identified above should be further researched and discussed prior to an update to the *Erosion Control Manual*.

2E: Initiate a Process to Ensure the *Tree and Landscaping Manual*, the *Recommended Street Tree List*, and the *Stormwater Management Manual* be made Consistent with City Goals to Control and Eradicate Invasive Plants

The *Tree and Landscaping Manual*, the *Recommended Street Tree List*, and the *Stormwater Management Manual* are technical manuals and handouts that are related to the Zoning Code and the *Portland Plant List*. Like the *Erosion Control Manual*, it is important that these documents are consistent with City's goals for controlling and eradicating plants on the Nuisance Plants List. Staff recognizes that changes to these manuals and handouts will need considerable additional discussion and coordination with staff from City bureaus, non-profits, business, and industry.

■ Tree and Landscaping Manual

The *Tree and Landscaping Manual* is intended to provide guidance to the Zoning Code tree and landscaping provisions. Language and graphics in the *Tree and Landscaping Manual* could be strengthened. The recommendation is that language be added to clearly state plants on the Nuisance Plants List are not allowed to be installed in City-required landscaped areas, and in the Environmental Overlay Zone, the Greenway Overlay Zone, and the Pleasant Valley Natural Resources Overlay Zone, and that existing plants on the Nuisance Plants List may be required to be removed from the property.

Note that under "Plant Materials and the Suggested Plant Lists" in the "General" section of the *Tree and Landscaping Manual* it states "For required landscaping you may use any plants not on the nuisance and prohibited plants listed in the *Portland Plant List*." In the "Other Rules: Existing Vegetation" section, it states "You may use existing landscaping or natural vegetation to meet the standards if you protect and maintain it during construction, and if the plants are not listed as prohibited on the *Portland Plant List*." The sentence about existing vegetation leaves the nuisance plants out of the requirement. With the consolidation of the existing Nuisance Plant List and the Prohibited Plant List into the Nuisance Plants List, the language in the *Tree and Landscaping Manual* will be changed to reflect the consolidation of the existing lists.

Potentially, the revised text for the "General" section would be, "Prior to planting in required landscape areas, the area must be cleared of plants on the Nuisance Plants List, in accordance with the provisions of Section 33.248.030 or Section 33.248.090 as applicable. For required landscaping you may not use plants on the Nuisance Plants List. Please consult the Zoning Code and City of Portland staff for the most current information." This language would encompass both required removal of plants on the Nuisance Plants List, if those plants exist within the required landscaped area, and it would not allow installation of the plants on the Nuisance Plants List. For the "Other Rules: Existing Vegetation" section, the revised text would be "You may use existing vegetation to meet the standards if you protect and maintain it during construction, and if the plants are not listed on the Nuisance Plants List."

■ Recommended Street Tree List

The *Recommended Street Tree List* published by the Urban Forestry Division of Portland Parks and Recreation is a list of trees that are appropriate to install in the planting strips along streets. The list provides useful information to assist property owners with selecting trees. Several trees on the *Recommended Street Tree List* were on the Nuisance Plants List. These trees are considered cultivars and varieties of the Norway maple (*Acer platanoides*); and are therefore part of the Nuisance Plants List. Urban Forestry staff removed the following trees from the *Recommended Street Tree List* in Spring 2009:

- Pacific sunset maple (*Acer platanoides* “Warrenred”);
- Cleveland Norway maple (*Acer platanoides* “Cleveland”);
- Globe Norway maple (*Acer platanoides* “Globosum”); and
- Norwegian sunset maple (*Acer platanoides* “Keithsform”).

With continued diligence and coordination, the *Recommended Street Tree List* can remain free of trees that are part of the Nuisance Plants List.

■ Stormwater Management Manual

The *Stormwater Management Manual (SWMM)* is a technical document that outlines the City of Portland’s stormwater management requirements. The requirements apply to all development and redevelopment projects within the City of Portland on both private and public property. The *Stormwater Management Manual* could be updated to state that plants on the Nuisance Plants List cannot be installed in stormwater facilities regardless of whether the facility is public, private, or within a right-of-way; regardless of whether the plants are part of a required landscaping plan; and regardless of whether the facility is in the Environmental Overlay Zone, Greenway Overlay Zone, or the Pleasant Valley Natural Resource Overlay Zone. The current language in the *SWMM* contains somewhat complicated and detailed language for when certain kinds of plants can be used.

Section 2.3.2, Relationship to Other Landscape Requirements, contains important references to landscaping and planting requirements. According to *SWMM*, “Landscaping required by Title 33 may be counted toward meeting the facility-specific landscape requirements in this chapter if the plantings are located within the facility area. Similarly, plantings that meet the requirements in this chapter may also meet the Title 33 landscape requirements.”

If the stormwater facility is to be counted as part of the landscaping to meet landscaping requirements in the Zoning Code, that landscaping is City-required landscaping. In that case, the landscaping has to comply with Section 33.248.030.D.4 which states that “plants listed as nuisance or prohibited in the *Portland Plant List* are prohibited in required landscape areas.” Similar language exists in Section 33.248.090 to prohibit the planting of nuisance and prohibited plants in mitigations areas. Plants that are native and plants that are non-native non-invasive may be put in City-required landscape areas. In summary, the prohibition on installing plants on the Nuisance Plants List in the Environmental Overlay Zone, the Greenway Overlay Zone, and the Pleasant Valley Natural Resources Overlay Zone, and City-required landscaped areas is applicable regardless of whether or not the stormwater facility is counted as landscaping or not.

For City-required landscape areas, BDS staff checks what proposed plants are in the stormwater facilities because they would be checking to see if the entire proposal met the City-required landscaped area. However, if the stormwater facility is not being counted as part of the City-required landscaping, then it is possible that BDS staff would not check the plants in the stormwater facility. Staff cannot assume all stormwater facilities are included as landscaping. Stormwater facilities that aren't counted as landscaping could have native plants and non-native non-invasive plants.

Under Section 2.3.3, Standard Landscape Requirements, #6, the *SWMM* states, "For facilities located in environmental zones or for BES-maintained facilities located outside of the public right-of-way, all plants within the facility area must be appropriate native species from the BES recommended plant lists in Appendix F.4 or the latest edition of the *Portland Plant List*. No nuisance or prohibited plants are allowed. The designer may also refer to the Planning Bureau's Environmental Handbook for more information."

A stormwater facility in the Environmental Overlay Zone or in a BES-maintained stormwater facility outside of the public right-of-way must use only native plant species from Appendix F.4 or from the *Portland Plant List*. No plants on the Nuisance Plants List could be planted. Note the Greenway Overlay Zone and the Pleasant Valley Natural Resources Overlay Zone are not included in the requirement in *SWMM* but should be because Zoning Code doesn't allow plants on the Nuisance Plants List to be installed in those overlay zones. However, the language in the Zoning Code in Chapter 33.248 will prevent the nuisance plants from being installed in those overlay zones.

Appendix F.4 of the *SWMM* includes sections such as the Grassy Swale Native Seed Mix, the Facility Plant List, the Ecoroof Plant List, the Green Street Plant List, and the Pond Plant List. All the lists, except the Grassy Swale Native Seed Mix, include plant characteristics (NW native, evergreen, potential height, and on-center spacing) and plant types (groundcovers, sedums and succulents, herbaceous plants, shrubs, and trees). The lists in Appendix F.4 contain some plants that are non-native, but none of the plants are on the Nuisance Plants List.

Component 3: Coordinate with the Portland Plan project to help Ensure that Invasive Species are Addressed in the Comprehensive Plan Update and Portland Plan Work Plan

The Portland Plan project is underway and will result in an update to the Comprehensive Plan. The City's existing Comprehensive Plan does not currently address the control or eradication of invasive plants or animals. However, the Comprehensive Plan, under Goal 8 Environment, references the importance of air, water, and land resources. Invasive plant removal actions maintain and enhance fish and wildlife habitat, watershed health, and other aspects of air, water, and land resources. Through the Portland Plan, the City should establish clear and ambitious policies and objectives that reference the link between invasive plant management and good habitat quality. The policies and objectives will also support City and community investments in controlling invasive plants.

Component 4: Research the Feasibility of Establishing a Local Noxious or Invasive Weed Law

This project includes an examination of current noxious weed laws in Oregon and elsewhere, and the identification of potential options for the City of Portland. Initial research has identified several options; each option has benefits and drawbacks. Since plants do not stop at jurisdictional boundaries, a more comprehensive

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approach needs to collaboration between the cities within Multnomah County, and with Multnomah County. See the description of options below. Additional stakeholder involvement will be necessary and further analysis will be needed to develop a full recommendation. A short description of existing Oregon, Washington, Illinois, and City of Chicago laws is provided below.

■ State of Oregon

Oregon statutes establish policies and programs relating to invasive plants; invasive plants are called noxious weeds. State statutes (ORS 570.500) authorize the Oregon Department of Agriculture (ODA) to establish a list of noxious weeds and associated regulations. The statutes authorize counties to establish a county-wide weed control district; cities can be included in the county-wide weed control district by a special provision. When a county weed control district is established, a noxious weed board and a noxious weed list are also established for that district.

ORS 570.500 includes the weeds listed by the Oregon Department of Agriculture (ODA) as restricted noxious weeds or prohibited noxious weeds. The noxious weed list is updated every year, and the Oregon Administrative Rules (OARs) contain the list. There are approximately 100 restricted or prohibited noxious weeds. This State designated list is used to prioritize control efforts. Class A is the highest priority of noxious weeds to control; the State is working to eradicate Class A weeds. The State noxious weed law restricts the sale and transport of certain noxious weeds under its quarantine section.

ORS 570.510 describes "The state and the respective counties shall control any weeds designated as noxious by the state or the respective counties in any such county on land under their respective ownerships." The statute makes each county the regulatory agency responsible for monitoring and controlling noxious weeds in their jurisdiction.

The Oregon Department of Agriculture created the Oregon Noxious Weed Strategic Plan in 1999. The plan identified "Establishing strong statewide, county and local weed control programs" as a priority, but no funding for the programs was provided.

ORS 570.515 describes two options to establish a county weed board.

- One option is "The county governing body of each county may declare the county, or any portion of the lands in a county, a weed control district for the purpose of destroying such weeds and of preventing the seeding and spreading of such other weeds and plants as the governing body may for the purposes of ORS 570.515 to 570.600 declare noxious."
- The other option is "If the county is not made a weed control district or if the county weed control district does not include all such weeds or plants desired as noxious, interested parties may present a petition for a special weed control district." The petition must be signed by more than half of the landowners within the area described in the petition who also own more than half of the acreage in the area. If the petition meets the requirements, the county governing body will declare the area a special weed control district.

About two-thirds of Oregon counties have weed boards and noxious weed laws. Most weed boards that have been established are in rural counties and do not include cities. One reason weed boards don't exist in all counties is that ORS 570 calls for weed board funding (for enforcement and implementation); but the state funding has not been provided. Multnomah County does not have a weed control district, and therefore, does not have a weed board or a noxious weed law.

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County ordinances related to county weed control districts don't apply in cities unless the city, either through the city council action or a vote of the people, adopts the ordinances inside the city. If the City of Portland wanted to be part of a county weed control district, either county-wide or under the "any portion of the lands in a county" provision of ORS 570.515, the ordinance would need to clearly state one of three options.

- The weed control district applies within the city limits of all cities in the county and the unincorporated portions of the county,
- The weed control district applies specifically to the City of Portland and the unincorporated portion of the county, or
- The weed control district applies to the City of Portland only.

The City of Portland would have to request that the City be part of a weed control district in any of these options. The Multnomah County Board of County Commissioners would vote to establish the weed control district and weed board. In addition, the proposal must be approved by the City of Portland. In regards to the option to petition to be a special weed control district, obtaining the number of signatures required to become a special weed control district is unlikely for the City of Portland.

Weed laws with authority of ORS 570 can only be established through weed boards; other privileges are granted by ORS 570 through the establishment of a weed board. For example, ORS 634.116 provisions would remain applicable; but the City of Portland's authority for pesticide application would change. With the weed law established under ORS 570, the City would become an authorized pesticide applicator on private property in the situations allowed under ORS 634.116.

It is widely recognized that invasive species do not stop at county borders and do not notice county and city jurisdictional boundaries. Portland and other cities represent a substantial portion of Multnomah County. Cities include natural areas and urban areas. For example, there are over 10,000 acres of public natural area within the City of Portland. Cities may become vectors, introducing noxious weeds to adjacent areas. Therefore, it is important that cities within Multnomah County be included in any future Multnomah County weed control district. Cities should be an active participant in developing noxious weed laws.

A number of states, for example, Washington and Illinois, include both cities and counties as part of weed control districts when weed control districts are established for a county. Clark County, WA and King County, WA have well established programs to educate about and provide enforcement of noxious weed laws in incorporated and unincorporated areas. Staff in these jurisdictions provides assistance to help citizens eradicate the noxious weeds. The voluntary compliance rate for these two jurisdictions is very high; they have very few situations that go through a noxious weed abatement process. Of interest, the City of Chicago has its own regulations related to noxious plants and animals; these regulations are in addition to the existing state noxious weed laws.

Establishing a local noxious weed law for the City of Portland would be beneficial, in part, because ORS 634, pesticide licensing laws, does not allow public applicators to treat on private property unless it is a species covered by a noxious weed law. The City of Portland spends money implementing treatments on public property; meanwhile, these species are spreading throughout private property and back onto public property. Part of the proposal with the *Invasive Plant Policy Review and Regulatory Improvement Project* is to have BES staff provide assistance to property owners when they find certain plants on the Nuisance Plants List, Required Eradication List on their property. A noxious weed law would facilitate the City's ability to work with landowners to remove these plants or if they are unable, then the City would have access to implement chemical

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treatments without hiring a contractor. This benefit would occur regardless of which of the three options under ORS 570 the City of Portland used to establish a weed control district.

If the City of Portland and unincorporated Multnomah County were to establish a weed control district, or if all the cities in Multnomah County join unincorporated Multnomah County as a weed control district, then there are additional benefits. A noxious weed law provides a county-wide tool to eradicate invasive species. It also provides a way to leverage money from the state and from organizations, and across jurisdiction, to fight invasive plants and animals. Equipment could be shared, as it is in Clark County, WA.

If the City of Portland became a weed control district, the City may need to do an IGA with Multnomah County to agree upon funding and other responsibilities such as enforcement and education.

The City has received support in the efforts to establish a weed control district. The Oregon Department of Agriculture, Noxious Weed Program staff have stated their support the City's efforts to explore the potential of establishing a weed control district, with the corresponding establishment of a noxious weed board and noxious weed law. The Multnomah County Drainage District staff also expressed support. Multnomah County staff in Land Use Planning and in Vector Control expressed support too.

Another option to consider is for the City of Portland to pursue legislation that allows a city to form the weed control district without the approval of a county government. This would allow the City of Portland to establish a weed control district without the approval of Multnomah County. With this change of statute, the same benefits and drawbacks would likely apply.

Another option is that the West Multnomah County and East Multnomah County Soil and Water Conservation Districts serve as the weed board for Multnomah County. This approach would address unincorporated county areas and incorporated (City of Portland, Troutdale, Gresham) areas, and would have a non-government entity as the implementing organization. There are examples of SWCDs that act as weed boards. However, the cities would still need to get approval from their respective governing bodies such as city councils or county commissioner boards to be part of the weed control district. Additional research is needed on this option.

■ State of Washington

The State of Washington has a noxious weed law; it holds the landowners, including private landowners and state and county landowners, responsible for controlling noxious weeds on their property. The county and district noxious weed control boards, the Washington Department of Agriculture, and the Washington State Weed Control Board, are responsible for administering the noxious weed law. In Washington, the weed board authority extends to unincorporated areas and to cities within a county. Language from the Washington statutes (17.10.020, 17.10.060, and 17.04.010) is not included here.

■ State of Illinois

The State of Illinois has a noxious weed law. The law requires "Every person shall control the spread of and eradicated noxious weeds on the lands owned or controlled by him and use such methods for that purpose and at such times as are approved and adopted by the Director of the Department of Agriculture." The term Control Authority is defined as "the governing body of each county, and shall represent all rural areas and cities, villages and townships within the county boundaries." This language includes cities and counties as part of the jurisdiction covered by the Control Authority, rather than having the counties being under the control of a weed board (e.g. Oregon and Washington), or having a County Weed Superintendent working with a Cooperative Weed Management Area (e.g. Idaho) as the local authorities for noxious weed law. Cities and counties are

included within the Control Authority's power. In Illinois, a Control Authority may employ one or more Weed Control Superintendents for more than one Control Authority. A list of noxious weeds is published by the Director of the Department of Agriculture of the State of Illinois and the Director of the Agricultural Experiment Station at the University of Illinois. Of particular note, the City of Chicago has set up its own set of regulations related to invasive species, stating that certain aquatic and terrestrial plants and animals are prohibited. Violations of the provisions are classified as public nuisances.

In summary, the establishment of a weed control district is possible for the Portland metropolitan area. Each option has benefits and drawbacks. The political palatability of these options will be tested as additional stakeholder discussions are pursued. Staff welcomes the broadest version, having all the cities and unincorporated Multnomah County, as the weed control district. This is the most comprehensive approach. The City recognizes the cost and other concerns will be identified. Therefore, it is necessary to continue to discuss options with Multnomah County and the other cities in Multnomah County to determine the best option.

Report Conclusion

The proposal presented in this report will contribute to Portland's invasive plant management strategy by:

- Updating the *Portland Plant List* to build public awareness, provide current scientific information to citizens, and assist land managers with prioritization of invasive plant management strategies;
- Amending the Zoning Code (Title 33) and the Property Maintenance Regulations (Title 29) to improve invasive plant management in development and non-development situations;
- Recommending changes to technical documents such as the *Erosion Control Manual*, *Stormwater Management Manual*, *Tree and Landscape Manual*, and the *Recommended Street Tree List*; and
- Identifying options for establishing a local noxious weed control district with a local noxious weed law.

Integrating invasive plant management policies into the City's Comprehensive Plan, incorporating new invasive plant regulations into existing City codes, preventing the establishment of new invasive plants, and providing additional tools to identify and remove invasive plants as they are identified are critical actions in an invasive plant management strategy. These actions provide environmental, economic, and social benefits to residents, businesses, and government, and further the City's efforts to implement sustainable principles and practices.



City of Portland Bureau of
Planning and Sustainability

Sam Adams, Mayor | Susan Anderson, Director

Invasive Plant Policy Review and Regulatory Improvement Project

Appendix A: Title 33 Zoning Code

INTRODUCTION TO THE ZONING CODE

The scope of the Invasive Plant Policy Review and Regulatory Improvement Project is described in the Project Overview Report. The Zoning Code changes are part of the improvement to the City's codes and rules, as stated in Component 2 of the four project components identified below.

- *Component 1: Update the Portland Plant List (PPL) to include priority ranks and guidance regarding invasive plants.* Staff proposes revisions to the PPL to inform City and community invasive species management activities, program development, and priority setting.
- *Component 2: Evaluate opportunities to improve invasive plant control through development and non-development situations, including updates to City codes and rules.* Staff is evaluating City codes to determine how they could be used more effectively to manage invasive plant species.
- *Component 3: Coordinate with the Portland Plan project to help ensure that invasive species are addressed in the Comprehensive Plan update and Portland Plan work plan.* Staff is working with the Portland Plan staff to ensure that invasive species are addressed in the Comprehensive Plan update and Portland Plan work plan.
- *Component 4: Research the feasibility of establishing a local noxious or invasive weed law.* Staff is analyzing the legality and the potential benefits, costs, and impacts of establishing a local noxious weed law.

This document includes proposed changes to the Zoning Code (Title 33). New code language is indicated with underlined text and language to be removed is indicated with strikethrough font. The commentary is provided to describe the amendments.

Commentary

33.248 Landscaping and Screening

The Zoning Code is one element of the City's regulations. The landscaping and screening regulations are incrementally implemented with each development action that must comply with this chapter. This chapter will now contribute more substantially toward city-wide invasive plant management.

The majority of the amendments to the Landscaping and Screening chapter are to:

- Update the name of the plant list - The existing Nuisance Plant List and the Prohibited Plant List are being consolidated into a single list called the Nuisance Plants List.
- Move from stating that nuisance plants are "prohibited", to specifically describing when and where removal of plants on the Nuisance Plants List is required and when and where these plants cannot be installed.
- Create requirements to remove trees on the Nuisance Plants List, in addition to the required removal of groundcovers and shrubs on the Nuisance Plants List, in City-required mitigation areas.

As identified in the memo from staff to the Planning Commission dated November 10, 2009, the proposed shift from allowing removal of trees on the Nuisance Plants List without replacement, to requiring nuisance trees be replaced with trees not on the Nuisance Plants List has been removed from this project proposal. Instead, the discussion about replacement of nuisance trees is being incorporated into the Citywide Tree Project. The Citywide Tree Project is revising all City tree regulations, including tree replacement requirements.

33.248.010 Purpose

The purpose statement of Section 33.248.010 is being amended to set the framework for more detailed invasive plant related provisions. The benefits of removing invasive plants include the retention of non-invasive vegetation; restoration of natural communities with non-invasive vegetation helps improve fish and wildlife habitat, and watershed health. The City of Portland uses the term "nuisance plants" for invasive plants that are regulated by the City of Portland. Not all invasive plants are nuisance plants.

CHAPTER 33.248 LANDSCAPING AND SCREENING

33.248.010 Purpose

The City recognizes the aesthetic, ecological, and economic value of landscaping and requires its use to:

- Preserve and enhance Portland's urban forest;
- Promote the reestablishment of vegetation in urban areas for aesthetic, health, and urban wildlife reasons;
- Reduce stormwater runoff pollution, temperature, and rate and volume of flow;
- Establish and enhance a pleasant visual character which recognizes aesthetics and safety issues;
- Promote compatibility between land uses by reducing the visual, noise, and lighting impacts of specific development on users of the site and abutting uses;
- Unify development, and enhance and define public and private spaces;
- Promote the retention and use of existing non-invasive vegetation;
- Aid in energy conservation by providing shade from the sun and shelter from the wind;
- Restore natural communities and provide habitat through removal of nuisance plants and re-establishment of native plants; and
- Mitigate for loss of natural resource values.

This chapter consists of a set of landscaping and screening standards and regulations for use throughout the City. The regulations address materials, placement, layout, preparation of the landscape or mitigation area, and timing of installation. Specific requirements for mitigation plantings are in 33.248.090.

The *Portland Tree and Landscaping Manual* contains additional information about ways to meet the regulations of this chapter. The Portland Plant List includes information about native plants, non-native non-nuisance plants, and nuisance plants.

Commentary

33.248.030 Plant Materials

D. Plant material choices

This heading is expanded to include the term "and preparation". The inclusion of the term reflects the addition of a new paragraph that addresses landscaped area preparation.

D.1. Existing vegetation.

Existing landscaping or natural vegetation not on the Nuisance Plants List may be used to meet the standards of Section 33.248.030.D. The term "existing vegetation" includes landscaping and natural vegetation; it is unnecessary to include the term "landscaping or natural". The existing language appears to intend to distinguish plants that were intentionally planted by humans versus those that were not planted intentionally by humans. The Zoning Code defines vegetation as "All types of vegetation, including trees, shrubs, forbs, grasses, and other plants."

Simply stating that existing vegetation can be counted as part of the landscaping requirements is more direct. All existing plants except those plants on the Nuisance Plants List can be counted as part of the required landscaping.

The amendments emphasize that existing plants on the property can be counted, but plants listed on the Nuisance Plants List are not allowed to be counted as existing vegetation to meet these standards.

D.4. Nuisance plants. The new language reflects the consolidation and change of the name of the existing two plant lists, simplifies the language of the provision, and clearly states that plants on the Nuisance Plants List cannot be planted in City-required landscaped areas.

D.5. Landscaped area preparation. This is a new provision. It applies to new landscape areas. Trees on the Nuisance Plants List are not required to be removed from the landscaped area, but shrubs and groundcovers on the Nuisance Plants List are required to be removed. Removal of nuisance plants from the lower 6 ft. of the tree to be preserved is intended to target nuisance plants such as English ivy (*Hedera helix*) and Traveler's joy (*Clematis vitalba*), that typically climb trees.

33.248.030 Plant Materials

D. Plant material choices and preparation.

1. Existing vegetation. Existing ~~landscaping or natural~~ vegetation except those plants on the Nuisance Plants List may be used to meet the standards, if protected and maintained during the construction phase of the development as specified in Section 33.248.065. If existing trees are used, each tree 6 inches or less in diameter counts as one medium tree. Each tree more than 6 inches and up to 9 inches in diameter counts as two medium trees. Each additional 3-inch diameter increment above 9 inches counts as an additional medium tree.
2. Selection of materials. Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site. Arborescent shrubs from the *Portland Plant List* may not be used to meet the tree requirement.
3. Plant diversity.
 - a. Trees. If there are more than 8 required trees, no more than 40 percent of them can be of one species. If there are more than 24 required trees, no more than 24 percent of them can be of one species. This standard applies only to trees being planted to meet the regulations of this Title, not to existing trees.
 - b. Shrubs. If there are more than 25 required shrubs, no more than 75 percent of them can be of one species.
 - c. Plants may be selected from the *Portland Tree and Landscaping Manual's* suggested plant lists or other sources.
4. ~~Prohibited materials. Plants listed as nuisance or prohibited in the *Portland Plant List* are prohibited in required landscaped areas. Prohibited plants include plants identified by the Director of BDS or the City Forester as invasive and alien or as potentially damaging to sidewalks, roads, underground utilities, drainage improvements, foundations, etc. Nuisance plants. Plants listed on the Nuisance Plants List are prohibited from being planted in City-~~
required landscaped areas.
5. Landscaped area preparation. All new required landscaped areas must be cleared of groundcovers and shrubs on the Nuisance Plants List. All plants on the Nuisance Plants List must be removed from the lower 6 feet of the trees to be preserved in the landscaped area. Trees listed on the Nuisance Plants List are not required to be removed.

- E. Exceeding standards.** Landscaping materials that exceed the standards may be substituted for the minimums so long as all fence or vegetation height limitations are met, including the vision clearance standards of Title 16, Vehicles and Traffic.

Commentary

33.248.090 Mitigation and Restoration Plantings

The spread of invasive plants occurs easily along corridors such as riparian habitats. The City recognizes that trees provide many benefits and that tree removal can be expensive. The benefits of trees are so substantial that required removal of trees on the Nuisance Plants List should be limited to the areas that will be most impacted by the spread of invasive species.

Areas such as those in the Environmental Overlay Zone, the Pleasant Valley Natural Resources Overlay Zone, and the Greenway Overlay Zone in the River Natural and River Water Quality Zones, are sensitive areas. Invasive species have the most detrimental impacts in sensitive areas; therefore, these areas have more proactive provisions that require removal of nuisance plants and prohibitions on installation of them. The requirement to remove nuisance trees in mitigation areas is added to Section 33.248.090 rather than the respective, individual chapters, to be efficient since Section 33.248.090 applies to those overlay zones.

Mitigation areas are the areas where plants are being installed as part of the mitigation for development impacts identified in the land use application. Within the mitigation areas, replanting with native plants will occur, and the planting will generally occur within the same location as the area the nuisance plants are removed. This will avoid having exposed, bare soil. If a concern is identified about removing vegetation within the mitigation area, an alternative location for mitigation can be identified and/or the plants identified to be removed can be retained. During the land use application review process, each City bureau is provided an opportunity to review and comment on the application. Comments are made to the staff planner and the applicant in regards to the proposal.

An applicant could request to not meet the requirement in Section 33.248.090 in one or more of the following ways:

- In an Environmental Review, that request would be a Modification and reviewed as part of the land use review. Modification criteria are in Section 33.430.280.
- In a Pleasant Valley Review, that request would be part of the land use review; neither a Modification nor an Adjustment would be needed because Chapter 33.465 has Section 33.465.180 Standards for Mitigation. Subsection C. requires removal of invasive vegetation and Subsection D. requires compliance with Section 33.430.090. If the standard is not met, the proposed development must be reviewed through a land use review.
- In a Greenway Review, the request would be an Adjustment that would be reviewed as part of the land use review. Chapter 33.440 has Section 33.440.345.B.1.e which requires the applicant to comply with Section 33.248.090. If that requirement is not met, an Adjustment must be requested.

33.248.030 continued

- F. Complying with the standards.** It is the applicant's responsibility to show that the landscaping materials proposed will comply with the regulations of this chapter.

33.248.090 Mitigation and Restoration Plantings

Plantings intended to mitigate for the loss of natural resource values are subject to the following requirements. Where these requirements conflict with other requirements of this chapter, these requirements take precedence.

- A. Plant Source.** Plant materials must be native and selected from the Portland Plant List-Portland Plant List. They must be non-clonal in origin, seed source must be as local as possible, and plants must be nursery propagated unless transplanted from on-site areas approved for disturbance. These requirements must be included in the Mitigation Plan specifications.
- B. Plant Materials.** The Mitigation Plan must specify that plant materials are to be used for restoration purposes. Generally, this means that standard nursery practices for growing landscape plants, such as use of pesticides, fungicides or fertilizers, and the staking of trees must not be employed.
- C. Nuisance Plants.** Plants listed on the Nuisance Plants List are prohibited from being planted in mitigation areas, and may not be counted as existing vegetation.
- D. Landscaped Area Preparation.** All new required mitigation areas must be cleared of groundcovers and shrubs listed on the Nuisance Plants List. If the site is within the Environmental Overlay Zone, the Pleasant Valley Natural Resources Overlay Zone, and the River Natural and River Water Quality Overlay Zones in the Greenway Overlay Zone, then trees listed on the Nuisance Plants List must be removed from the required mitigation area.
- C.E Installation.** Plant materials must be supported only when necessary due to extreme winds at the planting site. Where support is necessary, stakes, guy wires or other measures must be removed as soon as the plant can support itself.
- DF. Irrigation.** The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. New plantings must be manually watered regularly during the first growing season. During later seasons, watering must be done as needed to ensure survival of the plants.
- EG. Monitoring and Reporting.** Monitoring of landscape areas is the ongoing responsibility of the property owner. Plants that die must be replaced in kind. Written proof that all specifications of this section have been met must be provided one year after the planting is completed. The property owner must provide this documentation to BDS.

Commentary

33.430 Environmental Zones

The existing Nuisance Plant List and the Prohibited Plant List are being consolidated into the Nuisance Plants List. Many of the proposed amendments in this chapter relates to the name change of the list.

33.430.070 When These Regulations Apply

The amendment reflects the change to the name of the plant list.

33.430.080 Items Exempt from These Regulations

The amendment to C.7 reflects the name change of the plant list. The amendment also replaces the words "trees or plants" with the term "vegetation".

As identified in the memo from staff to the Planning Commission dated November 10, 2009, the proposed shift from allowing removal of trees on the Nuisance Plants List without replacement, to requiring trees be replaced with trees not on the Nuisance Plants List has been removed from this project proposal and incorporated into the Citywide Tree Project. The Citywide Tree Project is revising all City tree regulations, including tree replacement requirements.

CHAPTER 33.430 ENVIRONMENTAL ZONES

33.430.070 When These Regulations Apply

Unless exempted by Section 33.430.080, below, the regulations of this chapter apply to the following:

A.-C. No change.

D. Planting or removing nuisance or prohibited plants listed on the Nuisance Plants List ~~in the Portland Plant List~~;

E.-G No change.

33.430.080 Items Exempt From These Regulations

The following items, unless prohibited by Section 33.430.090, below, are exempt from the regulations of this chapter. Other City regulations such as Title 10, Erosion Control, must still be met:

A.-B. No change.

C. Existing development, operations, and improvements, including the following activities:

1. No change.
2. Continued maintenance of existing gardens, pastures, lawns, and other planted areas, including the installation of new irrigation and drainage facilities, new erosion control features, and the installation of plants except those listed on the Nuisance ~~or Prohibited Plants~~ List. Change of crop type or farming technique on land currently in agricultural use. Pruning trees and shrubs within 10 feet of structures;
3. Changes to existing disturbance areas to accommodate outdoor activities such as gardens and play areas so long as plantings do not include plants on ~~Portland's~~ the Nuisance or Prohibited Plants List and no trees 6 inches or greater are removed;
- 4.-6. No change.
7. Removing vegetation listed on the Nuisance ~~or Prohibited Plants~~ Lists;
- 8.-13. No change.

Commentary

33.430.090 Prohibitions

The amendment updates the name of the plant list to the Nuisance Plants List.

33.430.140 General Development Standards

The amendments to the standards include:

- Re-lettering the standards as a result of inserting a new standard as "L";
- Updating the name of the Nuisance Plants List; and
- Requiring nuisance plant removal as compensation for disturbance area.

As identified in the memo from staff to the Planning Commission dated November 10, 2009, the proposed shift from allowing removal of trees on the Nuisance Plants List without replacement, to requiring trees be replaced with trees not on the Nuisance Plants List has been removed from this project proposal and incorporated into the Citywide Tree Project. The Citywide Tree Project is revising all City tree regulations, including tree replacement requirements.

The changes to the Environmental Overlay Zone provisions are intended to provide a consistent approach to invasive plant management in areas with sensitive habitat and water quality concerns, such as the Environmental Overlay Zone, the Greenway Overlay Zone, the Pleasant Valley Natural Resources Overlay Zone, the Columbia South Shore Plan District, and the Johnson Creek Basin Plan District.

33.430.090 Prohibitions

The following items are prohibited in all environmental zones. Prohibitions apply to both transition areas and resource areas:

- A.** No change.
- B.** The planting or propagation of any plant ~~identified as a nuisance and prohibited plant on the Portland Plant List~~ listed on the Nuisance Plants List.
- C.-D.** No change.

33.430.140 General Development Standards

The standards below apply to all development in the environmental zones except as follows:

- Utilities subject to Section 33.430.150,
- Land divisions subject to Section 33.430.160;
- Property line adjustment subject to Section 33.430.165;
- Resource enhancement projects subject to Section 33.430.170;
- Rights-of-way improvements subject to Section 33.430.175;
- Stormwater outfalls subject to Section 33.430.180; and
- Public recreational trails subject to Section 33.430.190.

Standards A through C and G through ~~R~~ S apply to new development. Standards D through ~~R~~ S except L apply to alterations to existing development. Standards B, C, and I apply to removal of ~~nuisance and prohibited plants on the Nuisance Plants List~~. Only standards E, M, N, P, Q, Q, R, and ~~R~~ S apply in Transition areas. All of the applicable standards must be met. Modification of any of these standards requires approval through environmental review described in Sections 33.430.210 to 33.430.280.

Commentary

33.430.140 General Development Standards

Table 430-2

Under Option 1 Restoration Planting, the language is changed to reflect the new name of the Nuisance Plants List.

<p align="center">Table 430-2 Minimum Site Enhancement Options</p>	
Option	Action
Option 1 Restoration Planting	Remove plants listed on the Nuisance and Prohibited Plants Lists. Plant the area with native plants at the following minimum planting density: 10 plants per 50 square feet at a ratio of one tree, two shrubs, and 7 groundcover plants. Trees must be at least one inch in diameter, shrubs must be at least 2 gallons, and groundcover plants a minimum pot size of 4 inches. The remaining area may be seeded with native grass seed.
Option 2 Impervious Surface Reduction	Remove impervious surface to improve stormwater management, and replant the area with native plants at the following minimum planting density: 10 plants per 50 square feet at a ratio of one tree, two shrubs, and 7 groundcover plants. Trees must be at least one inch in diameter, shrubs must be at least 2 gallons, and groundcover plants must be a minimum pot size of 4 inches. The remaining area may be seeded with native grass seed.
Option 3 Parking Lot Retrofit	Replace existing interior parking lot landscaping with a vegetated infiltration basin using native plants. The minimum planting ratio for this option is one tree and two shrubs for every 50 square feet of planting area, and groundcover plants to cover the remaining area, planted on 12-inch centers. Trees must be at least one inch in diameter, shrubs must be at least 2 gallons, and groundcover plants a minimum pot size of 4 inches. Enhancements must be approved by the Bureau of Environmental Services as meeting the <i>Stormwater Management Manual</i> , and must also comply with parking lot landscape requirements of this Title.
Option 4 Revegetation Fee	<p>Pay a revegetation fee.</p> <p>1. Fee use and administration. The revegetation fee is collected by BDS and is administered by the Bureau of Environmental Services. The fees collected are used for revegetation projects on public or private property within the same watershed as the site.</p> <p>2. Calculation of required fee contributions. Applicants must contribute the cost to purchase and plant trees, shrubs, and groundcover plants as set out in 3. below. The cost to purchase and plant trees and plants will be adjusted annually as determined by the Director of BES based on current market prices for materials, labor, and maintenance.</p> <p>3. Required fee contribution. The applicant must contribute the following revegetation fee before a building permit will be issued:</p> <ul style="list-style-type: none"> • The cost to purchase, plant, and maintain one tree, two shrubs, and 7 groundcover plants for every 50 square feet of planting area; • The fee calculation will be rounded up to the next multiple of \$10; and • The minimum area to be used in this calculation is 50 square feet. Calculations that are not a multiple of 50 will be rounded up to the next multiple of 50.

Commentary

33.430.0140.J

The amendment reflects the consolidation and renaming of the existing Nuisance Plant List and the Prohibited Plant List to the Nuisance Plants List. In addition, the text is clarified to state that removal of trees on the Nuisance Plants List does not count towards the limit of 225 inches of tree removal for the standard.

33.430.140.K

It is unnecessary to state "on the applicant's site" since the term "site" is defined in Section 33.910.030, so that term is deleted.

H.-I. No change.

- J.** Native trees may be removed within 10 feet of any proposed structures, within 5 feet of driveways, or to create up to 500 square feet of permanent disturbance area for uses such as gardens and play area. In no case will the combined total diameter of all the 6-inch or greater trees cut exceed 225 inches. Trees listed on the ~~Portland Nuisance Plants List or Prohibited Plant List~~ are exempt from this standard and may be removed; without being counted as part of the 225 inches;
- K.** Trees cut are replaced as shown in Table 430-3. Replacement trees must be at least one inch in diameter; shrubs must be in at least a 2-gallon container or the equivalent in ball and burlap. All trees and shrubs must be selected from the *Portland Plant List* and planted anywhere on the applicant's site. Conifers must be replaced with conifers and shrubs must consist of at least two different species;

Commentary

Section 33.430.140.L

The intent of the new standard is to require removal of invasive plants as compensation for loss of resources and functional values in areas that become developed. As with all standards in Section 33.430.140, if the standard is not met, an Environmental Review is required.

The maximum disturbance area allowed within the resource area is shown in Table 430-1.

The disturbance area is "The area where all temporary and permanent disturbance occurs. For new development, the disturbance area must be contiguous. Native vegetation planted for resource enhancement, mitigation, remediation, and agricultural and pasture lands is not included. The disturbance area may contain two subareas, the permanent disturbance area and the temporary disturbance area."

The standard will require removal of plants on the Nuisance Plants List in an area on the site that is 50 percent of the size of the proposed permanent disturbance area. The area of removal must be outside of the permanent and temporary disturbance areas. The replanting must occur within the area of removal. It may be necessary to install some of the required plants outside of the area of removal due to the number of plants required and the plant spacing requirements.

An example situation is useful. Maximum disturbance allowed is 5,000 sq. ft. in the R10 zone, pursuant to Table 430-1. The applicant proposes to permanently disturb 4,800 sq. ft. An area or areas that total 2,400 sq. ft. must be identified on the site and the plants on the Nuisance Plants List must be removed. The area of required removal must be outside of the permanent and temporary disturbance areas. The area of removal is not considered disturbance area.

In this example, if the areas on the site occupied by plants on the Nuisance Plants List total less than 2,400 sq. ft., then removal of existing nuisance plants is less than 2,400 sq. ft. If the areas of nuisance plants on the site total more than 2,400 sq. ft. then the required removal area is 2,400 sq. ft. The area of removal must be re-vegetated with native seed from the *Portland Plant List*, and replanted with two shrubs and seven groundcover plants for every 50 sq. ft. The replanting density matches that in Table 430-2, Minimum Site Enhancement Options and minimum plant sizes match those in Section 33.430.150.D. Note, the requirements for replacing removed trees on the Nuisance Plants List will be established in the Citywide Tree Project.

Removal of nuisance plants is necessary to facilitate growth and survival of installed vegetation that is required or allowed by the Zoning Code. Different methods of removal will be used for different plants. A determination that the plant is removed will vary depending on the plant.

The new standard is similar to existing standards. For example, applicants can choose standard D for a disturbance area for an alteration to existing development on sites exceeding the disturbance area. In standard D, the applicant is required to enhance the site using one of the four options for site enhancement (Table 430-2). Removal of nuisance plants and replanting with natives is one option. Requiring an "area of removal" of plants is also similar to tree replacement requirements; when trees are removed the trees must be replanted. These existing standards require the applicant to replace lost functions of one area with restoration efforts to another area as part of meeting the standard.

L. Nuisance plants.

1. Remove plants on the Nuisance Plants List in an area on the site that is equal to 50 percent of the size of the proposed permanent disturbance area, or from the entire site, whichever is less.
2. Plant removal must occur outside of the permanent and temporary disturbance areas.
3. Nuisance plant removal entails actions such as the removal of: roots, the above ground portion of the plant, and the seeds of the plant such that existing non-nuisance and/or newly installed plants are able to grow and survive. The non-nuisance plants are maintained free of nuisance plants.
4. The cleared area must be replanted as follows:
 - a. Seed the entire area of removal with a native grass seed.
 - b. Install seven groundcover plants and two shrubs per 50 square feet. Groundcover plants must be a minimum size of four inch pots and the shrubs a minimum size of one gallon pots.
 - c. Removed native and non-native non-nuisance trees are replanted in accordance with Section 33.430.140.M.
 - d. Planting native species listed on the *Portland Plant List* is required.

Commentary

33.430.140.M

The amendments relate to the consolidation and renaming of the lists from the Nuisance Plant List and the Prohibited Plant List to the Nuisance Plants List.

33.430.160 Standards for Land Divisions and Planned Developments

The text is clarified to state that removal of trees on the Nuisance Plants List does not count towards the limit of 225 inches of tree removal for the standard.

As identified in the memo from staff to the Planning Commission dated November 10, 2009, the proposed shift from allowing removal of trees on the Nuisance Plants List without replacement, to requiring trees be replaced with trees not on the Nuisance Plants List has been removed from this project proposal and incorporated into the Citywide Tree Project. The Citywide Tree Project is revising all City tree regulations, including tree replacement requirements. Therefore, the previously proposed tree replacement provisions in Section 33.430.150, Section 33.430.160, Section 33.430.180, and Section 33.430.190 have been deleted.

L.M All vegetation planted in a resource area is native and listed on the *Portland Plant List*. Plants listed on the ~~Portland Nuisance Plants List or Prohibited Plant List~~ are prohibited;

Table 430-3 Tree Replacement		
Size of tree to be removed (inches in diameter)	Option A (no. of trees to be planted)	Option B (combination of trees and shrubs)
6 to 12	2	not applicable
13 to 18	3	1 tree and 3 shrubs
19 to 24	5	3 trees and 6 shrubs
25 to 30	7	5 trees and 9 shrubs
over 30	10	7 trees and 12 shrubs

M.-R. M-S. Re-lettered to reflect the insertion of new "L" standard.

33.430.160 Standards for Land Divisions and Planned Developments

The following standards apply to land divisions and Planned Developments in the environmental overlay zones. All of the standards must be met. Modification of any of these standards requires approval through environmental review described in Sections 33.430.210 to 33.430.280.

A.-E. No change.

F. The combined total diameter of trees cut may not exceed 225 inches per dwelling unit in residential zones. In all other zones tree removal is limited to the boundaries of the approved disturbance area. Trees that are less than 6 inches in diameter and trees listed on the ~~Portland Nuisance Plants List or the Prohibited Plant List~~ are exempt from this standard and may be removed, without being counted as part of the 225 inches.

G.-J. No change.

Commentary

33.430.170 Standards for Resource Enhancement Projects

The existing language in F refers to a "sterile seed that is certified as weed-free." The Oregon Department of Agriculture defines and/or certifies a seed mix as "weed-free". The existing language would potentially allow a sterile version of a plant on the Nuisance Plants List to be used for temporary erosion control. The City has determined this is acceptable as a temporary measure. The change to the text does not alter what is allowed by this provision; it emphasizes that seeds of plants on the Nuisance Plants List must not be used unless they are both sterile and weed-free.

33.430.175 Standards for Right-of-Way Improvements

Native trees are allowed to be removed within 10 feet of the edge of the right-of-way improvement under the existing standard, if the total diameter of cut trees 6-inches or greater is 225 inches dbh and less. The existing standard does not count trees on the Nuisance Plants List. The text is clarified to state that removal of trees on the Nuisance Plants List does not count towards the limit of 225 inches of tree removal for the standard. This clarifying text is also proposed in Section 33.430.160.

33.430.170 Standards for Resource Enhancement Projects

The following standards apply to resource enhancement projects in the environmental zones. All of the standards must be met. Modification of any of these standards requires approval through environmental review described in Sections 33.430.210 to 33.430.280.

A.-E. No change.

- F.** Temporary disturbance areas may be seeded with ~~sterile~~ seed that is sterile and is certified as 100 percent weed free for erosion control purposes until replanting occurs.

33.430.175 Standards for Right-of-Way Improvements

The following standards apply to unimproved and partially improved rights-of-way. All of the standards must be met. Modification of any of these standards requires approval through environmental review described in Sections 33.430.210 to 33.430.280. New rights-of-way that are part of a proposed land division or planned development must be reviewed under the Standards for Land Divisions and Planned Developments in Section 33.430.160.

A.-C. No change.

- D.** Native trees may be removed within 10 feet of the edge of the right-of-way improvement. In no case may the combined total diameter of all the 6-inch or greater trees cut exceed 225 inches. Trees listed on the Nuisance ~~or Prohibited~~ Plants Lists are exempt from this standard; and may be removed without being counted as part of the 225 inches.

E. No change.

Commentary

33.430.405 Correction Options

This amendment relates to the consolidation and renaming of the existing Nuisance Plant List and the Prohibited Plant List to the Nuisance Plants List.

33.430.405 Correction Options

Applicants must choose one of the following options to correct environmental code violations.

A. No change.

B. **Option One, Remove and Repair.** This option results in removal of illegal development and replanting and repair of any damage. All of the requirements of this subsection must be met, and the notice and review procedure described in Sections 33.430.410 through 33.430.430 must be followed. Adjustments and modifications to these requirements are prohibited.

1.-2. No change.

3. Violation remediation planting. The area to be planted is the area disturbed by the violation. All of the following must be met:

a.-c. No change.

d. Any plants on the Nuisance or Plants List ~~listed~~ on the *Portland Plant List* must be removed from the planting area and within 10 feet of the planting area;

e.-f. No change.

4. No change

C. **Option Two, Retain and Mitigate.** This option results in legalizing the illegal development and mitigating for any damage. All of the requirements of this subsection must be met and the notice and review procedure described in Sections 33.430.410 through 33.430.430 must be followed. Adjustments and modifications to these standards are prohibited.

1. No change.

2. Violation remediation planting. The area to be planted is the area disturbed by the violation. Where development is approved for the area disturbed by the violation, an area of the same size elsewhere on the site must be planted. All of the following must be met:

a.-c. No change.

d. Any plants on the Nuisance or Plants List ~~listed~~ on the *Portland Plant List* must be removed from the planting area and within 10 feet of the planting area;

e.-f. No change.

3. No change.

Commentary

33.440 Greenway Overlay Zones

Amendments to this section are primarily related to the consolidation and renaming of the lists from the Nuisance Plant List and the Prohibited Plant List into the Nuisance Plants List.

There is no language in Chapter 33.440 specifically prohibiting the planting of nuisance and prohibited plants in the *Greenway Overlay Zone*. Language that prevents the planting of nuisance and prohibited plants is found in Chapter 33.248, *Landscaping and Screening*.

The Bureau of Planning and Sustainability is currently updating the *Willamette Greenway Plan* through a project called the *River Plan*. The *River Plan* will replace portions Chapter 33.440, the *Greenway Overlay Zone*, with Chapter 33.475, *River Overlay Zones*.

33.440.320 Exemptions from Greenway Review

The amendment here reflects the consolidation and renaming of the lists from the Nuisance Plant List and the Prohibited Plant List to the Nuisance Plants List.

As identified in the memo from staff to the Planning Commission dated November 10, 2009, the proposed shift from allowing removal of trees on the Nuisance Plants List without replacement, to requiring trees be replaced with trees not on the Nuisance Plants List has been removed from this project proposal and incorporated into the *Citywide Tree Project*. The *Citywide Tree Project* is revising all City tree regulations, including tree replacement requirements.

**CHAPTER 33.440
GREENWAY OVERLAY ZONES**

33.440.320 Exemptions from Greenway Review

Greenway review is not required for any of the situations listed below. The situations listed below are still subject to the Greenway development standards. The situations are:

A.-K. No change.

L. Removal of vegetation identified on the Nuisance Plants List as nuisance plants on the *Portland Plant List*.

Commentary

33.465.080 Items Exempt From These Regulations

The amendments are essentially to include in the Pleasant Valley Natural Resources Overlay Zone, the same language that is proposed in the Environmental Overlay Zone in Section 33.430.080 and in the *Greenway* Overlay Zone in Section 33.440.320.

The amendments reflect the name change of the plant list.

As identified in the memo from staff to the Planning Commission dated November 10, 2009, the proposed shift from allowing removal of trees on the Nuisance Plants List without replacement, to requiring trees be replaced with trees not on the Nuisance Plants List has been removed from this project proposal and incorporated into the Citywide Tree Project. The Citywide Tree Project is revising all City tree regulations, including tree replacement requirements.

33.465.090 Prohibitions

The change reflects the change to the name of the plant list.

**CHAPTER 33.465
PLEASANT VALLEY NATURAL RESOURCES OVERLAY ZONE**

33.465.080 Items Exempt From These Regulations

The following items, unless prohibited by Section 33.465.090, below, are exempt from the regulations of this chapter:

A.-B. No change.

C. Existing development, operations, and improvements, including the following activities:

1.-4. No change.

5. Removing a tree listed on the Nuisance ~~or Prohibited~~ Plants Lists. Removing other trees or portions of trees when they pose an immediate danger, as determined by the City Forester or a certified arborist. Removing these portions is exempt only if all sections of wood greater than 12 inches in diameter remain, or are placed, in the Pleasant Valley Natural Resources overlay zone on the same ownership on which they are cut;

6.-7. No change.

D. No change.

33.465.090 Prohibitions

The following items are prohibited in the Pleasant Valley Natural Resources overlay zone:

A. No change.

B. The planting or propagation of any plant identified on the Nuisance Plants List as a nuisance plant ~~or prohibited plant~~ ~~o~~in the *Portland Plant List*; and

C. No change.

Commentary

33.465.150 General Development Standards

The amendments reflect the change to requiring replacement vegetation required when the trees on the Nuisance Plants List are removed.

33.465.150.E

This amendment relates to the consolidation and renaming of the existing Nuisance Plant List and the Prohibited Plant List to the Nuisance Plants List. In addition, the text is clarified to state that removal of trees on the Nuisance Plants List does not count towards the limit of 225 inches of tree removal for the standard.

33.465.150.F

The amendments to this chapter incorporate provisions from Chapter 430, Environmental Zones. The language from Section 33.430.140.K, including the table, is inserted; this keeps the language consistent with the language in Chapter 430. Also, the amendments reflect the name change to the Nuisance Plants List.

As identified in the memo from staff to the Planning Commission dated November 10, 2009, the proposed shift from allowing removal of trees on the Nuisance Plants List without replacement, to requiring trees be replaced with trees not on the Nuisance Plants List has been removed from this project proposal and incorporated into the Citywide Tree Project. The Citywide Tree Project is revising all City tree regulations, including tree replacement requirements.

33.465.150 General Development Standards

The standards of this section apply to all development in the Pleasant Valley Natural Resources overlay zone except utilities subject to Section 33.465.155, rights-of-way subject to 33.465.160, land divisions and planned developments subject to Section 33.465.165, resource enhancement projects subject to Section 33.465.170, trails subject to Section 33.465.175, and mitigation subject to 33.465.180.

Standards A, B and E through ~~L~~ N apply to new development. Standards C, D and E through ~~L~~ N apply to alterations to existing development. All of the applicable standards must be met.

Modification of any of these standards requires approval through Pleasant Valley resource review.

A.-D. No change.

E. Native trees may be removed within 10 feet of any proposed structures, or within 5 feet of driveways. In no case will the combined total diameter of all the 6-inch or greater trees cut exceed 225 inches. Trees listed on the ~~Portland Nuisance Plants List or Prohibited Plant List~~ are exempt from this standard and may be removed; without being counted as part of the 225 inches.

F. Trees cut must be replaced as shown in Table 465-2. Replacement trees must be at least one-half inch in diameter; shrubs must be in at least a 2-gallon container or the equivalent in ball and burlap. All trees and shrubs must be selected from the Portland Plant List and planted anywhere on the site. Conifers must be replaced with conifers and shrubs must consist of at least two different species;

Table 465-2 Tree Replacement		
<u>Size of tree to be removed (inches in diameter)</u>	<u>Option A (no. of trees to be planted)</u>	<u>Option B (combination of trees and shrubs)</u>
<u>6 to 12</u>	<u>2</u>	<u>not applicable</u>
<u>13 to 18</u>	<u>3</u>	<u>1 tree and 3 shrubs</u>
<u>19 to 24</u>	<u>5</u>	<u>3 trees and 6 shrubs</u>
<u>25 to 30</u>	<u>7</u>	<u>5 trees and 9 shrubs</u>
<u>over 30</u>	<u>10</u>	<u>7 trees and 12 shrubs</u>

Commentary

33.465.150.G

The intent of the new standard is to require removal of invasive plants as compensation for loss of resources and functional values in areas that become developed. As with all standards in Section 33.465.150, if the standard is not met, a Pleasant Valley Natural Resources Review is required. This standard is the same as the standard proposed in Section 33.430.140.L.

33.465.150.H

The amendment reflects the updated name of the plant list.

33.465.180 Standards for Mitigation

The amendment reflects the consolidation of the existing Nuisance Plant List and the Prohibited Plant List to the Nuisance Plants List.

The amended text is also more specific in identifying which plants must be removed from the mitigation area. Instead of stating that "invasive vegetation" must be removed within the mitigation area, the language specifies the removal of plants on the Nuisance Plants List within the mitigation area.

As previously noted in the Commentary for Chapter 33.248, Landscaping and Screening, an applicant can propose to not meet the provisions of Section 33.248.090. As proposed, the language in Section 33.248.090 will require the removal of plants - groundcovers, shrubs, and trees - on the Nuisance Plants List within the mitigation area. In a Pleasant Valley Review, Section 33.465.180 must be met. Within that section, subsection C. requires removal of invasive vegetation and G. requires compliance with Section 33.430.090. The request to not meet the standards would be part of the land use review; neither a Modification nor an Adjustment would be needed because unmet standards must be reviewed through a land use review.

G. Nuisance plants.

1. Remove plants on the Nuisance Plants List in an area on the site that is equal to 50 percent of the size of the proposed permanent disturbance area, or from the entire site, whichever is less.
2. Plant removal must occur outside of the permanent and temporary disturbance areas.
3. Nuisance plant removal entails actions such as the removal of: roots, the above ground portion of the plant, and the seeds of the plant such that existing non-nuisance and/or newly installed plants are able to grow and survive. The non-nuisance plants are maintained free of nuisance plants.
4. The cleared area must be replanted as follows:
 - a. Seed the entire area of removal with a native grass seed.
 - b. Install seven groundcover plants and two shrubs per 50 square feet. Groundcover plants must be a minimum size of four inch pots and the shrubs a minimum size of one gallon pots.
 - c. Removed native and non-native non-nuisance trees are replanted in accordance with Section 33.465.150.F.
 - d. Planting native species listed on the *Portland Plant List* is required.

~~F.H.~~ All vegetation planted in the Pleasant Valley Natural Resources overlay zone is native and listed on the *Portland Plant List*. Plants listed on the ~~Portland~~ Nuisance Plants List or ~~Prohibited Plant List~~ are prohibited;

33.465.180 Standards for Mitigation

The following standards apply to required mitigation. All of the standards must be met. Modification of these standards requires approval through Pleasant Valley resource review.

A.-B. No change.

C. ~~Invasive vegetation.~~ ~~Invasive vegetation~~ Nuisance plants. Plants listed on the Nuisance Plants List must be removed within the mitigation area;

E.-G. No change.

Commentary

33.465.405.C

The change reflects the consolidation of the existing Nuisance Plant List and the Prohibited Plant List to the Nuisance Plants List.

33.465.405 Correction Options

Applicants must choose one of the following options to correct violations of this chapter.

A. No change.

B. **Option One, Remove and Repair.** This option results in removal of illegal development and replanting and repair of any damage. All of the requirements of this subsection must be met, and the notice and review procedure described in Sections 33.465.410 through 33.465.430 must be followed. Adjustments and modifications to these requirements are prohibited.

1.-2. No change.

3. Violation remediation planting. The area to be planted is the area disturbed by the violation. All of the following must be met:

a.-c. No change.

d. Any plant listed on the Nuisance or Prohibited Plants List ~~listed on the~~ *Portland Plant List* must be removed from the planting area and within 10 feet of the planting area;

e.-f. No change.

4. No change.

C. **Option Two, Retain and Mitigate.** This option results in legalizing the illegal development and mitigating for any damage. All of the requirements of this subsection must be met and the notice and review procedure described in Sections 33.465.410 through 33.465.430 must be followed. Adjustments and modifications to these standards are prohibited.

1. No change.

2. Violation remediation planting. The area to be planted is the area disturbed by the violation. Where development is approved for the area disturbed by the violation, an area of the same size elsewhere on the site must be planted. All of the following must be met:

a.-c. No change.

d. Any plant listed on the Nuisance or Prohibited Plants List ~~listed on the~~ *Portland Plant List* must be removed from the planting area and within 10 feet of the planting area;

e. Trees must be a minimum 1 inch in diameter unless they are oak, madrone, or conifer, which may be 3- to 5-gallon size. No more than 10 percent of the trees may be oak or madrone. Shrubs must be a minimum of 2-fallon size. All other species must be a minimum of 4-inch pots; and

f. The requirements of Section 33.248.090, Mitigation and Restoration Planting, must be met.

3. No change.

D. No change.

Commentary

Chapter 33.508 Cascade Station/ Portland International Center Plan District

Within Chapter 33.508 there are provisions specifically related to the Environmental Overlay Zone. These provisions should be updated as other provisions in the Zoning Code are updated with this project. The amendments primarily relate to changing the Zoning Code to reflect the consolidation and name change of the Nuisance Plant List and the Prohibited Plant List to the Nuisance Plants List.

The Proposed Draft: Report and Recommendations to Planning Commission, dated October 9, 2009 does not include the amendments proposed here; this is due to an oversight. The provisions were proposed to the Planning Commission in a memo from staff dated November 10, 2009. Planning Commission accepted these provisions.

Section 33.508.314 - Items Exempt from these Regulations

The following are exempt from the development standards and required reviews stated in this section:

A.-K. No change.

L. Removing a tree listed on the Nuisance or ~~Prohibited~~ Plants Lists. Removing other trees or portions of trees when they pose an immediate danger, as determined by the City Forester or an arborist. Removing these portions is exempt if all sections of wood greater than 12 inches in diameter remain, or are placed, in the resource area of the same ownership on which they are cut.

Section 33.508.320 - Use Regulations

A. Permitted uses. The following uses and activities are allowed if they comply with the development standards of Section 33.508.330:

1. No change.

2. In environmental zones:

b. Removal of vegetation identified as ~~nuisance or prohibited~~ plants on the ~~Portland~~ Nuisance Plants List.

c.-k. No change.

3. No change.

Section 33.508.330 - Development Standards

A. Except for temporary uses, and as specified in Paragraph A.6, land uses and activities on lots or lease areas which contain an environmental zone on any portion of them require revegetation of the vegetated transition area as follows:

1. Species must be classified as native on the *Portland Plant List*, not be classified as ~~prohibited or nuisance~~ plants on the Nuisance Plants List, and be listed in the approved CS/PIC Plant List.

2.-6. No change.

B. Land uses and activities within an environmental zone must meet the following standards:

1. Revegetation in a vegetated transition area must meet the following:

a. Species must be classified as native on the *Portland Plant List*, not be classified as ~~prohibited or nuisance~~ plants on the Nuisance Plants List, and be listed in the approved CS/PIC Plant List.

b.-e. No change.

Commentary

Chapter 33.508 Cascade Station/ Portland International Center Plan District

Within Chapter 33.508 there are provisions specifically related to the Environmental Overlay Zone. These provisions should be updated as other provisions in the Zoning Code are updated with this project. The amendments primarily relate to changing the Zoning Code to reflect the consolidation and name change of the Nuisance Plant List and the Prohibited Plant List to the Nuisance Plants List.

The Proposed Draft: Report and Recommendations to Planning Commission, dated October 9, 2009 does not include the amendments proposed here; this is due to an oversight. The provisions were proposed to the Planning Commission in a memo from staff dated November 10, 2009. Planning Commission accepted these provisions.

2. Revegetation in a protected resource must meet the following:

b. Species must be classified as native on the *Portland Plant List*, not be classified as ~~prohibited or nuisance~~ plants on the Nuisance Plants List, and be listed in the approved CS/PIC Plant List.

c.-e. No change.

3.-17. No change.

Section 33.508.340 - CS/PIC Environmental Review

A.-C. No change.

D. Approval criteria.

1-.2. No change.

3. Planting non-native vegetation in an environmental zone will be approved if the review body finds that the vegetation:

a. No change.

b. Is not classified as ~~prohibited or nuisance~~ plants on the Nuisance Plants List,

4. -7. No change.

Commentary

33.515.274 Items Exempt From These Regulations

Amendments in this section are related to the consolidation and renaming of the lists from the Nuisance Plant List and the Prohibited Plant List to the Nuisance Plants List.

As identified in the memo from staff to the Planning Commission dated November 10, 2009, the proposed shift from allowing removal of trees on the Nuisance Plants List without replacement, to requiring trees be replaced with trees not on the Nuisance Plants List has been removed from this project proposal and incorporated into the Citywide Tree Project. The Citywide Tree Project is revising all City tree regulations, including tree replacement requirements.

33.515.276 Use Regulations

Amendments in this section are related to the consolidation and renaming of the lists from the Nuisance Plant List and the Prohibited Plant List to the Nuisance Plants List.

**CHAPTER 33.515
COLUMBIA SOUTH SHORE PLAN DISTRICT**

33.515.274 Items Exempt From These Regulations

The following are exempt from the development standards and required reviews stated in this section:

A.-K. No change.

L. Removing a tree listed on the Nuisance or Prohibited Plants Lists.

M. Removing other trees or portions of trees when they pose an immediate danger, as determined by the City Forester or an arborist. Removing these portions is exempt only if all sections of wood greater than 12 inches in diameter remain, or are placed, in the resource area of the same ownership on which they are cut.

33.515.276 Use Regulations

A. Permitted uses. The following uses and activities are allowed if they comply with the development standards of Section 33.515.278:

1. In areas without environmental overlay zones, uses and development allowed by the plan district regulations.
2. In environmental zones:
 - a. Planting-required vegetation;
 - b. Removal of vegetation identified on the Nuisance Plants List ~~as nuisance or prohibited plants~~ *in the Portland Plant List*;
 - c.-k. No change.
3. No change.

Commentary

33.515.278 Use Regulations

The amendment reflects the consolidation and renaming to the Nuisance Plants List.

33.515.278 Development Standards

The amendment reflects the consolidation of the existing Nuisance Plant List and the Prohibited Plant List to the Nuisance Plants List.

B. Review required. The following uses are allowed if they comply with the development standards of Section 33.515.278 and are subject to review, as set out in Section 33.515.280:

1. In environmental zones:
 - a. Fill or destruction of a resource in an environmental conservation zone;
 - b. Removal of vegetation which is not identified on the Nuisance Plants List as ~~nuisance or prohibited plants~~ in the Portland Plant List;
 - c.-i. No change.
2. No change.

C. No change.

33.515.278 Development Standards

A. Except for temporary uses and as specified in Paragraph A.6, land uses and activities on lots or sites which contain an environmental zone on any portion of them require revegetation of the vegetated transition area as follows:

1. Species must be classified as native on the *Portland Plant List*, and not be identified on the Nuisance Plants List ~~classified as prohibited or nuisance plants~~;
- 2.-6. No change.

B. Land uses, land divisions, and activities within an environmental zone must meet the following standards:

1. Revegetation in a vegetated transition area must meet the following:
 - a. Species must be classified as native on the *Portland Plant List*, and not be identified on the Nuisance Plants List ~~classified as prohibited or nuisance plants~~;
 - b.-e. No change.
2. Revegetation in a protected resource must meet the following:
 - a. Species must be classified as native on the *Portland Plant List*, and not be identified on the Nuisance Plants List ~~classified as prohibited or nuisance plants~~;
 - b.-e. No change.
- 3.-18. No change.

Commentary

33.515.280 Columbia South Shore Environmental Review

The text reflects the consolidation of the existing Nuisance Plant List and the Prohibited Plant List to the Nuisance Plants List.

33.515.280 Columbia South Shore Environmental Review

A.-C. No change.

D. Approval criteria.

1.-2. No change.

3. Planting non-native vegetation in an environmental zone will be approved if the review body finds that the vegetation:

- a. Provides food or other values for native wildlife that cannot be achieved by native vegetation; and
- b. Is not classified as a plant on the Nuisance Plants List ~~nuisance or prohibited plant~~ *in the Portland Plant List.*

4.-7. No change.

Commentary

33.537 Johnson Creek Basin Plan District,

The Johnson Creek Basin Plan District, Chapter 33.537, does not have specific language about nuisance and prohibited plants, nor does the chapter address native plants.

33.537.100 General Development Standards

The amendments in Section 33.537.100, General Development Standards, are to allow removal of groundcovers and shrubs on the Nuisance Plants List and to state that planting of plants on the Nuisance Plants List is prohibited. The new language in Chapter 33.537 works in conjunction with new language in Chapter 33.248, Landscaping and Screening.

Allowing removal of trees, shrubs, and groundcovers raises concerns about loss of habitat and shade, and potential erosion from exposed soil. This is a particular concern when trees are removed. Section 33.537.100, requires "all vegetation removal activities must be surrounded or protected in a manner to prevent erosion and sediment from leaving the altered site." The existing language addresses concerns about exposed soil; no change is needed.

33.537.130 Springwater Corridor Standards

33.537.140 South Subdistrict Development Standards

33.537.150 Floodplain Standards

As identified in the memo from staff to the Planning Commission dated November 10, 2009, the proposed shift from allowing removal of trees on the Nuisance Plants List without replacement, to requiring trees be replaced with trees not on the Nuisance Plants List has been removed from this project proposal and incorporated into the Citywide Tree Project. The Citywide Tree Project is revising all City tree regulations, including tree replacement requirements. Therefore, the previously proposed provisions about nuisance tree removal with replacement trees have been removed.

CHAPTER 33.537
JOHNSON CREEK BASIN PLAN DISTRICT

33.537.100 General Development Standards

The standards of this section apply to the entire Johnson Creek Basin plan district.

A.-B. No change.

C. Groundcovers and shrubs identified on the Nuisance Plants List may be removed.

D. Planting of plants listed on the Nuisance Plants List is prohibited;

C.E. All vegetation removal activities must be surrounded or protected in a manner to prevent erosion and sediment from leaving the altered site.



City of Portland Bureau of Planning and Sustainability

Sam Adams, Mayor | Susan Anderson, Director

Invasive Plant Policy Review and Regulatory Improvement Project

Appendix B: *Portland Plant List*

Note: This is an excerpt from the *Portland Plant List*; it is not the entire *Portland Plant List*. The changes presented here are focused on the text of the *Portland Plant List* as it relates to nuisance plants (formerly nuisance and prohibited plants), the re-organization of the text, the addition and removal of plants on the now consolidated and renamed Nuisance Plants List, and the addition of priority ranks to the nuisance plants. The following text includes: existing text to remain which is indicated in normal font; text to be removed which is indicated with strikethrough; and new text which is indicated in underlined font. Additional formatting and updated graphics will be made to the printed version and the online version.

~~Portland Native Plant Lists~~

Portland Plant Lists: the Native Plants List and the Nuisance Plants List

Introduction

~~The Portland Native Plant Lists are an integral component of the City of Portland's natural resource protection program. Native plants identified here are required within the City's Environmental and Willamette River Greenway Overlay Zones; invasive or harmful plants (identified on the "Nuisance" or "Prohibited" Plant Lists) are prohibited.~~

~~Portland's native plant policy is designed to ensure the continued viability and diversity of indigenous plant and animal communities, promote the use of plants naturally adapted to local conditions, and educate citizens about the region's natural heritage and the values and uses of native plants.~~

~~A healthy native plant community serves many important functions: it provides habitat for native wildlife and preserves critical habitat for rare, threatened and endangered animals and plants; enhances air and water quality by trapping airborne particulates and by filtering sediments and pollutants from runoff before they enter streams and aquifers; stabilizes stream banks and hillside slopes, and dissipates erosive forces; ameliorates the local microclimate, and reduces water and energy needs; and provides scenic, recreational and educational values which, in turn, enhance Portland's livability. Native plants are part of the region's natural heritage.~~

The City of Portland's environmental protection efforts include a focus on ensuring the continued viability and diversity of indigenous plant and animal communities, promoting the use of plants naturally adapted to local conditions, and educating citizens about the region's natural heritage and the values and uses of native plants.

A healthy native plant community serves many important functions:

- Provides habitat and food for native wildlife;

- Preserves critical habitat for rare, threatened and endangered animals and plants;
- Enhances air quality by trapping airborne particulates;
- Enhances water quality by filtering sediments (and pollutants attached to sediments) from runoff before the water enters streams;
- Stabilizes streambanks and hillside slopes by dissipating erosive forces;
- Enhances local microclimate, and reduces water and energy needs;
- Provides a place for native plants to continue to exist;
- Provides scenic and recreational and educational values, which, in turn, enhance Portland's livability. Native plants are part of the region's heritage.

The *Portland Plant List* is comprised of two lists and supporting information: the Native Plants List and the Nuisance Plants List. Both plant lists are integral to the City of Portland's natural resource protection program and invasive species management strategy. Only those plants on the Native Plants List are allowed to be planted within the City's Environmental Overlay Zone and the Pleasant Valley Natural Resources Overlay Zone. Native plants are also encouraged to be planted in the Greenway Overlay Zone.

The plants identified on the Nuisance Plants List are prohibited from being planted within the Environmental Overlay Zone, Greenway Overlay Zone, and the Pleasant Valley Natural Resources Overlay Zone. In addition, species on the Nuisance Plant List cannot be installed in City required landscaping areas. Plants - trees, shrubs, and groundcovers - on the Nuisance Plants List may be removed in the Environmental Overlay Zone, the Greenway Overlay Zone, and the Pleasant Valley Natural Resources Overlay Zone without a land use review. Plant removal methods that result in ground disturbance may require a permit or land use review when proposed within the Environmental Overlay Zone, Greenway Overlay Zone, and the Pleasant Valley Natural Resources Overlay Zone. Herbicide application may require a permit in the Greenway Overlay Zone. In some situations in these overlay zones, tree removal may require a permit and tree replacement. Please consult the City of Portland Zoning Code (<http://www.portlandonline.com/bps/index.cfm?c=29205>), other City codes (<http://www.portlandonline.com/index.cfm?c=27891>), and City staff for more detailed analysis of applicable requirements relating to removal and installation of plants on the Nuisance Plants List.

Certain species on the Nuisance Plants List are required to be removed if found on the property, regardless of whether a land use review or building permit is submitted. These plants are currently limited in distribution; however, they spread rapidly and they are very difficult to control once they become established. These plants are identified in the *Portland Plant List* as the Nuisance Plants List, Required Eradication List. The requirements related to these plants are found in Portland City Code in Title 29, Property Maintenance Regulations, and the related administrative rule.

There are several useful definitions in this discussion. Some of these definitions are used in the City of Portland Invasive Plants Strategy Report 2008, and are revised for use in the *Portland Plant List*; other definitions are terms of use.

- Native: Species that were likely found historically (prior to European settlement) in the Portland area. Ecologically, many of these plants are exclusive food sources for native invertebrates; thus birds and other native animals that consume them rely upon this food source.
- Ornamental: Commercially sold non-native plants typically used in landscape areas.
- Nuisance: Species that threaten the health and safety of Portland citizens and/or degrade the habitat quality of natural areas.
- Invasive: Species that spread at such a rate that they cause harm to human health, the environment, and /or the economy. In natural areas, invasive plants are those species that displace native plants and become the dominant species in that vegetation layer. Invasive plants can halt successional processes by limiting the establishment and the growth patterns of native species. They can deprive native invertebrates of food sources, disrupting the food chain for native wildlife.
- Weed: A plant that grows where it is not wanted. Ecological weeds are pests in natural areas, agricultural weeds are pests in farmed areas, landscaping weeds are pests in landscaped areas, and so on.
- Noxious weed: A weed designated as noxious by the Oregon Department of Agriculture.

The Oregon Department of Agriculture (ODA) has a statewide noxious weed list, including both agricultural and ecological weeds. However, some of the invasive species degrading our natural areas are not on the ODA noxious weed

list. Nursery sales are regulated by ODA under administrative rule (OAR 603-052-1200). This rule prohibits import, transport, propagation or sale of select "A" and "B" state listed noxious weeds and plants on the Federal Noxious Weed List (7 C.F.R. 360.200). The City of Portland does not have jurisdiction to regulate nursery sales or agricultural commodities in Oregon, but the City can regulate the types of vegetation planted. Some of the plants on the ODA Noxious Weed List are included in the City's Nuisance Plants List; these plants would remain subject to OAR 603. The City of Portland has made managing invasive plants a priority and has established programs, regulations, and policies accordingly. In addition, the City focuses efforts on education and outreach, working with the nursery and seed industry, and other actions to prevent the spread of invasive species.

A more localized list to characterize those species that threaten the health and safety of Portland citizens and natural areas is needed. When the first *Portland Plant List* was created, it contained, in addition to the list of native plants, a list of invasive species. For more information about the history of the *Portland Plant List*, see Appendix A.

The City of Portland recognizes that not all non-native plants are invasive. For example, there are many non-native, ornamental garden plants that don't spread rapidly, nor do they alter ecosystem processes. Our knowledge of what is and is not invasive changes over time. The potential for a plant to be invasive can sometimes be predicted using two factors - the level of invasiveness of the plants in areas with similar geologic and climate conditions, and the reproductive methods of the plants. Although invasive potential has not been evaluated for all ornamental plants, some plants included here represent obvious threats. Plants identified on the Nuisance Plants List currently can or do threaten the vitality of native ecosystems. "When an invasive species colonizes a new environment, it leaves behind the natural enemies such as predators or parasites that controlled its population growth in its original home. It can quickly expand, out-competing and overwhelming native species. Native species have not evolved the necessary survival strategies to fend off unfamiliar species or diseases" (Oregon Department of Fish and Wildlife, Conservation Strategy, February 2006).

Modification of lists the Portland Plant List

Plants may be added to or removed from the Native Plant List or Nuisance Plant List as follows. When a request to amend either list is received, the Bureau of Planning will consult with three or more knowledgeable persons with botany, biology or landscape architecture backgrounds to determine whether the requested change is warranted. This decision will be forwarded to the applicant and will be final. The primary source for native plant determination is the five volume set, *Flora of the Pacific Northwest*, by Hitchcock and Cronquist.

Adding to or removing plants from the Prohibited Plant List must be done through a legislative procedure as provided in Chapter 33.740 of the Zoning Code.

The information in the *Portland Plant List* will be updated periodically or as needed to reflect current scientifically accepted information about the characteristics and status of plants on the Native Plants List and the Nuisance Plants List. Changes may include but are not limited to: modification of language in the body of the document, the addition or removal of plants from any list, or a re-assignment of plant ranking.

Changes proposed to the *Portland Plant List* will be made through the City's administrative rule process. Administrative rules provide a streamlined process for reviewing and making changes to technical documents such as the *Portland Plant List*. The Bureau of Planning and Sustainability (BPS) will coordinate review of potential modifications to the *Portland Plant List*. The director of BPS, or their delegate, will make the final decision on the changes to the *Portland Plant List*. Potential modifications to the listed species and ranks will be reviewed by at least three or more knowledgeable persons with botany, biology, landscape architecture, or other qualified backgrounds. BPS will also inform key stakeholders of potential changes and provide reasonable opportunity for review and comment. The public can request changes to the list or changes to the ranks at any time by sending a written request to BPS. Potential amendments might be collected over a period of time and processed in batches, depending on the nature of the changes and resource availability.

The primary source for native plant determination is the five volume set, *Flora of the Pacific Northwest*, by Hitchcock and Cronquist. In some cases, the Oregon Vascular Plant Database (OSU Herbarium) samples, the Oregon Flora Project, and the Urbanizing Flora of Portland, Oregon 1806-2008 (Occasional Paper 3 of the Native Plant Society of Oregon, 2009) by

J.A. Christy, A. Kimpo, V. Marttala, P.K. Gaddis, and N.L. Christy, may also be used to determine whether plants are native to the Portland area.

How to Use the Lists

The lists have many uses, from public education and promotion of our natural heritage to helping someone to choose the most appropriate species for planting. The plant lists are not intended to be a rigorous scientific study but a tool that provides assistance to citizens in selecting appropriate native species for planting. Every effort was made to make them as accurate as possible. The lists are set up to provide for a narrowing of choices from the over 450 species on the full list to a manageable number suitable for a particular site.

The lists of Native Plant Communities provide a first cut. These lists help narrow the focus to one of nine generalized communities identified for the City of Portland. The community list can then be narrowed further using the section "Native Plants in Detail."

The Lists How to Use the Lists

The Portland Plant List is divided into ~~four~~ two sections: the Native Plants List (includes native plant communities, native plants in detail), and the Nuisance Plants List and prohibited plants. These sections are summarized below.

How to Use the Lists — moved from "Introduction" section

The lists have many uses, from public education and promotion of our natural heritage to helping someone to choose the most appropriate species for planting. The plant lists are not intended to be a rigorous scientific study but a tool that provides assistance to citizens in selecting appropriate native species for planting. Every effort was made to make them as accurate as possible. The lists are set up to provide for a narrowing of choices from the over 450 species on the full list to a manageable number suitable for a particular site.

The lists of Native Plant Communities provide a first cut. These lists help narrow the focus to one of nine generalized communities identified for the City of Portland. The community list can then be narrowed further using the section "Native Plants in Detail."

Native Plants List

The Native Plants List has many uses, from public education and protection of our natural heritage to helping someone choose the most appropriate species for planting.

The Native Plants List is set up in several formats to assist the user. The plants are grouped into nine generalized "Native Plant Communities" for the City of Portland. Using the section "Native Plants in Detail," one can find appropriate plants for particular sites within a plant community.

The lists identify groundcovers (ferns, forbs, grasses, sedges, rushes, and other), shrubs, and trees. The Native Plants List includes the scientific name, the common name, and the associated habitat type. Of special note, tall shrubs are shrubs that resemble trees in growth, structure, or appearance but they are technically considered shrubs. ~~These~~ Tall shrubs may not be used to meet, ~~Title 33 or Title 34~~ in any City title, the standards, criteria, or conditions of approval which require trees.

When considering development, particularly in forested areas, building materials and plant types should be evaluated. The Native Plants List indicates trees and shrubs that are "fire accelerants." Plants identified as "Fire Accelerant Y" are "plants

with higher than average flammable combustion potential due to flammability chemicals present within the leaves, needles, and stems.” Plants identified as “Fire Accelerant N (neutral)” are “plants with average flammable combustion potential (there are no chemicals present within the stems, leaves, and needles that make it less flammable or more flammable than average).”

This “fire accelerant” notation is currently only identified on the native shrubs and trees portions of the Native Plant Lists on the web page for the Portland Plant List. We will need to add the notation to the shrubs and trees portions of the Native Plant Lists in the printed version of the Portland Plant List.

Native Plant Communities

~~The Native Plant Communities section is a generalized listing of~~ describes the nine native plant communities found within the City of Portland. Nine plant communities are identified. Each community contains a list of plants appropriate for that community. The lists include information about common and rare species. indicate which species are commonly found and which are more rarely found in the community.

Native Plants in Detail

~~The community list can be narrowed further using the~~ The Native Plants in Detail section provides specific information on each of the native plants on the Native Plants List. This section is an individual breakdown of the native plants historically found in the City of Portland. The list divides the plants into the following sub-groups: trees, shrubs, forbs, grasses, sedges and rushes, ferns, and others. For each group, the list includes the scientific (Latin) name of the species, its common name, its wetland indicator status, and its life history characteristics. The life history characteristics include: information on flowering, light requirements, water requirements, and habitat type (wetland, riparian, forest, forested slopes, thicket, grass and rocky). Special lists are provided for aggressive growers, groundcovers and vines, and native plants used as food by wildlife.

Nuisance Plants

~~The Nuisance Plants section is a listing of plants found in the City of Portland which can be removed manually without requiring an environmental review or greenway review. Other local, state or federal laws may still regulate removal of certain plants on this list. Nuisance plants may be native, naturalized or exotic. They are divided into two groups: plants which are considered a nuisance because of their tendency to dominate plant communities, and plants which are considered harmful to humans. Each group identifies the scientific and common plant names and their indicator status.~~

Prohibited Plants

~~The Prohibited Plants section is a listing of plants which the City of Portland prohibits from use in all reviewed landscaping situations within the City limits. These plant species pose a serious threat to the health and vitality of native plant and animal communities. Manual removal of these plants is exempt from land use review.~~

Nuisance Plants List

The plants on the Nuisance Plants List are invasive; they threaten the health and vitality of native habitats, humans, and cause economic harm to public and to private landowners. Planting of these plants should be avoided and removal encouraged. The Nuisance Plants List includes the common and scientific plant names, and assigns priority ranks of A, B, C, D, and W. The ranks were developed to educate the public about the distribution of and level of invasiveness of each species. In addition, these ranks help land managers prioritize actions when there are limited resources. The ranks apply to the named species only, and include any sub-species, varieties, or cultivars of these species, unless otherwise noted.

Taxa

Plant names used in the *Portland Plant List* are taken primarily from Appendix III of *The Jepson Manual* (1993), and the five-volume set, *Flora of the Pacific Northwest* (1973), by Hitchcock and Cronquist. Other sources are *Flora of North America, Volume 2: Ferns and Gymnosperms* (Oxford University Press 1993), and recent research by the Carex Working Group and Barbara L. Wilson. Be aware that the names of some familiar species—such as *Cornus stolonifera*, now *Cornus sericea* ssp. *sericea*—were changed in *The Jepson Manual* and in the more recent research. have been changed. Plant names can be determined online at with the PLANTS database at <http://plants.usda.gov/> and by the Oregon Flora Project at <http://www.oregonflora.org>.

History

In February 1986, the Greenway Plant List was developed in consultation with local ecologists, biologists and naturalists. Later that year, this list was adapted for the Columbia River Corridor area. Use of native plants from the list first became a requirement within the Willamette River Greenway Zones, and was later required within the Environmental Zones when adopted in 1989 for the Columbia Corridor. Soon thereafter, a Technical Advisory Committee (TAC) was established to review and expand the list to cover all of Portland. As part of that review, the TAC identified the need to create categories for native, nuisance and prohibited plants. The expanded “Portland Plant List,” covering native and nuisance plants throughout the City, was adopted by the Portland City Council on November 13, 1991.

Amendments passed on May 26, 1993 and September 21, 1994 further refined and expanded the List, and added prohibited plants. In July, 1995, the list was updated to include name changes from recent references, as cited in Appendix III of *The Jepson Manual*.

Moved History to the APPENDIX

Native Plants in Detail

This section provides illustrated descriptions of woody plants and tables summarizing the features of herbaceous plants historically found in the City of Portland. The list includes several plants known to occur within the Urban Growth Boundary or not more than ten miles from Portland. And The plants are expected to occur within the City based on the presence of suitable habitat, the judgment of local botanical expert, the range of maps of the Oregon Flora Project, the publication Urbanizing Flora of Portland, Oregon 1806-2008, or the range descriptions found in Hitchcock and Cronquist's Flora of the Pacific Northwest (1973)-(1994).

The plants are divided into the following seven groups:

Trees (with illustrations)

- Evergreens
- Deciduous
- Arborescent Shrubs
- Silhouettes (illustration)

Arborescent shrubs

Shrubs (with illustrations) (including tall shrubs i.e. those equal to or greater than 15 ft. tall)

Herbaceous

- Forbs
- Grasses
- Sedges, Rushes
- Ferns
- Other

- The following ~~four~~ additional special lists are also included:

~~Aggressive Growers: Nuisance or Advantage~~

~~Ground Covers~~ Groundcovers and Vines

Native Plants Used as Food by Wildlife

Habitat Types

Habitat types are indicated for both the illustrated plant descriptions and in the tables. The habitat types are wetland, riparian, forest, forested slopes, thicket, grass and rocky. "Wetland" includes all forms of wetlands found in Portland. "Riparian" includes the riparian areas along the Willamette and Columbia Rivers, and other streams in Portland. "Forest" refers to upland forested areas with little or no slope. "Forested slopes" refers to steeply sloping upland forests such as the west hills and various buttes found in Portland. "Thicket" refers to edges of forests and meadows and includes hedgerows and clumps of vegetation that may be found in meadows. "Grass" refers to open areas or meadows. It may also include clearings in forested areas. "Rocky" refers to rocky upland areas, and may include outcrops and cliffs.

The information on habitat types is intended to provide general guidance for appropriate planting locations; certain plants, however, have highly specialized habitats which may make them appropriate for use only in specific areas of the city. For example, the Columbia River Willow (*Salix exigua* var. *columbiana fluvialis*) normally occurs only along the main stems of the Willamette and Columbia Rivers and is not appropriate for use in all "wetland" or "riparian" habitats throughout the city. For this reason, it may be helpful to consult with ~~Bureau of Planning~~ City staff, local botanists, or references published sources such as those listed in the "Resources" section when preparing a planting plan.

~~Arborescent Shrubs are shrubs that resemble trees in growth, structure, or appearance. These shrubs may not be used to meet Title 33 or Title 34 standards, criteria, or conditions of approval which require trees.~~

Sources of Native Plants

Native plants can be acquired through many local and specialty plant nurseries in the Portland area. ~~A useful native plant directory, Hortus West, is available at the Bureau of Planning.~~ Occasionally, particularly for large orders or less common plants, growers will need time to propagate and raise plants before they are ready for installation. For this reason, growers may need advance notice of plant orders and project timelines should allow adequate time to fill such orders. For additional information about native plants, see the "Resources" section.

Aggressive Growers: Nuisance or Advantage?

Certain native plants grow so vigorously that they will establish themselves in considerable numbers very quickly. Sometimes, this characteristic is desirable. For example, when trying to revegetate a cleared area or to prevent erosion on disturbed soil, it may be necessary to find plants that fill in very quickly.

However, some native plants are so vigorous that they are problematic. These plants will grow rampantly and will crowd out other, less aggressive species. A list of these 'dominating' plants can be found in the Nuisance Plant List.

Fast-Spreading Trees and Shrubs:

The following listed plants are particularly fast growing and spread quickly. However, they are not considered problematic in the Portland area. These would be good plant choices if you want to revegetate a disturbed area quickly or perhaps want to develop a thicket for habitat value.

TREES	<i>Latin Name</i>	<i>Common Name</i>
	<i>Alnus rubra</i>	Red Alder
	<i>Fraxinus latifolia</i>	Oregon Ash
	<i>Populus balsamifera ssp trichocarpa</i>	Black Cottonwood
	<i>Salix lucida ssp. lasiandra</i> Pacific	Willow
SHRUBS	<i>Latin Name</i>	<i>Common Name</i>
	<i>Prunus virginiana</i>	Common Chokecherry
	<i>Salix fluviatilis</i>	Columbia River Willow
	<i>Salix hookeriana</i>	Piper's Willow
	<i>Salix rigida var. macrogemma</i>	Rigid Willow
	<i>Salix scouleriana</i>	Scouler Willow
	<i>Salix sessilifolia</i>	Soft leaved Willow
	<i>Salix sitchensis</i>	Sitka Willow

SHRUBS
(continued)

<i>Cornus sericea</i> ssp. <i>sericea</i>	Red-osier Dogwood
<i>Poa howellii</i>	
<i>Rubus leucodermis</i>	
<i>Rubus ursinus</i> var. <i>macropetalus</i>	Dewberry
<i>Rubus parviflorus</i>	Thimbleberry
<i>Rubus spectabilis</i>	Salmonberry
<i>Spiraea douglasii</i>	Douglas's Spiraea
<i>Symphoricarpos albus</i>	Common Snowberry
<i>Symphoricarpos mollis</i>	Creeping Snowberry

~~Nuisance Plants~~

Nuisance plants are plants which are considered a nuisance because of their tendency to dominate plant communities, and/or are considered harmful to humans. These plants may be native, naturalized or exotic. Plants on this list can be removed without environmental or greenway review. Other local, state or federal laws may still regulate removal of certain plants on this list.

<i>Latin Name</i>	<i>Common Name</i>
<i>Acer platanoides</i>	Norway Maple
<i>Aeroptilon repens</i>	Russian Knapweed
<i>Aegopodium podagraria</i> and variegated varieties	Goutweed
<i>Agropyron repens</i>	Quack Grass
<i>Ailanthus altissima</i>	Tree of heaven
<i>Alliaria officinalis</i>	Garlic Mustard
<i>Alopecuris pratensis</i>	Meadow Foxtail
<i>Anthoxanthum odoratum</i>	Sweet Vernalgrass
<i>Arctium minus</i>	Common Burdock
<i>Arrhenatherum elatius</i>	Tall Oatgrass
<i>Bellis perennis</i>	English Lawn Daisy
<i>Betula pendula lacinata</i>	Cutleaf Birch
<i>Borago officinalis</i>	Borage
<i>Brachypodium sylvaticum</i>	False Brome
<i>Bromus diandrus</i>	Ripgut
<i>Bromus hordeaceus</i>	
<i>Bromus inermis</i>	Smooth Brome-grasses
<i>Bromus japonicus</i>	Japanese Brome-grass

<i>Latin Name</i>	<i>Common Name</i>
<i>Bromus sterilis</i>	Poverty Grass
<i>Bromus tectorum</i>	Cheat Grass
<i>Buddleia davidii</i> except cultivars and varieties	Butterfly Bush
<i>Callitriche stagnalis</i>	Pond Water Starwort
<i>Cardaria draba</i>	Hoary Cress
<i>Carduus acanthoides</i>	Plumeless Thistle
<i>Carduus nutans</i>	Musk Thistle
<i>Carduus pycnocephalus</i>	Italian Thistle
<i>Carduus tenuifolius</i>	Slender Flowered Thistle
<i>Centaurea biebersteinii</i>	Spotted Knapweed
<i>Centaurea diffusa</i>	Diffuse Knapweed
<i>Centaurea jacea</i>	Brown Knapweed
<i>Centaurea pratensis</i>	Meadow Knapweed
<i>Chelidonium majus</i>	Lesser Celandine
<i>Chicorium intybus</i>	Chicory
<i>Chondrilla juncea</i>	Rush Skeletonweed
<i>Cirsium arvense</i>	Canada Thistle
<i>Cirsium vulgare</i>	Common Thistle
<i>Clematis ligusticifolia</i>	Western Clematis
<i>Clematis vitalba</i>	Traveler's Joy
<i>Conium maculatum</i>	Poison hemlock
<i>Convolvulus arvensis</i>	Field Morning glory
<i>Convolvulus sepium</i>	Lady's nightcap
<i>Cortaderia selloana</i>	Pampas grass
<i>Crataegus</i> sp. except <i>C. suksdorfii</i>	Hawthorn, except native species
<i>Daucus carota</i>	Queen Anne's Lace

<i>Latin Name</i>	<i>Common Name</i>
<i>Dipsaucus fullonum</i>	Common Teasel
<i>Egeria densa</i>	South American Waterweed
<i>Equisetum arvense</i>	Common Horsetail
<i>Equisetum telemateia</i>	Giant Horsetail
<i>Erodium cicutarium</i>	Crane's Bill
<i>Euphorbia lathyrus</i>	Mole Plant
<i>Festuca arundinacea</i>	Tall Fescue
<i>Foeniculum vulgare</i>	Fennel
<i>Galium odoratum</i>	Sweet Woodrill
<i>Geranium lucidum</i>	Shining Geranium
<i>Geranium robertianum</i>	Robert Geranium
<i>Geum Urbanum</i>	European Avens
<i>Hypericum perforatum</i>	St. John's Wort
<i>Heracleum mantegazzianum</i>	Giant Hogweed
<i>Hieracium aurantiacum</i>	
<i>Hieracium cespitosum</i>	Yellow Hawkweed
<i>Hieracium laevigatum</i>	Smooth Hawkweed
<i>Hieracium pilosella</i>	Mouse ear Hawkweed
<i>Holeus lanatus</i>	Velvet Grass
<i>Houttuynia cordata</i>	Chameleon Plant
<i>Hydrilla verticillata</i>	Hydrilla
<i>Hypochaeris radicata</i>	Spotted Cat's Ear
<i>Ilex aquafolium</i>	English Holly
<i>Impatiens glandulifera</i>	Policemen's Helmet
<i>Iris pseudacorus</i>	Yellow Flag
<i>Juncus effusus v. effusus</i>	European Soft Rush
<i>Laburnum watereri</i>	Golden Chain Tree

<i>Latin Name</i>	<i>Common Name</i>
<i>Lactuca muralis</i>	Wall Lettuce
<i>Lactuca serriola</i>	Prickly lettuce
<i>Lamium maculatum</i>	White Nancy
<i>Lapsana communis</i>	Nipplewort
<i>Lemna minor</i>	Duckweed, Water Lentil
<i>Leontodon autumnalis</i>	Fall Dandelion
<i>Leucanthemum vulgare</i>	Oxeye Daisy
<i>Ligustrum vulgare</i>	Privet
<i>Linaria dalmatica</i> ssp. <i>dalmatica</i>	Dalmation Toadflax
<i>Linaria vulgaris</i>	Yellow Toadflax
<i>Lolium multiflorum</i>	Annual Ryegrass
<i>Lotus corniculatus</i>	Bird's Foot Trefoil
<i>Ludwigia hexapetala</i>	Water Primrose
<i>Lunaria annua</i>	Money Plant
<i>Lychnis alba</i>	White Campion
<i>Lysimachia nummularia</i>	Creeping Jenny
<i>Lythrum portula</i>	Spatula Leaf Purslane
<i>Melilotus alba</i>	Sweetclover
<i>Melilotus officinalis</i>	Yellow Sweetclover
<i>Melissa officianalis</i>	Lemon Balm
<i>Mentha pulegium</i>	Penny Royal
<i>Myriophyllum aquaticum</i>	Parrots Feather
<i>Myriophyllum spicatum</i>	Eurasian Watermilfoil
<i>Nymphaea odorata</i>	Fragrant Water Lily
<i>Onopordum acanthium</i>	Scotch Thistle
<i>Panicum capillare</i>	Witchgrass
<i>Parentucellia viscosa</i>	Parentucellia

<i>Latin Name</i>	<i>Common Name</i>
<i>Paulownia tomentosa</i>	Princess Tree
<i>Phalaris aquatica</i>	Harding Grass
<i>Phleum pratensis</i>	Timothy
<i>Phragmites australis</i>	
<i>Phytolacca americana</i>	Pokeweed
<i>Poa annua</i>	Annual Bluegrass
<i>Polygonum aviculare</i>	Doorweed
<i>Polygonum coquimbense</i>	Water Smartweed
<i>Polygonum convolvulus</i>	Climbing Bindweed
<i>Polygonum cuspidatum</i>	Japanese Knotweed
<i>Polygonum polystachyum</i>	Himalayan Knotweed
<i>Polygonum sachalinense</i>	Giant Knotweed
<i>Populus alba</i>	White Poplar
<i>Potamogeton crispus</i>	Curly Leaf Pondweed
<i>Prunus avium</i> except cultivars and varieties	Sweet Cherry
<i>Prunus laurocerasus</i>	English, Portugese Laurel
<i>Pueraria lobata</i>	Kudzu
<i>Ranunculus ficaria</i>	Lesser Celandine
<i>Ranunculus repens</i>	Creeping buttercup
<i>Rhus diversiloba</i>	Poison Oak
<i>Rubus laciniatus</i>	Evergreen Blackberry
<i>Robinia pseudoacacia</i> except cultivars and varieties	Black Locust
<i>Rorippa nasturtium-aquaticum</i>	European Watereress
<i>Rosa eglanteria</i>	Sweet Briar
<i>Rosa multiflora</i>	MultifloraRose

<i>Latin Name</i>	<i>Common Name</i>
Rumex acetosella	Red Sorrel
Rumex crispus	Curly Dock
Secale cereale	Cultivated Rye
Senecio jacobaea	Tansy Ragwort
Silene alba	White Campion
Silybum marianum	Blessed Milk Thistle
Sisymbrium officinale	Hedge Mustard
Solanum dulcamara	Blue Bindweed
Solanum nigrum	Garden Nightshade
Solanum sarachoides	Hairy Nightshade
Sonchus arvensis ssp. arvensis	Perennial Sowthistle
Sorbus aucuparia except cultivars and varieties	European Mountain Ash
Sorghum halepense	Johnson Grass
Taeniatherum caput medusa	Medusahead
Tanacetum vulgare	Common Tansy
Taraxacum officinale	Common Dandelion
Trifolium arvense	Hare's Foot Clover
Trifolium hybridum	Alsike Clover
Trifolium repens	White Clover
Trifolium subterraneum	Subterranean Clover
Ulex europaeus	Gorse
Ulmus pumila	Siberian Elm
Utricularia inflata	Swollen Bladderwort
Utricularia vulgaris	Common Bladderwort
Verbascum blattaria	Moth Mullein
Verbascum thapsus	Mullein

<i>Latin Name</i>	<i>Common Name</i>
<i>Verbena bonariensis</i>	Tall Verbena
<i>Vicia cracca</i>	Tufted
<i>Vicia sativa</i>	
<i>Vicia villosa</i>	Hairy Vetch
<i>Vinea major</i>	Periwinkle (large leaf)
<i>Vinea minor</i>	Periwinkle (small leaf)
<i>Vulpia myoris</i> [<i>Festuca myorus</i>]	Rat-tailed Fescue
<i>Xanthium spinosum</i>	Spiny Cocklebur
Various genera	Bamboo sp

Prohibited Plants

The Prohibited Plants section is a listing of plants which the City of Portland prohibits being used in all reviewed landscaping situations within the City limits. This provision applies to the below named species only, and includes any sub-species, varieties or cultivars of these species. Additional plant species are prohibited by adopted land use plans in specific areas or situations.

<i>Latin Name</i>	<i>Common Name</i>
Cytisus scoparius	Scot's Broom
Hedera helix	English Ivy
Lythrum salicaria	Purple Loosestrife
Phalaris arundinacea	Reed Canarygrass
Rubus discolor	Himalayan Blackberry

Nuisance Plants in Detail

The plants on the Nuisance Plants List are species that threaten the health and vitality of native plant and animal communities, humans, and the economy. Most of the non-native plants on this list exist or have been found in Portland or in the four-county metropolitan region. The introduction to the *Portland Plant List* provides a description of code requirements related to the Nuisance Plants List. Please consult the City of Portland Zoning Code, other City codes, and City staff for more detailed analysis of applicable requirements relating to the prohibition on planting, and the required removal of plants on the Nuisance Plants List.

The provisions related to plants on the Nuisance Plants List apply to the named species on the Nuisance Plants List, and includes any sub-species, varieties, or cultivars of these species, unless otherwise noted. The Nuisance Plants List identifies each plant as tree, shrub, herbaceous, or aquatic. Herbaceous plants are non-woody plant species such as groundcovers, ferns, forbs, sedges, rushes, grasses and other plants.

Impacts

Invasive plant species have an impact on human and wildlife health and safety, water quality, biodiversity, fish and wildlife habitat, tree cover, fire risk, and the economy, as summarized in the paragraphs below. The City of Portland is committed to reducing these impacts to the highest degree possible within the limits of public resources and jurisdictional authority. The City also works to facilitate cooperation toward this end among citizens, developers, and land stewards.

To successfully prevent and minimize the spread of invasive species, it is important to understand where they come from and how they have become problematic. All of the plants on the Nuisance Plants List are non-native species; some were intentionally introduced, while others arrived incidentally. It is easy to transport plants. For example, non-native or ornamental plants can be purchased and installed in gardens. Vehicles can track plant seeds on tires. Humans can track seeds on their shoes, and livestock and pets can transport seed on their fur or feet. Many plant seeds or plant parts (e.g. knotweed rhizomes or shoots) are dispersed by wind and water. Animals may eat seeds and deposit them. Knowing how plants reproduce and spread is very helpful in preventing the vector distribution and controlling populations once established.

While many non-native plants introduced into this region have reproduced rapidly, not all non-native plants become invasive. When plants are no longer in their native environment, they enter new relationships within the ecological communities they occupy. Sometimes, they cause very little disruption to the systems they enter, while at other times they cause great disturbance. These detrimental impacts may take years to become noticeable, or they may quickly become evident. Additionally, many native invertebrates have co-evolved over many millennia, and many invertebrates need specific or a very few species for their food. If native plants are lost, these invertebrates may disappear from an infested area. This is why it is important from an ecological perspective to track and classify the aggressiveness of invasive plants.

Human and Wildlife Health and Safety

Humans and animals can be seriously impacted by invasive plants when they come into contact with the plants or eat the plants. For example, Paterson's curse (*Echium plantagineum*) contains pyrolizidine alkaloids; these alkaloids are poisonous to grazing animals. Humans handling the plant may incur mild to severe skin irritation and hay fever. Giant hogweed (*Heracleum mantegazzianum*) exudes a sap that sensitizes the skin to ultraviolet radiation. With exposure to the sun, severe burns can result in blisters and scars. If giant hogweed is burned and smoke is inhaled, it can cause burns in the respiratory tract.

Water Quality

Typically in the Pacific Northwest, native plant roots extend deep into the soil. Many species have extensive roots that bind the soils and reduce erosion. A diversity of plants provides a diversity of root structures and depths, and therefore, better erosion control. Monocultures homogenize root systems and provide poor erosion control. When erosion occurs, sediment is released into streams and increases stream turbidity, which in turn, impairs water quality.

For example, English ivy (*Hedera helix*) is an invasive, non-native groundcover plant that is prevalent in the City of Portland. English ivy provides little root structure to bind and hold the soil. While the expansive spread of English ivy provides an appearance of a plant holding soil strongly, the opposite is true. The roots are easily disturbed and eroded. In addition, English ivy often climbs into trees and envelops them, reducing tree strength and health and longevity, which in turn can affect soil stability and stream shading.

Some plants, such as Japanese knotweed (*Polygonum cuspidatum*) and Himalayan or Armenian blackberry (*Rubus discolor* or *Rubus armeniacus*), form monocultures that prevent trees from establishing. This reduces tree cover and shade in streamside environments. Without this tree cover, the water temperature in the stream increases. Higher water temperatures are associated with lower dissolved oxygen which adversely affects aquatic macroinvertebrates and native fish populations.

Biodiversity

Invasive plants are the second largest threat to biodiversity (behind habitat loss) and they are one of the primary factors that lead to a species listing under the Endangered Species Act (City of Portland Invasive Plants Strategy Report 2008).

Invasive plants spread quickly, and can displace or prevent the growth of native plants. Invasive plants can, as noted already, form monocultures. This can exacerbate the decline of native plant communities, and impair the overall complexity and resilience of the ecosystem. According to the International Convention on Biological Diversity, "Invasive alien species are one of the greatest threats to biodiversity" (www.csiro.au/news/global-biodiversity.html).

Fish and Wildlife Habitat

Invasive plants can outcompete and displace native plants that provide food and cover for native wildlife. With a loss of habitat, a change in land use, and encroachment of invasive species, the native animals no longer have the appropriate food and habitat available to them. Non-native animals may come into these areas and displace native animals. Aquatic plants such as hydrilla (*Hydrilla verticillata*) and Eurasian watermilfoil (*Myriophyllum spicatum*) form dense mats of vegetation that clog waterways and create stagnant water that provides breeding grounds for mosquitoes. Invasive aquatic plants can clog irrigation ditches and intake pipes, and negatively impact recreation activities such as swimming, boating, fishing and water skiing.

Tree Cover

As noted above, invasive plants can reduce tree health and longevity. For example, English ivy (*Hedera helix*) can grow so extensively that it can weigh down trees, causing them to fall down (especially during ice storms) or making them more susceptible to blow down. Invasive plants can also reduce the growth of trees. Garlic mustard (*Alliaria petiolata*) reduces the presence of soil fungi that form mycorrhizal associations with plants. Soil mycorrhizae allow plant roots to access more soil moisture and lack of soil mycorrhizae has been documented to

inhibit the growth of tree seedlings, which may prevent future forest regeneration. Less tree cover develops because seedlings don't get established. Seedlings and saplings also have a difficult time establishing when dense cover is created by invasive plants because the invasive plants can prevent sunlight from reaching the ground.

Fire

Invasive plants can create fuel sources for wildfires. Plants such as Traveler's joy (*Clematis vitalba*) can spread quickly and form layers or thickets of vegetation. The monocultures can also increase the frequency of wildfires. For example, cheatgrass (*Bromus tectorum*) is an invasive plant that becomes dry and is more likely to catch fire. Gorse (*Ulex europaeus*) contains high levels of natural oils that make the plant highly flammable. The City of Bandon fire on September 26, 1936 is attributed to gorse. According to news reports, when the winds shifted, fire spread from the forest to the town and "the town's abundant gorse exploded into an inferno"

(www.ohs.org/education/oregonhistory/historical_records/dspDocument.cfm?doc_ID=9326D333-960F-57C1-C7CB9A48D590224F). Even dead plants can be problematic. English ivy (*Hedera helix*), for example, can become a conduit for fire to reach the tree canopy, and threaten nearby structures. Invasive plants contributed to the wildfire that occurred in 2001 on the Willamette Bluffs in Portland. A spark from a passing train ignited the slope covered with Himalayan or Armenian blackberry (*Rubus discolor* or *Rubus armeniacus*) and Scotch broom (*Cytisus scoparius*); as a result of the fire, 43 acres burned.

Economy

Jurisdictions at the local, state, and federal level as well as non-profit community organizations are increasing their efforts to control invasive plants and animals. The Oregon Invasive Species Council estimates the cost of invasive plants and animals to the U.S. economy is \$120 million a year in lost crop and livestock efforts, property value damage, and reduced export potential. The Oregon Department of Agriculture estimates that 21 invasive species reduce personal income by \$83 million per year.

Increasing prevention and early detection efforts limits the introduction and spread of invasive plants and the costly removal efforts related to them. The U.S. Congress Office of Technology Assessment states that one dollar spent on weed control efforts prevents \$17 in costs for future control efforts. When early detection and removal efforts are not implemented, the plants spread quickly and widely. The costs of invasive plant removal become tremendous; eradication may not be possible at that point, and the habitat impacts become large scale. In early detection efforts, to borrow and modify a cliché, "an ounce of prevention is worth more than a pound of cure."

The statistics in these two paragraphs are from the Oregon Department of Agriculture, Economic Analysis of Containment Programs, Damages, and Production Losses from Noxious Weeds in Oregon, 2000.

Ranks

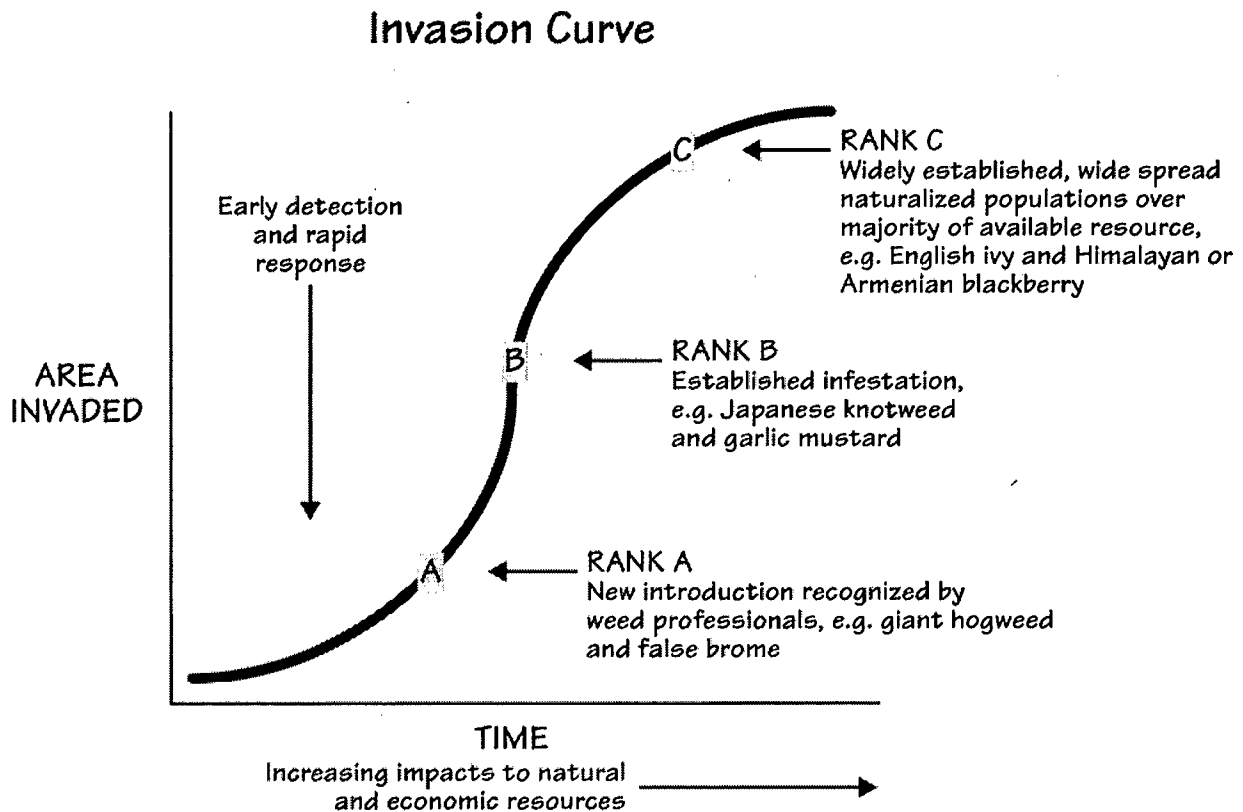
Each plant on the Nuisance Plants List is assigned a rank. The ranks are defined below and describe the relative invasiveness of the plant species, and the current distribution in the region.

Preventing the introduction of invasive species is the best way to avoid an infestation. Limiting the planting of invasive species and educating people about the impacts of invasive species are two effective means to keep invasive plants from spreading to and from public and private lands. One use of the Nuisance Plants List is to educate people such as property owners, other citizens,

land managers, commercial plant growers and sellers, and landscapers about which species are invasive. The benefits of preventing plant introductions applies to new invasive plants or existing invasive plants which may be transported to new areas. It is important to know that the Nuisance Plants List is not a “final” list; the list will change as new information about plants is identified. When other species become invasive in the future, the list will change to reflect that.

Early detection and rapid response invasive species management programs aim to control new plant invasions before they become large infestations. The premise is that once an infestation covers a large area, it is more difficult and to eradicate, and the native plant community has to be re-established. Controlling small populations of invasive plants before they become more widespread is a very cost effective way to prevent the spread of invasive plants.

The graph called an Invasion Curve is included here to illustrate how the area of infestation expands over time. When a plant is just arriving in an area, it is at the low point of the Invasion Curve; this is the best time to identify plants as invasive and to remove them. As the plant spreads over time, the distribution increases substantially and rapidly, becoming widely distributed and established. At this later point in the curve, landowners and other citizens are often more aware of the plant and can recognize it more readily, but it is so well established that a great deal of time and expense is involved in removing it.



The City of Portland emphasizes prevention of introduction and prevention of movement of invasive plants. When new invasive plants are found, then the City emphasizes the early detection and eradication of invasive plants that are not yet widespread. Ranks provide a tool to prioritize management actions related to plants. In brief, plants that are locally abundant and well distributed are identified with rank C and D, while those plants that are not as abundant are identified with rank A and B. Rank A plants are a top priority for control and removal, while rank

D plants currently pose less threat to ecological functions than the others. Some of the Watch (rank W) plant species have not yet been observed in the region but are invasive in similar habitats elsewhere, and are of concern should they become established here. In addition, some of the plants are harmful to humans or wildlife, and the economy.

How to Use Ranks with Invasive Plant Management Priorities

Invasive plant management strategies vary; two important factors are the size of land to manage and the resources available. Decisions may be made site by site. Ranking plants provides a method to prioritize management of invasive plants with available resources. There are generally two approaches to consider; maintaining existing conditions and enhancing existing conditions.

Maintaining Existing Conditions

Given limited resources and/or large management areas, invasive plant management efforts may need to be limited to maintaining existing conditions to prevent further habitat degradation. Maintenance of existing conditions can be accomplished in two ways; removing small patches of invasive species and preventing new invasive species from arriving.

- **Removing Small Patches of Invasive Species**

If the site contains a native plant community and there are small patches of invasive plants, then the small patches of invasive plants should be removed to prevent further degradation of site conditions. When the native plant community is present, then removal of small patches of invasive species can be conducted without re-planting native species because the native species will likely re-colonize within the small patch of invasive species removed.

- **Preventing New Invasive Species from Arriving**

If the site is monitored to prevent new invasive species from arriving, consult the Nuisance Plants List to determine which species are currently limited in distribution (rank A and rank B). It is important to prevent the establishment of rank A and rank B species because they are very difficult to remove once they become established.

If the site lacks rank C species, then site monitoring should also prevent the establishment of these species. However, many urban sites may already be dominated by rank C species. Removal of large patches of rank C species should not be conducted unless it can be followed up with a site re-vegetation plan that includes multiple years of monitoring and maintenance. Follow up re-vegetation efforts, including monitoring and maintenance, are needed because without it, the invasive species will likely re-colonize the area.

Enhance Existing Conditions

If there are sufficient resources to remove invasive plants and re-establish the native plant community, then site management efforts can be aimed at removing larger patches of invasive species. Typically, these will be rank C species on the Nuisance Plants List. Converting sites from degraded conditions (i.e. predominantly covered with invasive species) to a higher quality habitat condition (i.e. one dominated by native plants) will likely take 3-5 years (or more) of monitoring and follow up maintenance to completely remove invasive plants and establish a native plant community. Sites with large amounts of invasive species will probably never be entirely free from invasive species; however, if the native trees and shrubs can be established over a 3-5 year period such that they are taller than nearby invasive species, then the site can be deemed “free to grow” and a native canopy will likely develop with limited future maintenance.

Definitions

Eradication - Eradication is the removal of the entire nuisance plant – including the above ground portion of the plant, and the roots, shoots and seeds of the plant. The eradication provisions apply to those plants on the Nuisance Plants List, Required Eradication List.

Invasive - Species that spread at such a rate that they cause harm to human health, the environment, and /or the economy. In natural areas, invasive plants are those species that displace native plants and become the dominant species in that vegetation layer. Invasive plants can halt successional processes by limiting the establishment and the growth patterns of native species.

Nuisance Plant Removal - Removal may entail actions such as the removal of: roots, the above ground portion of the plant, and/or the seeds of the plants such that existing non-nuisance and/or newly installed plants are able to grow and survive. The non-nuisance plants are maintained free of nuisance plants. The City's nuisance plants are identified on the Nuisance Plants List.

Ranks -

A- These species are known to be invasive. These species are known to occur but are not widely distributed in the region. Distribution is limited to a few sites. They spread rapidly and they are difficult to control once they become widespread.

B – These species are known to be invasive. These species are known to occur in the region. They are more abundant and widely distributed than A; however, the distribution is still limited to patches or specific habitats. Distribution is not as widespread as C plants. These species can spread rapidly and are difficult to control once they become widespread.

C – These species are known to be invasive. These species are widely distributed and abundant throughout the region. Their distribution is already very extensive throughout the natural areas and they are difficult to control once they become widespread. These plants are considered ubiquitous.

D- These species are known to be less aggressive than A, B, and C species. These species are known to occur in the region. These plants persist in the ecosystems with native species and therefore, have less impact on the system than the A, B, and C species.

W- Watch species. Species occurrence and distribution should be monitored for presence and/or to determine the level of invasiveness in the region.

Region – The region includes the four counties of Multnomah, Clackamas, Washington in Oregon, and Clark County in Washington. The cities within those counties are also included. Clark, Multnomah, Clackamas, and Washington Counties are part of the 4 County CWMA.

Notes to reviewers for the Nuisance Plants List: The “Current PPL Designation” column will be deleted in the final version of the *Portland Plant List*. The “Proposed Rank” column will become the “Rank” column. In the “Plant Type” column, the term herbaceous includes groundcovers, ferns, forms, sedges, rushes etc. The “ODA Rank” column will remain in the Required Eradication List. At the end of each list, the footnotes “nuis/pro/add” and “ranks” will be deleted in the final version. The “city ranks” and the “note” footnotes will remain.

City of Portland Nuisance Plants List

1/12/2010

Scientific Name	Common Name	Current PPL Designation	Proposed Rank	Plant Type
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Rank A Plants

<u>Acroptilon repens</u>	<u>Russian knapweed</u>	<u>Nuis</u>	<u>A</u>	<u>herbaceous</u>
<u>Brachypodium sylvaticum</u>	<u>False brome</u>	<u>Nuis</u>	<u>A</u>	<u>herbaceous</u>
<u>Carduus pycnocephalus and</u> <u>Carduus tenuiflorus (C.</u> <u>tenuifolius)</u>	<u>Italian thistle or slender</u> <u>flowered thistle</u>	<u>Nuis</u>	<u>A</u>	<u>herbaceous</u>
<u>Carex pendula</u>	<u>Pendant sedge</u>	<u>Add</u>	<u>A</u>	<u>herbaceous</u>
<u>Cortaderia jubata</u>	<u>Jubata grass</u>	<u>Add</u>	<u>A</u>	<u>herbaceous</u>
<u>Echium plantagineum</u>	<u>Paterson's curse</u>	<u>Add</u>	<u>A</u>	<u>herbaceous</u>
<u>Heracleum mantegazzianum</u>	<u>Giant hogweed</u>	<u>Nuis</u>	<u>A</u>	<u>herbaceous</u>
<u>Hieracium aurantiacum</u>	<u>Orange hawkweed</u>	<u>Nuis</u>	<u>A</u>	<u>herbaceous</u>
<u>Hieracium pratense (H.</u> <u>cespitosum)</u>	<u>Meadow hawkweed</u> <u>(formerly listed as</u> <u>Yellow hawkweed)</u>	<u>Nuis</u>	<u>A</u>	<u>herbaceous</u>
<u>Impatiens glandulifera</u>	<u>Policemen's helmet</u>	<u>Nuis</u>	<u>A</u>	<u>herbaceous</u>
<u>Lamium galeobdolon</u>	<u>Yellow archangel</u>	<u>Add</u>	<u>A</u>	<u>herbaceous</u>
<u>Ludwigia hexapetala</u> <u>(Jussiaea uruguayensis)</u>	<u>Water primrose</u>	<u>Nuis</u>	<u>A</u>	<u>aquatic</u>
<u>Onopordum acanthium</u>	<u>Scotch thistle</u>	<u>Nuis</u>	<u>A</u>	<u>herbaceous</u>
<u>Phalaris aquatica</u>	<u>Harding grass</u>	<u>Nuis</u>	<u>A</u>	<u>herbaceous</u>
<u>Phragmites australis</u> <u>(introduced var. only)</u>	<u>Common reed</u>	<u>Nuis</u>	<u>A</u>	<u>herbaceous</u>
<u>Phytolacca americana</u>	<u>Pokeweed</u>	<u>Nuis</u>	<u>A</u>	<u>shrub</u>
<u>Pueraria lobata</u>	<u>Kudzu</u>	<u>Nuis</u>	<u>A</u>	<u>herbaceous</u>
<u>Silybum marianum</u>	<u>Blessed milk thistle</u>	<u>Nuis</u>	<u>A</u>	<u>herbaceous</u>
<u>Tamarix ramosissima</u>	<u>Salt cedar</u>	<u>Add</u>	<u>A</u>	<u>shrub</u>
<u>Ulex europaeus</u>	<u>Gorse</u>	<u>Nuis</u>	<u>A</u>	<u>shrub</u>
<u>Utricularia inflata</u>	<u>Swollen bladderwort</u>	<u>Nuis</u>	<u>A</u>	<u>aquatic</u>
<u>Verbena bonariensis</u>	<u>Tall verbena</u>	<u>Nuis</u>	<u>A</u>	<u>herbaceous</u>

Rank B Plants

<u>Abutilon theophrasti</u>	<u>Velvetleaf</u>	<u>Add</u>	<u>B</u>	<u>herbaceous</u>
<u>Acer platanoides</u>	<u>Norway maple</u>	<u>Nuis</u>	<u>B</u>	<u>tree</u>
<u>Ailanthus altissima</u>	<u>Tree-of-heaven</u>	<u>Nuis</u>	<u>B</u>	<u>tree</u>
<u>Alliaria petiolata (officinalis)</u>	<u>Garlic mustard</u>	<u>Nuis</u>	<u>B</u>	<u>herbaceous</u>
<u>Amorpha fruticosa</u>	<u>Indigo bush</u>	<u>Add</u>	<u>B</u>	<u>shrub</u>

Scientific Name	Common Name	Current PPL Designation	Proposed Rank ²	Plant Type
<u>Buddleja (Buddleia) davidii</u> <u>(except cultivars and varieties)</u>	Butterfly bush	Nuis	B	shrub
<u>Centaurea stoebe ssp. micranthus (Centaurea biebersteinii)</u>	Spotted knapweed	Nuis	B	herbaceous
<u>Centaurea diffusa</u>	Diffuse knapweed	Nuis	B	herbaceous
<u>Chondrilla juncea</u>	Rush skeletonweed	Nuis	B	herbaceous
<u>Daphne laureola</u>	Spurge laurel	Add	B	shrub
<u>Egeria densa</u>	S. American waterweed	Nuis	B	aquatic
<u>Fallopia bohemica</u>	Bohemian knotweed	Add	B	herbaceous
<u>Hieracium laevigatum</u>	Smooth hawkweed	Nuis	B	herbaceous
<u>Hieracium pilosella</u>	Mouse-ear hawkweed	Nuis	B	herbaceous
<u>Hieracium vulgatum (H. lachanelii)</u>	Common hawkweed	Add	B	herbaceous
<u>Iris pseudacorus</u>	Yellow flag	Nuis	B	herbaceous
<u>Juncus effusus v. effusus</u>	European soft rush	Nuis	B	herbaceous
<u>Linaria dalmatica ssp. dalmatica</u>	Dalmation toadflax	Nuis	B	herbaceous
<u>Lunaria annua</u>	Money plant	Nuis	B	herbaceous
<u>Lythrum portula</u>	Spatula leaf purslane	Nuis	B	herbaceous
<u>Lythrum salicaria</u>	Purple loosestrife	Pro	B	herbaceous
<u>Myriophyllum aquaticum</u>	Parrots feather	Nuis	B	aquatic
<u>Polygonum convolvulus</u>	Climbing bindweed	Nuis	B	herbaceous
<u>Polygonum cuspidatum (Fallopia cuspidata)</u>	Japanese knotweed	Nuis	B	herbaceous
<u>Polygonum polystachyum (Persicaria wallachii)</u>	Himalayan knotweed	Nuis	B	herbaceous
<u>Polygonum sachalinense (Fallopia sachalinensis)</u>	Giant knotweed	Nuis	B	herbaceous
<u>Populus alba</u>	White poplar	Nuis	B	tree
<u>Ranunculus ficaria (formerly listed as Chelidonium majus)</u>	Lesser celandine	Nuis	B	herbaceous
<u>Solanum nigrum</u>	Garden nightshade	Nuis	B	herbaceous

Rank C Plants

<u>Arctium minus</u>	Common burdock	Nuis	C	herbaceous
<u>Arrhenatherum elatius</u>	Tall oatgrass	Nuis	C	herbaceous
<u>Betula pendula laciniata</u>	Cutleaf birch	Nuis	C	tree
<u>Bromus tectorum</u>	Cheatgrass	Nuis	C	herbaceous
<u>Callitriche stagnalis</u>	Pond water starwort	Nuis	C	aquatic
<u>Centaurea pratensis (Centaurea debeauxii ssp. thuillieri)</u>	Meadow knapweed	Nuis	C	herbaceous
<u>Cirsium arvense</u>	Canada thistle	Nuis	C	herbaceous
<u>Cirsium vulgare</u>	Common thistle	Nuis	C	herbaceous

Scientific Name	Common Name	Current PPL Designation ¹	Proposed Rank ²	Plant Type
<u>Clematis vitalba</u>	Traveler's joy	Nuis	C	herbaceous
<u>Conium maculatum</u>	Poison-hemlock	Nuis	C	herbaceous
<u>Convolvulus arvensis</u>	Field morning-glory	Nuis	C	herbaceous
<u>Convolvulus sepium</u>	Lady's-nightcap	Nuis	C	herbaceous
<u>Crataegus monogyna</u>	English hawthorn			
<u>Crataegus sp. except C. suksdorfii</u>	<u>hawthorn, except native species</u>	Nuis	C	tree
<u>Cytisus scoparius</u>	Scotch broom	Pro	C	herbaceous
<u>Daucus carota</u>	Queen Anne's lace	Nuis	C	herbaceous
<u>Dipsacus fullonum</u>	Common teasel	Nuis	C	herbaceous
<u>Foeniculum vulgare</u>	Fennel	Nuis	C	herbaceous
<u>Geranium lucidum</u>	Shining geranium	Nuis	C	herbaceous
<u>Geranium robertianum</u>	Robert geranium	Nuis	C	herbaceous
<u>Geum urbanum</u>	European avens	Nuis	C	herbaceous
<u>Hedera helix</u>	English ivy	Pro	C	herbaceous
<u>Hedera hibernica</u>	Irish ivy	Add	C	herbaceous
<u>Hypericum perforatum</u>	St. John's wort	Nuis	C	herbaceous
<u>Hypochaeris radicata</u>	Spotted cat's ear	Nuis	C	herbaceous
<u>Ilex aquifolium</u>	English holly	Nuis	C	tree/shrub
<u>Impatiens capensis</u>	Spotted touch-me-not	Add	C	herbaceous
<u>Lactuca serriola</u>	Prickly lettuce	Nuis	C	herbaceous
<u>Lapsana communis</u>	Nipplewort	Nuis	C	herbaceous
<u>Leucanthemum vulgare</u>	Oxeye daisy	Nuis	C	herbaceous
<u>Ligustrum vulgare</u>	Privet	Nuis	C	shrub
<u>Lotus corniculatus</u>	Bird's foot trefoil	Nuis	C	herbaceous
<u>Melissa officinalis</u>	Lemon balm	Nuis	C	herbaceous
<u>Melilotus alba</u>	Sweetclover	Nuis	C	herbaceous
<u>Mentha pulegium</u>	Penny royal	Nuis	C	herbaceous
<u>Myriophyllum spicatum</u>	Eurasian watermilfoil	Nuis	C	aquatic
<u>Nymphaea odorata</u>	Fragrant water lily	Nuis	C	aquatic
<u>Parentucellia viscosa</u>	Yellow glandweed	Nuis	C	herbaceous
<u>Phalaris arundinacea</u>	Reed canarygrass	Pro	C	herbaceous
<u>Potamogeton crispus</u>	Curly leaf pondweed	Nuis	C	aquatic
<u>Potentilla recta</u>	Sulphur cinquefoil	Add	C	herbaceous
<u>Prunus avium (except cultivars and varieties)</u>	Sweet cherry	Nuis	C	tree
<u>Prunus laurocerasus</u>	English laurel	Nuis	C	tree
<u>Prunus lusitanica</u>	Portugal laurel	Add	C	shrub
<u>Ranunculus repens</u>	Creeping buttercup	Nuis	C	herbaceous
<u>Robinia pseudoacacia (except cultivars and varieties)</u>	Black locust	Nuis	C	tree
<u>Rosa eglanteria</u>	Sweetbriar rose	Nuis	C	herbaceous
<u>Rosa multiflora</u>	Multiflora rose	Nuis	C	herbaceous
	Himalayan (Armenian)			
<u>Rubus discolor (armeniacus)</u>	blackberry	Pro	C	shrub

Scientific Name	Common Name	Current PPL Designation	Proposed Rank ²	Plant Type
<u>Rubus laciniatus</u>	Evergreen blackberry	Nuis	C	herbaceous
<u>Senecio jacobaea</u>	Tansy ragwort	Nuis	C	herbaceous
<u>Silene coronaria</u>	Rose campion	Add	C	herbaceous
<u>Sisymbrium officinale</u>	Hedge mustard	Nuis	C	herbaceous
<u>Solanum dulcamara</u>	Bittersweet nightshade	Nuis	C	herbaceous
<u>Sonchus arvensis, S. asper, and S. oleraceus</u>	Perennial sowthistle	Nuis	C	herbaceous
<u>Taeniatherum caput-medusa</u>	Medusahead	Nuis	C	herbaceous
<u>Tanacetum vulgare</u>	Common tansy	Nuis	C	herbaceous
<u>Trifolium arvense</u>	Hare's foot clover	Nuis	C	herbaceous
<u>Trifolium pratense</u>	Red clover	Add	C	herbaceous
<u>Trifolium repens</u>	White clover	Nuis	C	herbaceous
<u>Trifolium subterraneum</u>	Subterranean clover	Nuis	C	herbaceous
<u>Verbascum blattaria</u>	Moth mullein	Nuis	C	herbaceous
<u>Verbascum thapsus</u>	Common mullein	Nuis	C	herbaceous
<u>Vicia cracca</u>	Tufted vetch	Nuis	C	herbaceous
<u>Vicia villosa</u>	Hairy vetch	Nuis	C	herbaceous
<u>Vinca major</u>	Periwinkle (large leaf)	Nuis	C	herbaceous
<u>Vinca minor</u>	Periwinkle (small leaf)	Nuis	C	herbaceous

Rank D Plants

<u>Aegopodium podagraria and variegated varieties</u>	Goutweed	Nuis	D	herbaceous
<u>Agrostis alba</u>	Redtop bentgrass	Add	D	herbaceous
<u>Agrostis tenuis</u>	Colonial bentgrass	Add	D	herbaceous
<u>Agrostis stolonifera</u>	Creeping bentgrass	Add	D	herbaceous
<u>Agropyron repens</u>	Quackgrass	Nuis	D	herbaceous
<u>Alopecurus pratensis</u>	Meadow foxtail	Nuis	D	herbaceous
<u>Anthoxanthum odoratum</u>	Sweet vernalgrass	Nuis	D	herbaceous
<u>Bromus diandrus</u>	Ripgut	Nuis	D	herbaceous
<u>Chicorium intybus</u>	Chicory	Nuis	D	herbaceous
<u>Festuca arundinacea</u>	Tall fescue	Nuis	D	herbaceous
<u>Euphorbia lathyris</u>	Mole plant	Nuis	D	herbaceous
<u>Holcus lanatus</u>	Velvet grass	Nuis	D	herbaceous
<u>Houttuynia cordata</u>	Chameleon plant	Nuis	D	herbaceous
<u>Lactuca (Mycelis) muralis</u>	Wall lettuce	Nuis	D	herbaceous
<u>Linaria vulgaris</u>	Yellow toadflax	Nuis	D	herbaceous
<u>Lolium multiflorum</u>	Annual ryegrass	Nuis	D	herbaceous
<u>Lolium perenne</u>	Perennial ryegrass	Add	D	herbaceous
<u>Lotus uliginosus</u>	Greater bird's foot trefoil	Add	D	herbaceous
<u>Phleum pratense</u>	Timothy	Nuis	D	herbaceous
<u>Poa annua</u>	Annual bluegrass	Nuis	D	herbaceous

<u>Scientific Name</u>	<u>Common Name</u>	<u>Current PPL Designation</u>	<u>Proposed Rank</u>	<u>Plant Type</u>
<u>Ranunculus acris</u>	<u>Meadow or tall buttercup</u>	<u>Nuis</u>	<u>D</u>	<u>herbaceous</u>
<u>Rorippa nasturtium-aquaticum (Nasturium officinale)</u>	<u>European watercress</u>	<u>Nuis</u>	<u>D</u>	<u>aquatic</u>
<u>Secale cereale</u>	<u>Cultivated rye</u>	<u>Nuis</u>	<u>D</u>	<u>herbaceous</u>
<u>Silene latifolia (Lychnis alba)</u>	<u>White campion</u>	<u>Nuis</u>	<u>D</u>	<u>herbaceous</u>
<u>Sorbus aucuparia (except cultivars and varieties)</u>	<u>European mountain ash</u>	<u>Nuis</u>	<u>D</u>	<u>tree</u>
<u>Ulmus pumila</u>	<u>Siberian elm</u>	<u>Nuis</u>	<u>D</u>	<u>tree</u>
<u>Utricularia vulgaris</u>	<u>Common bladderwort</u>	<u>Nuis</u>	<u>D</u>	<u>aquatic</u>
<u>Vicia sativa</u>	<u>Common vetch</u>	<u>Nuis</u>	<u>D</u>	<u>herbaceous</u>

Rank W Plants

<u>Ampelopsis brevipedunculata</u>	<u>Porcelainberry</u>	<u>Add</u>	<u>W</u>	<u>herbaceous</u>
<u>Arum italicum</u>	<u>Italian arum</u>	<u>Add</u>	<u>W</u>	<u>herbaceous</u>
<u>Arundinaria gigantea</u>	<u>Canebreak bamboo</u>	<u>Add</u>	<u>W</u>	<u>shrub</u>
<u>Aucuba japonica</u>	<u>Spotted laurel</u>	<u>Add</u>	<u>W</u>	<u>shrub</u>
<u>Butomus umbellatus</u>	<u>Flowering rush</u>	<u>Add</u>	<u>W</u>	<u>herbaceous</u>
<u>Cardaria draba</u>	<u>White top or hoary cress</u>	<u>Nuis</u>	<u>W</u>	<u>herbaceous</u>
<u>Carduus acanthoides</u>	<u>Plumeless thistle</u>	<u>Nuis</u>	<u>W</u>	<u>herbaceous</u>
<u>Carduus nutans</u>	<u>Musk thistle</u>	<u>Nuis</u>	<u>W</u>	<u>herbaceous</u>
<u>Centaurea calcitrapa</u>	<u>Purple starthistle</u>	<u>Add</u>	<u>W</u>	<u>herbaceous</u>
<u>Centaurea iberica</u>	<u>Iberian starthistle</u>	<u>Add</u>	<u>W</u>	<u>herbaceous</u>
<u>Centaurea jacea</u>	<u>Brown knapweed</u>	<u>Nuis</u>	<u>W</u>	<u>herbaceous</u>
<u>Centaurea solstitialis</u>	<u>Yellow starthistle</u>	<u>Add</u>	<u>W</u>	<u>herbaceous</u>
<u>Cortaderia selloana</u>	<u>Pampas grass</u>	<u>Nuis</u>	<u>W</u>	<u>herbaceous</u>
<u>Crocasmia crocosmiiflora</u>	<u>Montbretia</u>	<u>Add</u>	<u>W</u>	<u>herbaceous</u>
<u>Cytisus monspessulanus</u>	<u>French broom</u>	<u>Add</u>	<u>W</u>	<u>herbaceous</u>
<u>Cytisus striatus</u>	<u>Portugese broom</u>	<u>Add</u>	<u>W</u>	<u>herbaceous</u>
<u>Euphorbia esula</u>	<u>Leafy spurge</u>	<u>Add</u>	<u>W</u>	<u>herbaceous</u>
	<u>Oblong or eggleaf</u>		<u>W</u>	<u>herbaceous</u>
<u>Euphorbia oblongata</u>	<u>spurge</u>	<u>Add</u>		
<u>Galium odoratum</u>	<u>Sweet woodruff</u>	<u>Nuis</u>	<u>W</u>	<u>herbaceous</u>
<u>Hydrilla verticillata</u>	<u>Hydrilla</u>	<u>Nuis</u>	<u>W</u>	<u>aquatic</u>
<u>Laburnum watereri</u>	<u>Golden chain tree</u>	<u>Nuis</u>	<u>W</u>	<u>tree</u>
<u>Lamium maculatum</u>	<u>White nancy</u>	<u>Nuis</u>	<u>W</u>	<u>herbaceous</u>
<u>Lathyrus latifolius</u>	<u>Perennial peavine</u>	<u>Add</u>	<u>W</u>	<u>herbaceous</u>
<u>Lysimachia nummularia</u>	<u>Creeping jenny</u>	<u>Nuis</u>	<u>W</u>	<u>herbaceous</u>
<u>Melilotus officinalis</u>	<u>Yellow sweetclover</u>	<u>Nuis</u>	<u>W</u>	<u>herbaceous</u>
<u>Nymphoides peltata</u>	<u>Yellow floatingheart</u>	<u>Add</u>	<u>W</u>	<u>aquatic</u>
<u>Parthenocissus quinquefolia</u>	<u>Virginia creeper</u>	<u>Add</u>	<u>W</u>	<u>herbaceous</u>
<u>Paulownia tomentosa</u>	<u>Princess tree</u>	<u>Nuis</u>	<u>W</u>	<u>tree</u>
<u>Petasites japonicus</u>	<u>Sweet coltsfoot</u>	<u>Add</u>	<u>W</u>	<u>herbaceous</u>

Scientific Name	Common Name	Current PPL Designation ¹	Proposed Rank ²	Plant Type
<u>Phyllostachys atrovaginata</u>	Incense bamboo	Add	W	herbaceous
<u>Phyllostachys heteroclada</u>	Water bamboo	Add	W	herbaceous
<u>Phyllostachys nidularia</u>	Big-node bamboo	Add	W	herbaceous
<u>Sasa palmata</u>	Broadleaf bamboo	Add	W	herbaceous
<u>Sasa veitchii</u>	Kuma bamboo	Add	W	herbaceous
<u>Sorghum halepense</u>	Johnson grass	Nuis	W	herbaceous
<u>Solanum sarrachoides</u>	Hairy nightshade	Nuis	W	herbaceous
<u>Trifolium hybridum</u>	Alsike clover	Nuis	W	herbaceous

Plants to be Removed from the Portland Plant List

Scientific Name	Common Name	Current PPL Designation	Proposed Rank ²	Plant Type
<u>Bellis perennis</u>	English lawn daisy	Nuis	NA	herbaceous
<u>Bromus hordeaceus</u>	Soft brome	Nuis	NA	herbaceous
<u>Bromus inermis</u>	Smooth brome-grass	Nuis	NA	herbaceous
<u>Bromus japonicus</u>	Japanese brome-grass	Nuis	NA	herbaceous
<u>Bromus sterilis</u>	Poverty grass	Nuis	NA	herbaceous
<u>Borago officinalis</u>	Borage	Nuis	NA	herbaceous
<u>Chelidonium majus</u>	Greater celadine (current) formerly listed as Lesser celadine	Nuis	NA	herbaceous
<u>Clematis ligusticifolia</u>	Western clematis	Nuis	NA	herbaceous
<u>Elodea densa (E. canadensis)</u>	Canadian waterweed	Nuis	NA	aquatic
<u>Equisetum arvense</u>	Common horsetail	Nuis	NA	herbaceous
<u>Equisetum telmateia</u>	Giant horsetail	Nuis	NA	herbaceous
<u>Erodium cicutarium</u>	Crane's bill/stork's bill	Nuis	NA	herbaceous
<u>Hieracium floribundum</u> (current name)	Yellow hawkweed (formerly listed under Hieracium cespitosum)	Nuis	NA	herbaceous
<u>Lemna minor</u>	Duckweed or water lentil	Nuis	NA	aquatic
<u>Leontodon autumnalis</u>	Fall dandelion	Nuis	NA	herbaceous
<u>Panicum capillare</u>	Witchgrass	Nuis	NA	herbaceous
<u>Polygonum aviculare</u>	Doorweed	Nuis	NA	herbaceous
<u>Rhus diversiloba</u>	Poison oak	Nuis	NA	shrub
<u>Rumex acetosella</u>	Red sorrel	Nuis	NA	herbaceous
<u>Rumex crispus</u>	Curly dock	Nuis	NA	herbaceous
<u>Taraxacum officinale</u>	Common dandelion	Nuis	NA	herbaceous
<u>Vulpia myuros (Festuca myuros)</u>	Rat-tailed fescue	Nuis	NA	herbaceous
<u>Xanthium spinosum</u>	Spiny cocklebur	Nuis	NA	herbaceous

¹ Nuis/Pro/Add = Nuisance/Prohibited/Add = Nuisance and prohibited are the terms of plants on the existing plant lists on the Nuisance Plant List and the Prohibited Plant List in the Portland Plant List (PPL). The two lists have been consolidated and have been renamed as the Nuisance Plants List. Add means this plant would be added to the PPL. Plants to be removed are in the section "Plants to be Removed from the Portland Plant List."

² City ranks (classifications) are defined as follows.

A- These species are known to be invasive. These species are known to occur but are not widely distributed in the region. Distribution is limited to a few sites. They spread rapidly and they are difficult to control once they become widespread.

B – These species are known to be invasive. These species are known to occur in the region. They are more abundant and widely distributed than A; however, the distribution is still limited to patches or specific habitats. Distribution is not as widespread as C plants. These species can spread rapidly and are difficult to control once they become widespread.

C – These species are known to be invasive. These species are widely distributed and abundant throughout the region. Their distribution is already very extensive throughout the natural areas and they are difficult to control once they become widespread. These plants are considered ubiquitous.

D- These species are known to be less aggressive than A, B, and C species. These species are known to occur in the region. These plants persist in the ecosystems with native species and therefore, have less impact on the system than the A, B, and C species.

W- Watch species. Species occurrence and distribution should be monitored for presence and/or to determine the level of invasiveness in the region.

Note: Resources for documentation/determination of the ranks includes input from the Oregon Flora Project, the Emerald Chapter of the Native Plant Society of Oregon list, The Nature Conservancy Global Compendium of Weeds, the NatureServe Invasiveness ranking, the noxious weed lists for Oregon, Washington, California, and Idaho, and documented natural area invasions. Metro, the 4 County CWMA, and the Oregon Department of Agriculture, Noxious Weed Control Program also provided comments on the list.

City of Portland Nuisance Plants List, Required Eradication List

1/12/2010

<u>Scientific Name</u>	<u>Common Name</u>	<u>Current PPL Designation</u>	<u>Proposed Rank²</u>	<u>ODA Rank</u>
<u>Rank A Plants</u>				
<i>Acroptilon repens</i>	Russian knapweed	Nuis	A	B
<i>Brachypodium sylvaticum</i>	False brome	Nuis	A	B and T
<i>Carduus pycnocephalus and Carduus tenuiflorus</i>	Italian thistle or slender flowered thistle	Nuis	A	B
<i>Cortaderia jubata</i>	Jubata grass	Add	A	B
<i>Echium plantagineum</i>	Paterson's curse	Add	A	A
<i>Heracleum mantegazzianum</i>	Giant hogweed	Nuis	A	A
<i>Hieracium aurantiacum</i>	Orange hawkweed	Nuis	A	A
<i>Hieracium pratense (H. cespitosum)</i>	Meadow hawkweed (formerly listed as Yellow hawkweed)	Nuis	A	A
<i>Impatiens glandulifera</i>	Policemen's helmet	Nuis	A	B
<i>Onopordum acanthium</i>	Scotch thistle	Nuis	A	B
<i>Phragmites australis (introduced var. only)</i>	Common reed	Nuis	A	A
<i>Pueraria lobata</i>	Kudzu	Nuis	A	A
<i>Silybum marianum</i>	Blessed milk thistle	Nuis	A	B
<i>Tamarix ramosissima</i>	Salt cedar	Add	A	B and T
<i>Ulex europaeus</i>	Gorse	Nuis	A	B

¹ **Nuis/Pro/Add** = Nuisance/Prohibited/Add = Nuisance and prohibited are the terms of plants on the existing plant lists on the Nuisance Plant List and the Prohibited Plant List in the Portland Plant List (PPL). The two lists have been consolidated and have been renamed as the Nuisance Plants List. Add means this plant would be added to the PPL. Plants to be removed are in the section "Plants to be Removed from the Portland Plant List."

Ranks = Proposed City of Portland ranks are identified. If the plant is not on the Oregon Department of Agriculture (ODA) noxious weed list then the "ODA Rank" column will be blank. If the plant is on the ODA noxious weed list, the ODA rank is identified.

² **City ranks (classifications) are defined as follows.**

A- These species are known to be invasive. These species are known to occur but are not widely distributed in the region. Distribution is limited to a few sites. They spread rapidly and they are difficult to control once they become widespread.

B – These species are known to be invasive. These species are known to occur in the region. They are more abundant and widely distributed than A; however, the distribution is still limited to patches or specific habitats. Distribution is not as widespread as C plants. These species can spread rapidly and are difficult to control once they become widespread.

C – These species are known to be invasive. These species are widely distributed and abundant throughout the region. Their distribution is already very extensive throughout the natural areas and they are difficult to control once they become widespread. These plants are considered ubiquitous.

D- These species are known to be less aggressive than A, B, and C species. These species are known to occur in the region. These plants persist in the ecosystems with native species and therefore, have less impact on the system than the A, B, and C species.

W- Watch species. Species occurrence and distribution should be monitored for presence and/or to determine the level of invasiveness in the region.

Note: Resources for documentation/determination of the ranks includes input from the Oregon Flora Project, the Emerald Chapter of the Native Plant Society of Oregon list, The Nature Conservancy Global Compendium of Weeds, the NatureServe Invasiveness ranking, the noxious weed lists for Oregon, Washington, California, and Idaho, and documented natural area invasions. Metro, the 4 County CWMA, and the Oregon Department of Agriculture, Noxious Weed Control Program also provided comments on the list.

See the administrative rules for the Nuisance Plants Required Removal Program for additional information on the required removal of plants on the Nuisance Plants List, Required Eradication List.

Resources

Web Sites

Backyard Habitat Certification Program at Three Rivers Land Conservancy
<http://www.trlc.org/BYHCP/>

Backyard Habitat Certification Program at Audubon Society of Portland
<http://www.audubonportland.org/backyardwildlife/backyardhabitat>

Center for Invasive Plant Management
<http://www.weedcenter.org>

City of Portland, Bureau of Environmental Services, Invasive Plant Management
<http://www.portlandonline.com/bes/index.cfm?c=45696>

City of Portland, Bureau of Environmental Services, Naturescaping for Clean Rivers
<http://www.portlandonline.com/bes/index.cfm?c=32142>

City of Portland, Parks and Recreation, Integrated Pest Management Strategy
<http://www.portlandonline.com/parks/index.cfm?c=dicjg>

East Multnomah Soil and Water Conservation District
<http://emswcd.org/index.php>

Four County Cooperative Weed Management Area
<http://www.4countycwma.org/>

Native Plant Nurseries
www.plantnative.org/nd_or.htm

Oregon Department of Agriculture, Plant Division, Noxious Weed Control
<http://www.oregon.gov/ODA/PLANT/WEEDS/lists.shtml>

Call 1-866-Invader or go online to www.oregoninvasiveshotline.org to report a suspected invasive species. The reports for the Portland area are sent directly to BES EDRR staff.

Oregon Invasive Species Council
<http://www.oregon.gov/OISC/index.shtml>

PLANTS database
<http://plants.usda.gov>

Pringle Creek Watershed Council
Guide for Using Willamette Valley Native Plants Along Your Stream
http://marionswcd.net/downloads/education/native_plantings/native_planting_guide_along_stream.pdf

The Flora of North America
http://www.efloras.org/flora_page.aspx?flora_id=1

The Nature Conservancy
<http://www.nature.org/wherewework/northamerica/states/oregon/>

The Oregon Flora Project
<http://www.oregonflora.org>

Washington Flora
<http://www.washington.edu/burkemuseum/collections/herbarium/index.php>

Western Invasives Network
<http://www.westerninvasivesnetwork.org/pages/cwmapage.php?cwma=fourcounty>

West Multnomah Soil and Water Conservation District
<http://www.westmultconserv.org/>

Books

Flora of the Pacific Northwest
Authors: C. Leo Hitchcock and Arthur Cronquist

Landscaping for Wildlife in the Pacific Northwest
Author: Russell Link

Northwest Weeds: The Ugly and Beautiful Villains of Fields, Gardens, and Roadsides
Author: Ronald J. Taylor

Plants of the Pacific Northwest Coast: Washington, Oregon, British Columbia, and Alaska
Authors: Jim Pojar and Andy MacKinnon

Urbanizing Flora of Portland, Oregon, 1806-2008
Authors: J.A. Christy, A. Kimpo, V. Marttala, P.K. Gaddis, and N.L. Christy

Wildflowers of the Pacific Northwest
Authors: Mark Turner and Phyllis Gustafson
www.pnwflowers.com/

APPENDIX A

History

In February 1986, the Greenway Plant List was developed in consultation with local ecologists, biologists, and naturalists. Later that year, this list was adapted for the Columbia River Corridor area. Use of native plants from the list first became a requirement within the Willamette River Greenway Zones and was later required within the Environmental Zones when adopted in 1989 for the Columbia Corridor. Soon thereafter, a Technical Advisory Committee (TAC) was established to review and expand the list to cover all of Portland. As part of that review, the TAC identified the need to create categories for native, nuisance and prohibited plants. The expanded "Portland Plant List," covering native and nuisance plants throughout the City, was adopted by the Portland City Council on November 13, 1991.

Amendments passed on May 26, 1993 and September 21, 1994 further refined and expanded the List, and added prohibited plants. In July, 1995, the list was updated to include name changes from the recent references, as cited in Appendix III of *The Jepson Manual*.

In February 1986, the Greenway Plant List was developed in consultation with local ecologists, biologists, and naturalists. Later that year, this list was adapted for the Columbia River Corridor area. Use of native plants from the Greenway Plant List first became a requirement within the Willamette River Greenway Overlay Zones, though provisions were included to allow non-native plants. When the Environmental Overlay Zones were first adopted in 1989 for the Columbia River Corridor, planting only native plants became a requirement within the Environmental Overlay Zones. The native plants on the Greenway Plant List were primarily focused on the geographic areas within the Willamette River Greenway Zones and the Environmental Overlay Zones. Thereafter, a Technical Advisory Committee (TAC) was established to review and expand the list beyond these geographic areas so the list included plants found throughout the City of Portland.

As part of that review, the TAC identified the need to create categories for native, nuisance, and prohibited plants. The TAC expanded and renamed the list, now called the "Portland Plant List," to include native and nuisance plants found throughout the City. The *Portland Plant List* was adopted by the Portland City Council on November 13, 1991. At the time of adoption, the *Portland Plant List* contained native plants and nuisance plants (nuisance plants were listed as dominating plants and harmful plants); however, no prohibited plants were listed at that time.

The *Portland Plant List* was amended on May 26, 1993 and September 21, 1994. These amendments refined and expanded the *Portland Plant List*, and added prohibited plants. The September 1994 list included five prohibited plants. In July, 1995, the list was updated to include name changes from the reference changes that occurred with the then-updated version of Appendix III of *The Jepson Manual*.

In 1997, the *Portland Plant List* was modified to update the Native Plant Lists and reformat the entire document. The changes were part of the City's efforts to comply with State Land Use Planning Goals 5 Natural Resources and 15 Willamette Greenway, and were included as part of the development of a City of Portland Environmental Handbook. The reformatting created four sections: species lists for native plant communities occurring within the Portland area; species lists of plants historically native to the Portland area with illustrations and information; a list of nuisance plants; and a list of prohibited plants. The changes were adopted by City Council on March 19, 1997.

In 1998, a minor update was made to the *Portland Plant List* when several species were added to the Native Plant Lists and one species was added to the Nuisance Plant List.

In 2004, more extensive changes were made to the *Portland Plant List*. The Regional Interagency Weed Group (IWG), working in conjunction with the Bureau of Planning, proposed to add 113 plants to the Nuisance Plant List. The IWG was composed of representatives the Portland Bureau of Parks and Recreation (Urban Forestry Division, Horticultural Services, and the Natural Resources Program), the Tualatin Hills Parks and Recreation District, The Nature Conservancy, and the Bureau of Environmental Services Watershed Revegetation Program. At the same time, the Bureau of Environmental Services Watershed Revegetation Program proposed an addition of 61 plants to the Native Plant Lists. Because of the nature and extent of the changes, the Planning Bureau requested more comprehensive vetting of the changes and invited comments from the Oregon Association of Nurseries, the Port of Portland, the Multnomah County Drainage District, the Columbia Slough Watershed Council, and the Oregon Department of Agriculture. The IWG also requested input from six independent experts. Following the review, the lists were modified and submitted by the Bureau of Planning to four plant experts for final review; after several changes, the plants were added to the *Portland Plant List* in March 2004.

The installation of nuisance and prohibited plants has been prohibited in the Greenway Overlay Zone since the plant list was established. Planting of plants on the Nuisance Plant List and the Prohibited Plant List has been prohibited in Environmental Overlay Zones since 1989, when that zone was first established. In June 2005, the Pleasant Valley Natural Resources Overlay Zone was added to the Portland Zoning Code. Planting plants on the Nuisance Plant List and the Prohibited Plant List is prohibited in the Pleasant Valley Natural Resources Overlay Zone. In July 2005, provisions in the City's Zoning Code were changed to prohibit the use of plants on the Nuisance Plant List and the Prohibited Plant List in City-required landscaping. Prior to July 2005, in City-required landscaping, only prohibited plants were prohibited. After July 2005, nuisance plants were also prohibited in City-required landscaping.

In 2009, the Bureau of Planning merged with the Office of Sustainable Development, becoming the Bureau of Planning and Sustainability. In 2009, the Nuisance Plant List and the Prohibited Plant List were consolidated into one list called the Nuisance Plants List. Also, the *Portland Plant List* was updated and refined to provide more information about these plants. Ranks were assigned to each plant on the Nuisance Plants List. Text was added to describe the plants and the ranks. Other portions of the *Portland Plant List* text were revised to reflect changes in terminology, and to improve the usefulness of the *Portland Plant List*. Formatting changes were also made. In addition, the *Portland Plant List* was changed from an ordinance to an administrative rule. Re-establishing the *Portland Plant List* as an administrative rule is consistent with technical documents such as the *Erosion Control Manual* and the *Stormwater Management Manual*. Administrative rules provide a streamline process for reviewing and making changes to technical documents such as the *Portland Plant List*.



Invasive Plant Policy and Regulatory Improvement Project

Appendix C: Title 29 Property Maintenance Regulations

Section 29.20.010 G. Nuisance Plants. Eradication, as defined in 29.10.020.V, is required of all plants identified on the Nuisance Plants List. The Director shall adopt administrative rules detailing implementation and enforcement of this provision.

Section 29.20.010 G, H, I, and J will be relabeled H, I, J, and K.

Section 29.10.020 V. Eradication. Eradication is the removal of the entire nuisance plant – including the above ground portion of the plant, and the roots, shoots and seeds of the plant. The eradication provisions apply to those plants on the Nuisance Plants List, Required Eradication List.

Section 29.10.020 V – YYY will be relabeled W - ZZZ.



Invasive Plant Policy and Regulatory Improvement Project

Appendix D: Administrative Rules

Nuisance Plants Required Removal Program

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These rules are presented in a Commentary and Regulations alternative page format. The intent is to provide informational items on the Explanatory Information page and limit the Regulatory Text page to the legal requirements of the program. Unlike City Code documents, this entire package is adopted as administrative rule. Therefore, regardless of the placement of information in this document, it is legally binding.

Explanatory Information

Applicability

All of the plants on the City's Nuisance Plants List are considered invasive plants. However, some species are more aggressive than others. Several species are just beginning to emerge here and could be prevented if detected early. To help set management priorities, the City is assigning specific priority ranks to the plants on the Nuisance Plants List.

Rank "A" plants on the Nuisance Plants List are designated as such for their ability to spread rapidly and to cause public safety and environmental hazards. Rank "A" plants are specifically targeted for removal because they currently have limited distribution in natural areas and eradication will prevent the spread of these plants. Rank "B" plants are more abundant and widely spread than "A" plants; however, their distribution is currently limited to specific habitats or patches. Common nuisance plants, such as Himalayan blackberry and English ivy, are so abundant and widely distributed they would take a considerable amount of time and money to eradicate; therefore, they are rank "C" plants.

The City has identified a subset of the rank "A" plants on the Nuisance Plants List as plants that are such a concern that they must be eradicated if they are found on a property. In accordance with these administrative rules, property owners, whether private or public, whose property is found to contain plants with rank "A" on the Nuisance Plants List, Required Eradication List, shall receive notice to work with City staff to eradicate such plants from their property. It is possible that multiple eradication efforts may be needed for some plant species.

Rather than immediately involve citizens in an abatement process, the City will direct staff to provide resources and education to property owners to remove the plants. Bureau of Environmental Services (BES) staff will provide the resources and education to property owners. BES is responsible for implementing or ensuring implementation of these administrative rules except where the responsibilities of the Bureau of Development Services (BDS) are identified. Should funding become unavailable for either bureau, then implementation may become limited. An intergovernmental agreement provides funding details related to these administrative rules.

The City will only proceed with abatement on rank "A" species on the City's Nuisance Plants List, Required Eradication List, if the plants are also on the Oregon Department of Agriculture noxious weed list. See the City of Portland Nuisance Plants List, Required Eradication List in Appendix D for the plants with required eradication and, if necessary, abatement. These administrative rules apply to a property within the City of Portland and to a property within the unincorporated areas of Multnomah County that are designated by the intergovernmental agreement between the City of Portland and Multnomah County called the "Intergovernmental Agreement to Provide for the Coordinated Regulation and Management of Invasive Plants Between City of Portland and Multnomah County" which provides details related to funding and other responsibilities.

Explanatory Information

Purpose

Invasive plants are the second largest threat to native biodiversity, behind habitat loss, and they are one of the primary factors that lead to a species listing under the Endangered Species Act (City of Portland Invasive Plants Strategy Report 2008). Invasive plants degrade water quality, reduce biodiversity, impair habitat, decrease tree populations and growth rates, increase the likelihood and spread of fire, decrease the ability of stormwater infiltration and increase soil erosion. Removing invasive species and planting native vegetation is critical for improvement and maintenance of watershed health. Fish, wildlife, and the citizens of Portland benefit from the management of invasive species.

Invasive plant management is a long-standing city-wide effort. In 1991, the City of Portland passed the ordinance to establish the *Portland Plant List*. The *Portland Plant List* included a list of native plants for the Portland metropolitan area. In recognition of the threat of invasive plants, the *Portland Plant List* also included a list of nuisance plants and a list of prohibited plants (invasive plants).

The City's bureaus have programs that conduct invasive plant removal. For example, sections such as the BES Watershed Revegetation, the BES Early Detection and Rapid Response, and the Bureau of Parks & Recreation Protect the Best program conduct invasive plant removal. In addition, the Bureau of Development Services implements the Portland Zoning Code; the Zoning Code contains requirements that prohibit the installation of invasive plants. The Invasive Plant Management Strategy, published in November 2008, further emphasizes the management of invasive plants as a city-wide priority.

The Invasive Plant Management Strategy outlines five management goals for the City:

1. Policy and Code Changes
2. Education and Outreach
3. Coordination
4. Assessment (inventory and control priorities)
5. Invasive Plant Control and Site Restoration.

The Invasive Plant Policy Review and Regulatory Improvement Project focuses on the first management goal: the policy and code changes. Assigning ranks to the plants on the Nuisance Plants List, and establishing provisions in the City codes that require removal of invasive plants and prohibit the planting of invasive plants, will improve early detection and rapid removal of invasive plants.

The priority ranks added to the City's Nuisance Plants List follow a framework similar to that used by the State of Oregon for ranking noxious weeds. The Oregon Department of Agriculture uses "A", "B", and "T" ranks to indicate the distribution and control priority for noxious weeds in Oregon. Under Oregon law, counties can set up weed control districts to manage high priority weed species. Two-thirds of Oregon counties have weed control districts and correspondingly, have noxious weed boards and noxious weed laws. Multnomah, Washington, and Clackamas Counties do not have weed control districts.

Explanatory Information

Cities are allowed to establish noxious weed boards as a special weed control district; however, no cities in Oregon have done so because it is a challenging endeavor. State law requires signatures from over half of the landowners within a district to establish a special weed control district. Noxious weed management laws in Oregon were created primarily for weed management in rural areas and will need to be revised to adequately manage invasive species in more urban settings.

These administrative rules are not related to a weed control district as defined by Oregon law. The administrative rules articulate a City process related to control and management of a specific set of invasive plants; those plants are listed on the Nuisance Plants List, Required Eradication List.

Controlling small populations of invasive plants before they become widespread is the most cost effective way to fight invasive species. The U.S. Congress Office of Technology Assessment reports that a dollar spent on early invasive species actions prevents \$17 spent in future control efforts (U.S. Congress, Office of Technology Assessment, 1993, Harmful Non-Indigenous Species in the United States, OTA-F-565 Washington DC).

Regulatory Text

I. Applicability

Property owners, whether private or public, with invasive plants listed as rank “A” on the City of Portland’s Nuisance Plants List, Required Eradication List are required to contact BES and arrange for immediate removal of those rank “A” listed species. Eradication efforts can be made by the property owner, City staff or private contractors.

II. Purpose

These administrative rules are one component of the City’s Invasive Plant Management Strategy that was adopted in November 2008. There are five invasive plant control priorities described in this Strategy that are used to direct the City’s invasive plant management efforts. There is limited funding for tackling this large problem.

These provisions establish procedures, roles, and responsibilities for notification and assistance to property owners in eradicating specific invasive plants as authorized in Title 29. These provisions also establish an abatement process if property owners are unwilling to eradicate rank “A” species identified on the Nuisance Plants List, Required Eradication List.

- A. *Protection of the highest quality habitat.* By requiring removal of rank “A” plants on the Nuisance Plants List, Required Eradication List from public and private property, the City hopes to prevent invasive plants from escaping landscaped areas and encroaching upon public and private natural areas.
- B. *Early Detection and Rapid Response.* These administrative rules are founded predominantly on this principle; by regulating rank “A” species on the Nuisance Plants List, Required Eradication List, the City can eradicate these plants before they expand to become abundant and widely distributed. The proliferation of the plants makes eradication difficult, and requires an extensive amount of time and money.
- C. *Landowner participation and available funds.* The BES Early Detection and Rapid Response team relies on public assistance to help identify rank “A” species, so that the limited City funds can be directed to controlling these plants. The current City program offers to remove rank “A” plants for property owners, based on available funding. Educational information will be provided to the property owners.
- D. *Wildfire Risk Reduction.* Many of these invasive plants can create dense understories or kill off native plants, including trees, so that there is the potential for enhanced fire risk. Some plants contain oils or physical structures that are highly flammable.
- E. *Protecting Existing Green Infrastructure.* With the City’s increased use of vegetated facilities, tree planting, and riparian land acquisition, ensuring that invasive plants stay out of these systems is a priority. With limited City maintenance funds, invasive species must be managed on public and private land to protect our investment in public properties. This benefits all citizens.
- F. This program will help the City meet the following objectives:
 - Protection and recovery of biological communities including fish listed under protections under the Endangered Species Act,

Regulatory Text

- Expanded and enhanced habitat (aquatic and terrestrial), protect existing sensitive habitats,
- Protection of water quality,
- Protection of public health and safety,
- Greater use of natural processes for managing stormwater – trees in particular,
- Cost savings, and
- Community livability.

Explanatory Information

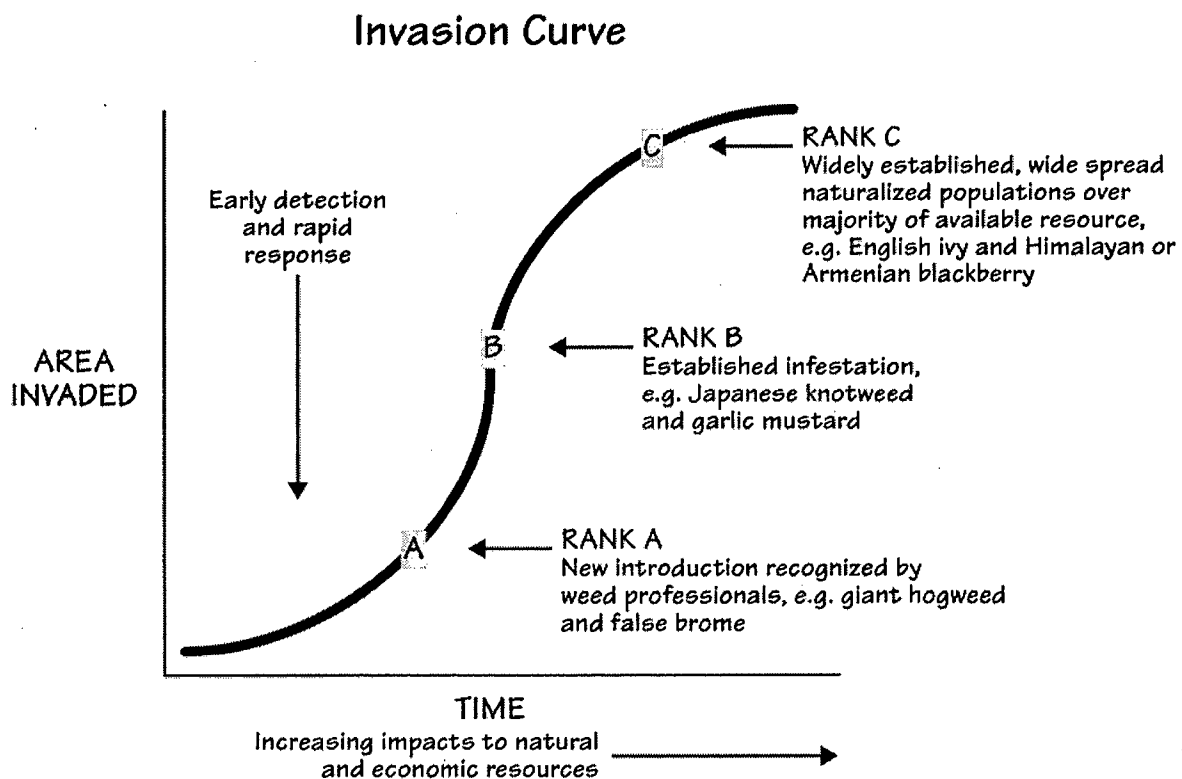
Definitions

The invasive definition is based upon a definition from the Oregon Department of Agriculture, and has been modified by City staff.

The definitions of rank are established to help prioritize which species are most important to detect and eradicate. Definitions are based upon those used by the Oregon Department of Agriculture and by the 4-County Cooperative Weed Management Area (CWMA), with modifications by City staff. The Invasion Curve below provides examples of plants for ranks "A-C".

The Portland metropolitan region, defined here as Clark, Multnomah, Washington, and Clackamas Counties, is used as the unit of evaluation for monitoring invasive presence, coordination, and educational activities. These four adjacent counties are a gateway for invasive species entrance to and exit from more urban habitats to recreation destinations and agricultural lands. In addition, the Port of Portland is a potential pathway for introduction of potentially invasive species from throughout the world.

Removal of the plants is a key action. What constitutes removal of nuisance plants? Different methods of removal will be used; it may take several years of removal actions to completely eradicate the plant. Definitions of nuisance plant removal and of eradication are included below.



Regulatory Text

III. Definitions

Eradication. Eradication is the removal of the entire nuisance plant – including the above ground portion of the plant, and the roots, shoots and seeds of the plant. The eradication provisions apply to those plants on the Nuisance Plants List, Required Eradication List.

Invasive. Species that spread at such a rate that they cause harm to human health, the environment and/or the economy. In natural areas, invasive plants are those species that left unchecked could displace native plants and become the dominant species in that vegetation layer. Invasive plants can halt successional processes by limiting the establishment and the growth patterns of native species

Nuisance Plants List. A portion of the City's *Portland Plant List* that identifies undesirable species of plants that are often referred to as invasive species. These species may not be planted within the Environmental Overlay Zone, the Greenway Overlay Zone, and the Pleasant Valley Natural Resources Overlay Zone. These species may not be planted within City-required landscaped and mitigation areas. The Nuisance Plants List identifies the common name and botanical name for each species. The Required Eradication List is part of the Nuisance Plants List.

Plant Priority Ranks. Portland specific priority rankings of plants for removal and monitoring efforts. These ranks are assigned to plants on the Nuisance Plants List:

- A** – These species are known to be invasive. These species are known to occur but are not widely distributed in the region. Distribution is limited to a few known sites. They spread rapidly and are difficult to control once they become widespread.
- B** – These species are known to be invasive. These species are known to occur in the region. They are more abundant and widely distributed than “A” ranked plants; however the distribution is still limited to patches or specific habitats. These plants can spread rapidly and are difficult to control once they become widespread.
- C** – These species known to be invasive. These species are widely distributed and abundant throughout the region. Their distribution is already very extensive throughout natural areas and they are difficult control once they become widespread. These plants are considered ubiquitous.
- D** – These species are known to be less aggressive than “A”, “B”, and “C” ranked species. These species are known to occur in the region. These plants persist with native species and therefore have less impact on the system than the “A”, “B”, and “C” species.
- W** – Watch species. Species occurrence and distribution should be monitored for presence and/or to determine the level of invasiveness in the region.

Regulatory Text

Region. The region includes the four counties, and the associated cities, of Multnomah, Clackamas, Washington counties in Oregon, and Clark County in Washington. These entities are part of the 4-County Cooperative Weed Management Area (CWMA).

Nuisance Plant Removal. Removal entails actions such as the removal of: roots, the above ground portion of the plant, and the seeds of the plants such that existing non-nuisance and/or newly installed plants are able to grow and survive. The non-nuisance plants are maintained free of nuisance plants. The City's nuisance plants are listed on the Nuisance Plants List.

Explanatory Information

Regulatory Authority

City Code Title 29, Property Maintenance Regulations, has been revised, with changes adopted concurrent with these rules, to grant the City authority to require the removal of the rank "A" species on the Nuisance Plants List, Required Eradication List from any property within the City. This code section was chosen with present and future needs in mind. Title 29 has existing language about weeds and the general upkeep of a property.

Washington's state law is stricter than Oregon law because it stipulates that landowners are required to control for certain species on their property (RCA 17.10.140 Owner's Duty to Control Spread of Noxious Weeds). In addition, cities are automatically included as part of a weed control district when a county in Washington establishes a weed control district. Ideally, a statewide Oregon law that mirrors Washington's law would provide the structure needed to effectively manage invasive species on private land.

The City participates in the 4-County (Clackamas, Clark, Multnomah, and Washington) Cooperative Weed Management Area (CWMA). This is a collaborative weed management group that facilitates partnerships among public and private entities involved in invasive plant management. The CWMA exists to share information, inventory and assess invasive plants, conduct outreach to raise awareness, and sponsor effective and innovative invasive plant removal and restoration projects. City participation in this group has helped foster partnered invasive plant management and outreach projects. Regular meetings help the group formulate consistent invasive plant management priorities throughout the region.

Requirements

City staff is available to assist property owners with identification and eradication of rank "A" plants on the Nuisance Plants List, Required Eradication List. Property owners or tenants may self-identify plants or may receive notice from City staff who have identified rank "A" species. City staff may identify these plants during a land use review site visit, or a permit inspection. Citizens may also report sightings of invasive plants. Land use reviews and permits will be able to continue in their respective processes while the invasive plants are eradicated. Materials have been developed to aid in identification of the plants.

Because of the similarity of rank "A" species with some other more desirable plant species, property owners or tenants are encouraged to contact the City to arrange for a site visit by City staff to formally identify plant species. City site visits shall generally be by appointment during standard working hours. Owners are encouraged to be onsite during the visit to discuss eradication options. If the identification of a rank "A" species on the Nuisance Plants List, Required Eradication List has been made by a reliable source, and entry permission is granted without a separate site visit, City staff may eradicate at the time of the site visit.

Removal of some of the rank "A" plants on the Nuisance Plants List, Required Eradication List can be a difficult, multi-phase process that may require a variety of techniques, including routine mechanical, manual, and chemical application, to fully eradicate the

Explanatory Information

species. City staff responsible for eradication efforts shall follow the Portland Parks & Recreation Integrated Pest Management and BES Revegetation program protocols for plant removal. If chemical application is necessary, BES may hire a contractor or route the chemical application request to one of the following partners: the local Soil and Water Conservation District (SWCD)(East or West Multnomah), Clean Water Services (for sites within the Tualatin River watershed), Johnson Creek Watershed Council, Tryon Creek Watershed Council, and/or Columbia Slough Watershed Council. In addition, if BES has insufficient funding to pay for eradication efforts, both physical and chemical, a referral might be made to one of those partners to see if they can secure funding for eradication.

Due to limitations in Oregon Pesticide Licensing laws (ORS 634), the City cannot use chemical treatment on private property. The City has to hire a contractor or use other means of eradication.

Monitoring shall continue for up to five years to assure full plant eradication. Continued monitoring and maintenance will be part of the agreement between the BES staff and the property owner who is receiving the assistance. Reported sightings of plants, site visits, removal treatment and other site related information shall be retained in City records, most likely in a database, to assist with the City's invasive species management strategy.

Following removal of the rank "A" species on the Nuisance Plants List, Required Eradication List the site should be re-vegetated with non-invasive plants to reduce the likelihood of future re-colonization of invasive species. Some of the areas, such as those within the Environmental Overlay Zone, must be re-vegetated with native plants. See the Zoning Code for information about areas that require the installation of native plants.

Regulatory Text

IV. Regulatory Authority

- A. *Noxious weed law.* Both Oregon and Washington have state noxious weed laws that establish a ranked classification system to identify plants with management priorities. The City of Portland has adopted a priority rank system and related code provisions.
- B. *City Code Title 29.* This portion of City Code requires the removal of rank “A” species of plants on the Nuisance Plants List, Required Eradication List found on any property. These are listed in Appendix D, City of Portland Nuisance Plants List, Required Eradication List. Specific requirements are described below in the “Requirements” section. There are also specific regulations in City’s Zoning Code in the following chapters: Landscaping and Screening, Environmental Overlay Zone, Greenway Overlay Zone, and the Pleasant Valley Natural Resources Overlay Zone. These provisions prohibit the planting of species on the Nuisance Plants List. In addition, the *Erosion Control Manual* and the *Stormwater Management Manual* include provisions that limit the use of species on the Nuisance Plants List.

V. Requirements

- A. *General Requirements.* These rules and City Code Title 29 require that any property identified as having a rank “A” species on the Nuisance Plants List, Required Eradication List must remove these plants within the time period on the initial notice. Any property owner identifying these species on their own must notify the City so the site can be added to the monitoring database.
- B. *Notice.* Property owners shall be notified of their duty to comply with these regulations as spelled out in Section VII of these rules and with notices similar to the one shown in Appendix B. Compliance dates shall be provided within the notices.
- C. *City Assistance.* The City shall provide a number of actions to assist property owners in permanently eradicating rank “A” species, as identified on the Nuisance Plants List, Required Eradication List from their sites:
 - 1. Plant Identification. The City has developed a number of educational materials to assist owners in identifying rank “A” species. Materials are available at the Development Services Center (1900 SW 4th Avenue, Portland, OR 97201), on the BDS website at www.portlandonline.com/bds/index.cfm?c=34154 and on the BES website at <http://www.portlandonline.com/bes/index.cfm?c=45696>. City staff is available to provide onsite verification of the presence of rank “A” species. An appointment will be set up for a site visit.
 - 2. Plant Removal. Property owners shall be given the option of removing rank “A” species as identified on the Nuisance Plants List, Required Eradication List on their own, or requesting City staff remove the plants. Property owners will need to make an appointment to have City staff assist them. City assistance will be provided on a first come first served basis and continue as long as the annual budget allows.

Regulatory Text

3. Monitoring / Maintenance. Many of the rank “A” species on the Nuisance Plants List, Required Eradication List are difficult to remove. The plants need continued monitoring and multiple removal efforts to fully eradicate them from a site. Once a site is identified as having rank “A” plants, City staff will add the site to a tracking database. Monitoring shall continue for up to five years to assure full plant eradication. Continued monitoring and maintenance will be part of the agreement between BES and the property owner who is receiving the assistance.
 - a. Long Term Maintenance Plan. The City will work with the property owner to develop a long term strategy to keep invasive plants from re-establishing on the property. This long term plan may include re-vegetation of the newly cleared area to provide competition with new invasive seedlings.
- D. *Entry Permission Form.*** The City will require a signed permission form (Appendix C) to enter onto private property.

Explanatory Information

BES Response Strategy

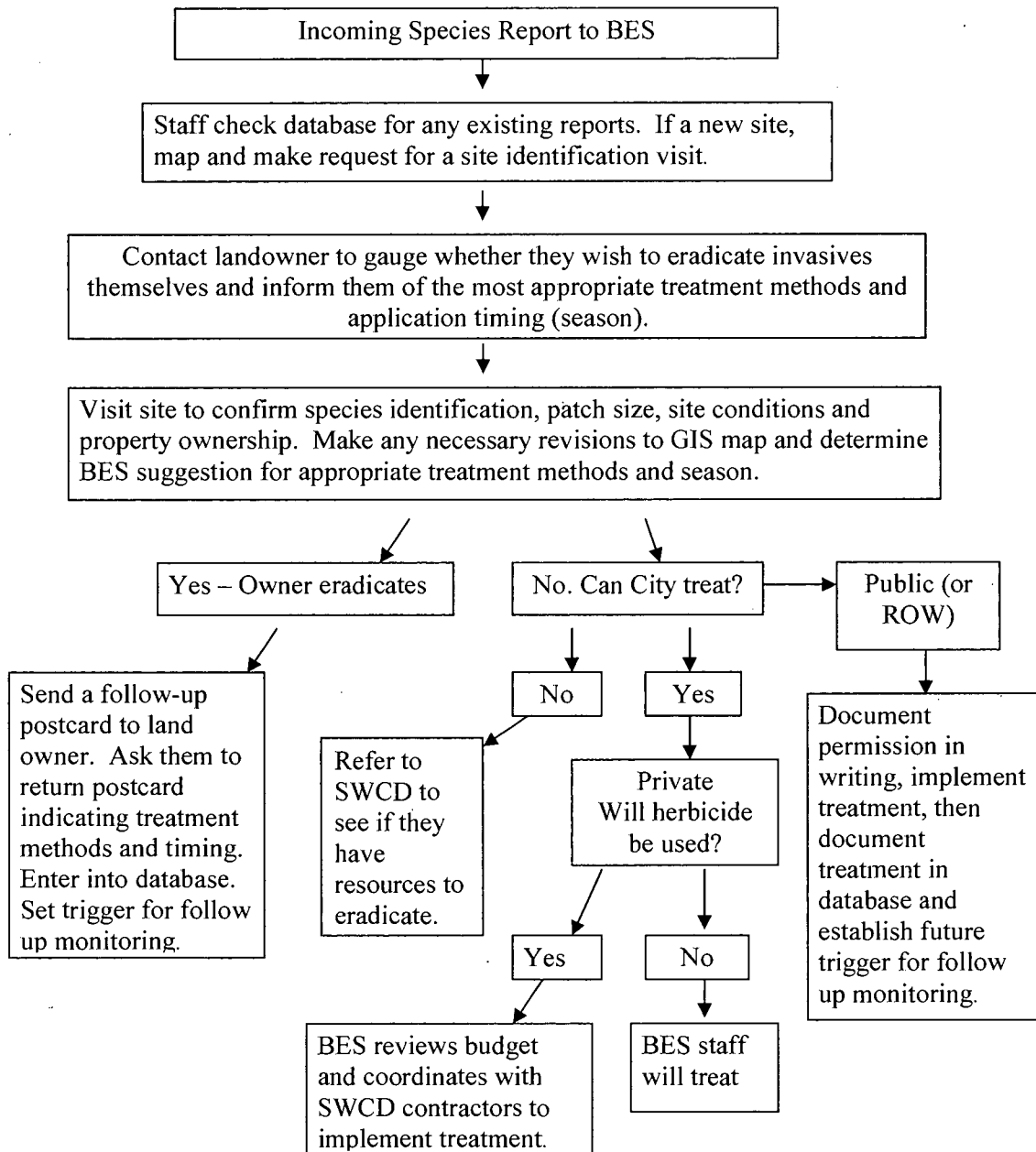
Figure 1 identifies the decision-making steps BES staff will undertake to establish an eradication plan for a property reported to have rank “A” species on the Nuisance Plants List, Required Eradication List.

Regulatory Text

VI. BES Response Strategy

BES shall respond to notifications about or sightings of rank “A” species as laid out in Figure 1 below.

FIGURE 1 – BES Response Flow Chart



Explanatory Information

Public Notices

The City has developed a variety of program materials to assist property owners in self-identifying rank “A” species on the Nuisance Plants List, Required Eradication List and to provide guidance on alternative plants such as native plants and non-native, non-invasive plants. Additional materials will be developed. A sample of the existing materials includes the following:

Garden Smart Oregon

This document is about home gardening and offers both native and non-native, non-invasive plant alternatives to invasive plants.

Plant Profiles on the City’s web page

These website-based PDFs provide specific descriptions of: butterfly bush, clematis, English ivy, fennel, garlic mustard, Japanese knotweed, parrot feather, American pokeweed, purple loosestrife, tree of heaven and yellow flag iris. These fact sheets include a species description, as well as information on history, spread, control, and alternative plant species.

State of Oregon Department of Agriculture Online Plant Guides and Hotline

When the state receives a notice on its website of a potential invasive and noxious weed plant species of concern, they will forward that notice to BES staff. This website also contains a variety of educational materials on invasive plant identification and eradication methods. Call 1-866-INVADER to report suspected invasive plant locations. Reports to the 1-800-INVADER and the web site (Oregon invasives hotline) are routed back to BES staff at phone #503-823-2989. The most efficient way to report an invasive plant is to contact BES directly.

Reported Sighting Notice

In most cases, BES staff shall verify all reported sightings of rank “A” species on the Nuisance Plants List, Required Eradication List with a site visit to the property to confirm presence of rank “A” species. Only when the sighting is made by qualified City staff, a member of the 4-County Cooperative Weed Management Area, or other qualified person (e.g. SWCD staff, master gardener) will a confirmation site visit be deemed unnecessary. A site visit shall be made as an appointment with the property owner or tenant who responds to this notice. A sample notice is found in Appendix B.

Regulatory Text

VII. Public Notices

A. Educational Materials. The City, the 4-County Cooperative Weed Management Area (CWMA) and the State of Oregon provide a variety of materials to assist property owners in invasive species plant identification. These materials include:

1. Garden Smart Oregon. It includes descriptions, photos, and native and non-native, non-invasive plant alternatives for invasive plant species.
<http://www.portlandonline.com/bes/index.cfm?c=47570>
2. BES Plant Profile and Eradication Support Materials.
 - a. Profiles for more common rank “A”, “B” and “C” species in Portland.
<http://www.portlandonline.com/bes/index.cfm?c=45749>
 - b. Other education materials in development.
3. Oregon Department of Agriculture, Plant Division, Noxious Weed Control. General guidance information on identifying invasive plant species of concern:
<http://www.oregon.gov/ODA/PLANT/WEEDS/index.shtml>

B. Notification Hotlines.

1. BES hotline. Property owners may contact BES staff at phone #503-823-2989.
2. Oregon Online Hotline. The State of Oregon maintains a phone number at 1-800-INVADER, and an online reporting system for invasive species. This reporting form can be found at: <http://oregoninvasiveshotline.org/>.

C. Reported Sighting Notice. When a rank “A” species on the Nuisance Plants List, Required Eradication List has been reported to be present on a property within the City of Portland and the area designated by the “Intergovernmental Agreement to Provide for the Coordinated Regulation and Management of Invasive Plants Between City of Portland and Multnomah County,” BES staff shall issue written notice to the property owner and offer an onsite visit with the property owner to confirm the presence of the suspect species. The property owner can delegate the site visit attendance to a property tenant if they so desire. See Appendix B for the Reported Sighting Notice form. See Appendix D for the City of Portland’s Nuisance Plants List, Required Eradication List.

D. Compliance Notice. This notice shall identify which rank “A” plants are present on the property, note that these plants constitute a public nuisance, and identify the required actions and timelines for eradication efforts to be made on the property. The elements within this notice are negotiated between BES staff and the property owner, usually at the time of the Reported Sighting Notice visit. This notice also includes the means for the owner to appeal the City determination of nuisance or compliance requirements.

E. Escalating Enforcement Notices. If there is continued non-compliance with City requirements to eradicate rank “A” species on the Nuisance Plants List, Required

Regulatory Text

Eradication List, the property owner shall receive a variety of enforcement notices as described in Section VIII.

Explanatory Information

TABLE 1: PUBLIC NOTICE SUMMARY

Type of Communication	Purpose	Bureau	Timeframe	Owner Response Due
Reported Sighting Notice	<ul style="list-style-type: none"> • Informs property owner of a report of a rank “A” plant* sighting on their property. • Requests a time be set for BES staff inspection to confirm presence of rank “A” plants*. • Offers to meet owner onsite at time of inspection. 	BES	Sent within 14 days from when BES receives the reported sighting.	Within 30 days of the date of the Reported Sighting Notice.
Compliance Notice	<ul style="list-style-type: none"> • Conveys City determination that rank “A” plants* constitute a nuisance. • Sets compliance timeline. • Sets required actions to be taken to remediate the nuisance. • Provides information to appeal City determination or compliance requirements. 	BES	Sent within 5 working days of site inspection.	As per notice – generally 30 days.
Enforcement Notice	<ul style="list-style-type: none"> • Sent if City determines eradication efforts required in Compliance Notice have yet to be made for rank “A” plants*. See City of Portland Nuisance Plants List, Required Eradication List. • Informs of days remaining before conformance deadline (30). 	BDS (Upon referral from BES)	Sent within 45 days of initial Compliance Notice.	30 days

*Rank “A” plants on the Nuisance Plants List, Required Eradication List.

Explanatory Information

Enforcement

The City's Nuisance Plants Required Removal Program is designed to work with and support property owners in their efforts to remove invasive species. With the technical support and financial support elements, it is hoped that the majority of properties that are required to comply with these rules will comply without escalating enforcement. Due to the need for timely eradication efforts, the City must have an enforcement program established to take actions on property of the property owner is unable or refuses to do so.

Because of their ample experience with code compliance issues on private property, the Bureau of Development Services Neighborhood Inspections Section will be the lead team on resolving continuing compliance issues related to requirements of these rules and City Code Title 29. The enforcement elements described in these rules are modeled after the existing enforcement program in Title 29. These elements shall commence once BES staff have made the referral to BDS staff for non-compliant sites. BES will continue to provide assistance as needed during enforcement and abatement procedures.

Nuisance abatement and/ or penalties may be established. Penalties are an undesirable, but potentially effective, tool toward gaining compliance. The amount of the monthly enforcement fee shall be charged according to the Property Maintenance Regulations Fee Schedule as approved by the City Council. If all violations are not corrected within three months from the date of the initial compliance period, subsequent enforcement fees shall be twice the amount stated in the Property Maintenance Regulations Fee Schedule as approved by the City Council. Nuisances are abated as described in Chapter 29.20.

City Code grants the City regulatory authority to use a warrant to enter property to abate nuisances. It is the owner's obligation to notify tenants on the property. The City and affected property owners shall abide by the Code provisions in Section 29.60.060.

- The City and property owner may negotiate a schedule and group of site actions to gain compliance. The discussion may involve staff from BES and BDS.
- It shall be unlawful for any person to attempt to obstruct, impede, or interfere with any officer, employee, contractor, agent, or authorized representative of the City whenever such officer, employee, contractor, agent, or authorized representative of the City is engaged in the work of nuisance abatement.
- Neither the City nor any of its officers, employees, contractors, agents, or authorized representatives shall be liable for any damage to or loss of the real property of any improvements, emblements, or personal property due to the enforcement against violations of these rules.

If a site requires abatement, BDS staff shall take the lead for obtaining the warrant to the property, while BES will take the lead for acquiring staff or contractors to complete the eradication work. An overhead charge of 40 percent, a recording fee and contractor costs, and charges from the auditor, shall be imposed on top of the labor and materials costs for the abatement activities on site for each violation.

Regulatory Text

VIII. Enforcement

The City's escalating enforcement process includes a variety of activities based on the authorities granted in Title 29 of the City Code. Failure to meet the eradication requirements of these administrative rules and Title 29 of City Code shall be considered a violation of those regulations. The City may use any or all of the following enforcement tools to gain compliance:

- A. *Notice of Violation.* If the property owner fails to respond to the Reported Sighting Notice, a Compliance Notice will be sent. If the property owner fails to take the actions within the mandated timelines on the BES Compliance Notice, and BES refers the situation to BDS, then BDS staff shall submit a formal Enforcement Notice. The Enforcement Notice shall set out the property owner's failure to comply and describe the escalating enforcement steps to achieving onsite abatement. It shall specify a timeline for response to accomplish onsite eradication efforts.
- B. *Penalties.* The City reserves the right to initiate penalties against any property owner failing to comply with required eradication efforts or negotiating in bad faith with City staff. Penalties shall include monthly enforcement fees imposed by BDS staff to cover costs of processing enforcement cases.
- C. *Abatement.* The City has authority, in Chapter 29.60, to enter onto property and abate or otherwise remove the rank "A" plant on the Nuisance Plants List, Required Eradication List, which is a nuisance condition on a property. City staff will meet with the property owner and discuss specific site, financial, scheduling or general capacity to comply, and any other issues relevant to the site. The City is authorized to recover all costs associated with abating the nuisance on a property. These costs shall be billed to the property owner within 30 days from completion of the abatement. Failure to pay for those costs within the specified time frame may result in a lien on the property in accordance with the provisions of Chapter 29.70.
- D. *Fees.* The BDS Property Maintenance Regulations Fee Schedule is available online at <http://www.portlandonline.com/bds/index.cfm?c=41869>.

Explanatory Information

Appeals

Because rank “A” plants on the Nuisance Plants List, Required Eradication List are considered a public health and safety nuisance, the requirement to eradicate these species is ***not*** appealable. Other aspects of the enforcement process (described in Section VIII Enforcement) may be appealed. The City’s Invasive Plant Coordinator and/ or other relevant staff shall participate in the appeal process as needed.

Evidence. Property owners are encouraged to submit photos, maps, drawings or other materials that document the issues raised in the appeal. Property owners shall specify whether they desire to present the appeal by phone, in person, by email, or other written form. While there is no page limit to an appeal submittal, appellants are encouraged to make submittals as concise and relevant as possible. After receipt of the appeal, the City shall commence internal review of the issues raised and prepare a final determination on the topic. Appeals will be reviewed and heard as needed.

Property Owner Appeals. The property owner is given opportunity to negotiate alternative schedule and specific compliance actions required to eradicate rank “A” species on the Nuisance Plants List, Required Eradication List. A property owner may only appeal the notices identified in the “Right to Appeal” section of these administrative rules.

Regulatory Text

IX. Appeals

- A. Right to Appeal.* Property owners are given the right to appeal City compliance determinations to the City Code Hearings Officer. Property owners may *only* appeal the following City determinations:
1. BES Compliance Notice. See “VII. Public Outreach or Notices.”
 2. That eradication has been completed. The property owner must provide proof from a licensed qualified professional that the plants have been completely eradicated from the property. The requirement to remove rank “A” species on the Nuisance Plants List, Required Eradication List is *not* appealable.
A fee is charged for an appeal. An appeal is submitted as a written request to the BDS staff contact in the Final Determination Notice; the appeal is to the Hearings Officer as provided for in Chapter 22.10 of the City Code.
- B. Appeal Submittal.* Appeals shall be submitted to the BDS staff contact in the Neighborhood Inspections Section and must include the following items:
1. The name and contact information of the property or business owner filing the appeal and date of appeal submittal; and
 2. The address of the property that is the subject of the appeal; and
 3. The specific issue that is being appealed; and
 4. Substantive documentation to support an error by BES in determining site compliance with these regulations.
- C. Appeals Evaluation and Final City Determination.* The City shall rely on the best professional judgment of its trained staff to evaluate compliance with eradication requirements. The City shall send a written Notice of Final Determination to all applicable parties after the decision is made. The notice shall provide a detailed description of the final determination and information about the process for filing an appeal to be heard by the City Code Hearing Officer.
- D. Actions with the City Code Hearings Officer.* Information about the proper procedure to work with BDS to file an appeal with the Code Hearings Officer shall be sent with the City’s Notice of Final Determination to the property owner. If a request for hearing is received by BDS, staff will forward a request to the Code Hearings Officer within 15 days of the date of when the request is received to BDS. The Code Hearings Officer shall schedule and hold a hearing pursuant on the City’s application which will include the Final Determination previously sent to the property owner.

Review of the final order of a Code Hearings Officer by any aggrieved party, including the City of Portland, shall be by writ of review to the Circuit Court of Multnomah County, Oregon, as provided in ORS 34.010-34.100.

APPENDICIES

APPENDIX A – Authorizing Ordinance

Proposed text to be added to Title 29 and amendments to existing text:

29.20.010 G. Nuisance Plants. Eradication, as defined in 29.10.020.V, is required of all plants identified on the Nuisance Plants List. The Director shall adopt administrative rules detailing implementation and enforcement of this provision.

29.20.010 G, H., I, and J will be relabeled H, I, J, and K.

29.10.020 V. Eradication. Eradication is the removal of the entire nuisance plant – including the above ground portion of the plant, and the roots, shoots and seeds of the plant. The eradication provisions apply to those plants on the Nuisance Plants List, Required Eradication List.

29.10.020 V. – YYY will be relabeled W-ZZZ.

APPENDICIES

APPENDIX B – Reported Sighting Notice Form



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CITY OF PORTLAND
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REPORTING INVASIVE PLANT SIGHTING NOTICE

The City of Portland (the City) has received a report about a possible rank “A” plant on the Nuisance Plants List, Required Eradication List that may be on your property. The report states that ____ (common plant name) ____ was seen on ____ (portion of property) ____ part of your property. BES staff requests an appointment with you to meet onsite and confirm if ____ (species) ____ is indeed present on your property and discuss the potential methods of eradication. This letter is sent to you on ____ (date).

Title 29 of City Code requires that property owners immediately remove any rank “A” species found on their property. See the rank “A” species as designated on the Nuisance Plants List at ____ web site _____. Rank “A” species are invasive plants that are particularly troublesome due to their rapid ability to spread, and in some cases, their public safety concerns. The responsibility to eradicate invasive plants rests not only on the private landowner, but also on the local, state, and federal government. Some invasive plants can be controlled by timely pulling or cutting them, while others require herbicide treatment for one or more seasons. Early intervention can prevent the need for more costly and environmentally damaging control efforts in the future.

The City offers technical and financial assistance programs to help property owners remove rank “A” species. In some cases, City or contract staff may be able to remove species on your property. Prompt eradication is legally required, and is more cost effective.

Please contact me at 503-823-XXXX or by e-mail at XXX@bes.ci.portland.or.us to schedule a time to meet with you on your property. If you would prefer to have City staff verify the presence of the invasive plant species without your presence, we can arrange to make a site visit with proper entry permission from the property owner.

Thank you for your attention,

Name
Title

APPENDICIES

APPENDIX C – Eradication Entry Permission Form



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CITY OF PORTLAND

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PERMIT OF ENTRY FOR INVASIVE PLANT CONTROL

The City of Portland (the City) has launched a program to educate landowners about the potential impacts of invasive plants and to implement control efforts. We have enclosed some information about the invasive plants that may be on your property. Please see the Nuisance Plants List for the full list of City-designated invasive plants.

The responsibility to eradicate invasive plants rests not only on the private landowner, but also on the local, state, and federal government. Some invasive plants can be controlled by timely pulling or cutting them, while others require herbicide treatment for one or more seasons. In many cases, early intervention can prevent the need for more costly and environmentally damaging control efforts in the future.

Prior to working on your property, the City must secure your permission to enter. If you agree to allow the City and its contractors to enter upon your property to control invasive plants, please fill in the blanks below with your name, street address, county, signature and today's date.

_____, (Owner) of the real
property located at _____ in
_____ County, does hereby grant a permit of entry to the City, its employees,
agents, contractors and employees and subcontractors of its independent contractors,
performing work on the above-described property to treat invasive plants. This permit
shall be effective for five years from the date the Owner signs the Permit of Entry. The
City is granted this permit of entry without prejudice to any property rights of the Owner.

Signature of Property Owner

Date

Please return to:
City of Portland, BES
Attn: Mitch Bixby
1120 SW 5th Avenue Room 1000
Portland, OR 97204

For questions about invasive plant control
within the City of Portland, please contact
Mitch Bixby at phone #503-823-2989.

APPENDICIES

APPENDIX D – City of Portland Nuisance Plants List, Required Eradication List

City of Portland Nuisance Plants List, Plants with Required Removal

1/12/2010

Scientific Name	Common Name	Current PPL Designation ¹	Proposed Rank ²	ODA Rank
A Ranked Plants				
<i>Acrotilon repens</i>	Russian knapweed	Nuis	A	B
<i>Brachypodium sylvaticum</i>	False brome	Nuis	A	B and T
<i>Carduus pycnocephalus</i> and <i>Carduus tenuiflorus</i>	Italian thistle or slender flowered thistle	Nuis	A	B
<i>Cortaderia jubata</i>	Jubata grass	Add	A	B
<i>Echium plantagineum</i>	Paterson's curse	Add	A	A
<i>Heracleum mantegazzianum</i>	Giant hogweed	Nuis	A	A
<i>Hieracium aurantiacum</i>	Orange hawkweed	Nuis	A	A
<i>Hieracium pratense</i> (<i>H.</i> <i>cespitosum</i>)	Meadow hawkweed (formerly listed as Yellow hawkweed)	Nuis	A	A
<i>Impatiens glandulifera</i>	Policemen's helmet	Nuis	A	B
<i>Onopordum acanthium</i>	Scotch thistle	Nuis	A	B
<i>Phragmites australis</i> (introduced var. only)	Common reed	Nuis	A	A
<i>Pueraria lobata</i>	Kudzu	Nuis	A	A
<i>Silybum marianum</i>	Blessed milk thistle	Nuis	A	B
<i>Tamarix ramosissima</i>	Salt cedar	Add	A	B and T
<i>Ulex europaeus</i>	Gorse	Nuis	A	B

¹ **Nuis/Pro/Add** = Nuisance/Prohibited/Add = Nuisance and Prohibited are existing plants in the Portland Plant List. Add means this plant would be added to the PPL. This column will be deleted in the final version of the administrative rules.

Ranks = Proposed City of Portland ranks are identified. If the plant is not on the Oregon Department of Agriculture (ODA) noxious weed list then the "ODA Rank" column will be blank. If the plant is on the ODA noxious weed list, the ODA rank is identified. The "Proposed Rank" column will become "Rank" in the final version of the administrative rules.

² **City ranks (classifications)** are defined as follows.

A- These species are known to be invasive. These species are known to occur but are not widely distributed in the region. Distribution is limited to a few sites. They spread rapidly and they are difficult to control once they become widespread.

APPENDICIES

Appendix D – City of Portland Nuisance Plants List, Required Eradication List

B – These species are known to be invasive. These species are known to occur in the region. They are more abundant and widely distributed than A; however, the distribution is still limited to patches or specific habitats. Distribution is not as widespread as C plants. These species can spread rapidly and are difficult to control once they become widespread.

C – These species are known to be invasive. These species are widely distributed and abundant throughout the region. Their distribution is already very extensive throughout the natural areas and they are difficult to control once they become widespread. These plants are considered ubiquitous.

D- These species are known to be less aggressive than A, B, and C species. These species are known to occur in the region. These plants persist in the ecosystems with native species and therefore, have less impact on the system than the A, B, and C species.

W- Watch species. Species occurrence and distribution should be monitored for presence and/or to determine the level of invasiveness in the region.

Note: Resources for documentation/determination of level of invasiveness – 4 County CWMA list, Emerald Chapter NPSO list, TNC Global Compendium of Weeds, NatureServe Invasiveness ranking, noxious weed lists for Oregon, Washington, California, and Idaho, and documented natural area invasions. City of Portland staff discussion, with input from Metro, provided much of the information. City of Portland staff also had many conversations with the Oregon Department of Agriculture, Noxious Weed Control Program.

APPENDICIES

APPENDIX F – City of Portland Nuisance Abatement Flow Chart

Title 29 Nuisance Abatement Flow Chart

Upon referral to the Bureau of Development Services (BDS) by citizen report or from City staff.

Complaint – BDS receives a complaint or referral regarding a particular property. Sometimes inspectors self initiate.

Inspection & Posting – Within a week after the complaint is received, an inspector visits the property. If any nuisance violations are found, the inspector posts a nuisance notice on the property in a conspicuous place. The notice lists the problems found by the inspector that need to be addressed.

Notice to Remove Nuisance – A day or two after the property is posted, a Notice to Remove Nuisance is mailed to the property owner (and occupant if the property is not owner-occupied). The notice lists the problems and gives the property owner 15 days to get them corrected.

Re-check – After 15 days, the inspector checks the property to see if the problems have been corrected. If the problems remain, the inspector takes photographs at this time and issues a Notice of Work Order.

Notice of Work Order – This notice is mailed to the property owner (and occupant if necessary) within a few days of the re-check. This notice states that because the problems have not been corrected, a work order inspection will be performed in a week. A work order fee will be assessed and the work order process will continue.

Final Inspection – All properties are inspected one last time by the Code Specialist prior to issuance of a work order. Usually this check occurs a week after the Notice of Work Order is mailed.

Final Notice – Final notice mailed stating that the property is still in non-compliance, that enforcement will continue with the work order abatement process and that a work order inspection fee of \$300 has been incurred to the property owner.

See next page.

Flow chart 8/20/09 by Tricia Sears

APPENDICIES

APPENDIX F – City of Portland Nuisance Abatement Flow Chart

Title 29 Nuisance Abatement Flow Chart

Continued from previous page.

Search Warrant – If a property is occupied or vacant, a search warrant will be written, signed by a judge, and served by the Code Specialist at the time of abatement. Warrants are not usually necessary on public property or on vacant lots unless there is a "no trespass" sign visible and/or a locked gate and fence.



Work Order Issued – A work order is issued to a City contractor.



Work Done – The required work is done by the contractor under the supervision of the Code Specialist.



Return of Search Warrant – Written and returned to the court listing the items removed and abated, and their estimated quantities.



Work Order Returned – The contractor returns all photographs and paperwork to BDS within 10 working days from the date the work order was issued.



Post Work Inspection – The Code Specialist inspects the properties to ensure the work was done properly and completely by the contractor, if needed.



Payment & Billing – After inspecting, the Code Specialist Inspector computes and authorizes payment to the contractor. A Notice of Charges is mailed to the property owner. The property owner is billed for the nuisance abatement and the work order inspection fee, a civil penalty, an overhead charge of 40%, and a recording fee. A lien is placed on the property if the bill is not paid within 15 days of the Notice of Charges. Note that the Auditor adds on 10% to the bill if the lien is assessed.

Note – The City can grant extensions of time up to two weeks at any time throughout the process until a search warrant is received or a work order is issued, if progress is being made, or a request is made pursuant to ADA.

Flow chart 8/20/09 by Tricia Sears



Invasive Plant Policy Review and Regulatory Improvement Project

Appendix E: Financial Impact Statement For Council Action Items

City of Portland, Oregon

FINANCIAL IMPACT STATEMENT For Council Action Items

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator Tricia R. Sears		2. Telephone No. 503-823-1174	3. Bureau/Office/Dept Bureau of Planning and Sustainability
4a. To be filed (date)	4b. Calendar (Check One) Regular <input type="checkbox"/> Consent <input type="checkbox"/> 4/5ths <input type="checkbox"/>		5. Date Submitted to FPD Budget Analyst:

1) Legislation Title:

Invasive Plant Policy Review and Regulatory Improvement Project. Proposed legislative changes include updating the *Portland Plant List* and re-establishing the *Portland Plant List (PPL)* as an administrative rule, amending the Portland Zoning Code (Title 33), and amending the Property Maintenance Regulations (Title 29).

2) Purpose of the Proposed Legislation:

The purpose of the legislation is to enhance City efforts to control invasive plants and to help implement the Invasive Species Management Strategy (adopted by Resolution No. 36726 on August 26, 2009).

▪ **Updating the *Portland Plant List***

Updates to the *Portland Plant List* include consolidating the Nuisance Plant List and the Prohibited Plant List into a single Nuisance Plants list, adding (43) and removing (23) plant species from the Nuisance Plants List, assigning priority ranks to each species on the Nuisance Plants List, providing additional context, guidance and information regarding invasive plants; and establishing definitions. These changes are intended to update and improve the usefulness of the *Portland Plant List* and assist the City, community organizations, and citizens in prioritizing invasive plant management approaches.

Re-establishing the *Portland Plant List (PPL)* as an administrative rule will set up the *PPL* in a similar fashion as other technical manuals such as the *Stormwater Management Manual* and the *Erosion Control Manual*. These documents provide technical information that should be updated promptly as more current information becomes available. The intent is to ensure that the *PPL* can be updated more quickly as an administrative rule review process is a more nimble process than a legislative process.

▪ **Amending Title 33 Portland Zoning Code**

Proposed amendments to the Zoning Code will clarify existing provisions related to removal of plants identified on the Nuisance Plants List in conjunction with landscaping and mitigation that is required by the City with proposed

development projects. In addition, the proposed amendments would require nuisance plant removal and replanting to compensate for disturbance in the Environmental Overlay Zone and the Pleasant Valley Natural Resources Overlay Zone.

- **Amending Title 29 Property Maintenance Regulations and Creation of Associated Administrative Rules**

Proposed amendments to Title 29 Property Maintenance Regulations will require eradication of 15 species identified as the Required Eradication List (a subset of the Nuisance Plants List) when they are discovered and reported to the City. The purpose of the regulation is to prevent new invasive plants from becoming widespread, and to bolster the efforts of the Bureau of Environmental Services (BES) Early Detection and Rapid Response (EDRR) program by providing a “regulatory backstop.” If eradication of the plant(s) cannot be achieved through voluntary means, then the Bureau of Development Services (BDS) would initiate an abatement process.

The plant species required to be eradicated pursuant to this regulation will be specified by administrative rule. The administrative rules also describe the implementation steps and responsibilities for BES and BDS. Agreements between BES and BDS will be made in regards to reimbursement for abatement services.

3) Revenue:

Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If new revenue is generated please identify the source.

This project will not generate or reduce current or future revenue coming to the City.

4) Expense:

What are the costs to the City as a result of this legislation? What is the source of funding for the expense? (Please include costs in the current fiscal year as well as costs in future years) (If the action is related to a grant or contract please include the local contribution or match required)

- **Updating the *Portland Plant List***

The update to the *PPL* involves negligible cost to the City. Tasks include: reformatting the *PPL* and updating the City’s web page using existing staff, printing the revised *PPL* document and producing CDs. Future updates to the *PPL* will be less costly in terms of staff time, public notices, and document production since the *PPL* will be updated as an administrative rule instead of through a legislative process.

- **Amending Title 33 Portland Zoning Code**

Zoning Code clarifications are not expected to significantly increase the time or costs associated with existing landscape and mitigation inspections, because the number of such inspections will not be affected by this project. Existing inspections are required to complete Environmental Reviews and Environmental Plan Checks. Any plant inspections necessary to ensure compliance with the new standard, which requires removal of nuisance species and subsequent re-planting, will occur simultaneously with existing landscape and mitigation inspections.

The duration of inspections required for Environmental Review is not expected to increase because the mitigation and re-planting areas will usually cover the same area. The duration of such inspections required for Environmental Plan Checks would increase by a small amount, perhaps 0.5 to 1.0 hour per plan check. At this rate, assuming, conservatively, that 25 Environmental Plan Checks are submitted per year, the cost would increase by approximately \$327 to \$655 per year. This cost is based on the range of pay scales proposed for a landscape and mitigation inspector position that is currently included in the BES 5-year Grey-to-Green workplan. See the description below.

If the landscape and mitigation inspector position is not funded, then potentially some of the proposed Zoning Code amendments, in particular, the new development standard proposed for the Environmental Overlay Zone and the Pleasant Valley Natural Resources Overlay Zone, should be delayed until the capacity for inspections is established.

Staff training and coordination time, preparation of educational materials for staff and the public, and updates to internal procedures are tasks to be carried out by existing staff.

▪ **Amending Title 29 Property Maintenance Regulations and Creation of Associated Administrative Rules**

Proposed amendments to Title 29 are expected to generate minor cost increases to BES. When plants on the Required Eradication List are discovered and reported, the BES EDRR program will assist property owners to ensure the plants are eradicated through voluntary means. It is anticipated that abatement services will be required rarely since the subject plants are not widespread, and staff expects voluntary approaches to be generally effective in achieving eradication. This is consistent with the experience of jurisdictions such as King County, WA, and Clark County, WA, in implementing similar programs. Abatement cases have been rare in these two jurisdictions. Based on their experiences, only one, or at most two abatement cases are expected per year in Portland. If abatement services are required to enforce Title 29, the Bureau of Development Services will use its existing provisions. An agreement between BES and BDS will be established so that costs related to abatement services are covered by BES. BDS has identified a cost of approximately \$1600 per abatement case.

Staffing Requirements:

5) Will any positions be created, eliminated or re-classified in the current year as a result of this legislation? *(If new positions are created please include whether they will be part-time, full-time, limited term or permanent positions. If the position is limited term please indicate the end of the term.)*

No positions are proposed to be created, eliminated or re-classified in the current year as a result of this legislation.

6) Will positions be created or eliminated in future years as a result of this legislation?

While the legislation does not create or eliminate a position, the Bureau of Environmental Services Grey to Green five-year proposed budget has included funding for 1 FTE in the Bureau of Planning and Sustainability (BPS) for FY 2008-2009 and FY 2009-2010 to develop this code and policy package. Starting in FY 2010-2011, the BES Grey to Green five-year proposed budget includes a 0.6 FTE for a staff person to perform tasks related to invasive species management. This position will provide a trained staff person dedicated to landscape and mitigation inspections. Currently, landscape and mitigation inspections are carried out by building inspectors who typically lack plant identification skills and experience in interpreting landscape plans. This 0.6 FTE position will inspect mitigation sites to ensure compliance with permit requirements to improve program effectiveness and to ensure compliance with the relevant existing and proposed provisions of Titles 29 and 33.

Complete the following section only if an amendment to the budget is proposed.

7) Change in Appropriations *(If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Center Code column if new center needs to be created. Use additional space if needed.)*

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Amount

This project does not amend the budget.

APPROPRIATION UNIT HEAD (Typed name and signature)



Invasive Plant Policy and Regulatory Improvement Project

Appendix F

INTERGOVERNMENTAL AGREEMENT TO PROVIDE FOR THE COORDINATED REGULATION AND MANAGEMENT OF INVASIVE PLANTS

BETWEEN

CITY OF PORTLAND AND MULTNOMAH COUNTY

This is an Intergovernmental Agreement to provide for the coordinated regulation and management of invasive plants (Agreement) between MULTNOMAH COUNTY (County), a home rule county and a political subdivision of the State of Oregon, and the CITY OF PORTLAND (City), a home rule city and political subdivision of the State of Oregon.

RECITALS:

A. The City and County are authorized under the provisions of ORS 190.003 to 190.030 to enter into intergovernmental agreements for the performance of any or all functions that a party to the agreement has authority to perform. This Agreement is made pursuant to the authority granted by ORS Chapter 190.

B. The State of Oregon (State), City and County have long recognized invasive plants as a problem. The proliferation of invasive plants can have environmental and economic impacts, including reducing tree health and longevity, creating fuel sources for wildfires, and outcompeting and displacing native plants that provide food and cover for native wildlife. Certain invasive plants are identified as noxious weeds by the State of Oregon. There are regulations related to noxious weeds; not every invasive plant is designated as a noxious weed.

C. The State Department of Agriculture has established priority ranks for noxious weeds, as has the 4-County Cooperative Weed Management Area for Multnomah, Washington, Clackamas, and Clark Counties under authority granted by state law.

D. Multnomah County has adopted and uses nuisance abatement procedures to regulate nuisance plants, such as tansy ragwort and scotch broom. The County has also adopted zoning regulations that prohibit the planting of specific nuisance plants in certain zones, such as

the Significant Environmental Concern zone. The County identifies certain invasive plants as nuisance plants and has regulations specific to these nuisance plants.

E. In 1991, the City published the *Portland Plant List*, which contains three lists: a Native Plants List, a Nuisance Plant List and a Prohibited Plant List. Plants on the Nuisance Plant List and the Prohibited Plant List are not allowed to be planted in the City's Environmental Overlay Zones, Greenway Overlay Zones, and Pleasant Valley Natural Resources Overlay Zones. In addition, plants on the Prohibited Plant List and the Nuisance Plant List are not allowed to be planted in required landscaping anywhere within the City. The terms nuisance and prohibited are specific to the City of Portland; the terms refer to certain invasive plants that are regulated by the City of Portland.

F. In 2005, the City adopted the *Portland Watershed Management Plan* (PWMP) to provide a comprehensive approach to restoring watershed health and identified the detrimental impacts of invasive plants. The City also adopted Resolution No. 36360 in 2005, which required the City to develop a work plan and goals to reduce invasive plants and to support invasive plant management efforts within City bureaus.

G. In response to Resolution No. 36360, the City's Bureau of Environmental Services led a multi-bureau effort that culminated in publication in November, 2008 of the Invasive Plant Management Strategy (Strategy). Among the actions the Strategy calls for is the incorporation of new invasive plant regulations into existing City Codes.

H. In August, 2009, the City adopted Resolution No. 36726, which adopted the Strategy to guide work within all City bureaus related to invasive plants from the present to 2020. To implement the Strategy, the City's Bureau of Planning and Sustainability (BPS) led an evaluation of City policies and rules relating to invasive plants entitled the *Invasive Plant Policy and Regulatory Improvement Project* (*Invasive Plant Project*) and developed recommendations for code updates and improvements. The final report for the *Invasive Plant Project* recommends, among other things, updating the *Portland Plant List* to include priority ranks and guidance regarding invasive plants, and to amend City Code Titles 33 (Planning and Zoning) and 29 (Property Maintenance Regulations) to improve invasive plant control and require removal of plants on the Nuisance Plant List in certain areas throughout the City. As part of the *Invasive Plant Project*, the Nuisance Plant List and the Prohibited Plant List were consolidated and renamed the Nuisance Plants List. The City of Portland uses the term nuisance plants to refer to invasive plants that are regulated by the City.

I. The City and County previously entered into an intergovernmental agreement that transferred responsibilities from the County to the City for implementing and administering comprehensive plan and zoning regulations, including Title 33 of the City Code, for all property within the County that is also within the City's Urban Services Boundary. These areas are often referred to as the "urban pockets." See the "Intergovernmental Agreement to Transfer Land Use Planning Responsibilities Between City of Portland and Multnomah County," with the effective date in January, 2002. The amendments to Title 33 recommended by the *Invasive Plant Project* will be governed by the terms of that intergovernmental agreement, which is currently effective.

J. The City and County desire to enter into a separate intergovernmental agreement to make Chapters 29.10 through 29.30 of the City Code, including the amendments to Title 29 recommended by the *Invasive Plant Project*, applicable within the urban pockets. These amendments require eradication of certain plants – those plants on the Nuisance Plants List, Required Eradication List - if they are found on a property. For purposes of this Agreement, the plants regulated by Chapters 29.10 through 29.30 of the City Code are referred to as “nuisance plants.” Uniform application of Chapters 29.10-29.30 of the City Code within the City and the urban pockets, also known as the Affected Area described below, will result in a more coordinated and effective approach to the removal and eradication of nuisance plants.

NOW, THEREFORE, THE CITY AND COUNTY MUTUALLY AGREE AS FOLLOWS:

I. INTENT OF AGREEMENT

- A. This Agreement provides for the coordinated regulation and management of nuisance plants by the City and County in the area specified in paragraph I.B below. Specifically, this Agreement provides for the County’s adoption of Chapters 29.10 through 29.30 of the City Code and the transfer of responsibilities for implementing these chapters from the County to the City for properties within unincorporated Multnomah County that are within the City’s Urban Services Boundary, the METRO Urban Services Area and Urban Growth Boundary;
- B. The area that is subject to this Agreement is defined as depicted in Exhibit 1, attached to this Agreement (the Affected Area). The Affected Area, in general, includes all of the properties within unincorporated Multnomah County that are also within Portland’s Urban Services Boundary, with two exceptions. The first, West Hayden Island (map attached as Exhibit 2), is already covered by an intergovernmental agreement and will retain County zoning. It is not subject to this Agreement. The second, a site known as Fred’s Marina (attached as Exhibit 3), will remain under County land use jurisdiction and is not subject to this Agreement for all matters related to the settlement agreement entered into on February 6, 2001 in the United States District Court, and confirmed in writing on February 27, 2001.
- C. All costs to implement and enforce city Code Chapters 29.10 - 29.30 within the Affected Area pursuant to this Agreement shall be the responsibility of the City.
- D. All actions specified by this Agreement shall be taken to assure that the County’s regulation of nuisance plants remains consistent with the City’s. The County has adopted Chapters 29.10 – 29.30 of the City Code as the County’s for the Affected Area and intends to adopt future amendments to these chapters. The City intends to administer these chapters for

County properties in the Affected Area in the same manner as it does for City properties within the City's boundaries.

- E. If any property in the Affected Area annexes to the City or is removed from the City's Urban Services Boundary, it will no longer be subject to this Agreement.

II. DELEGATION OF AUTHORITY

The County agrees to adopt Chapters 29.10 - 29.30 of the City Code for the county Affected Area and to delegate to the City any and all authority that it possesses and that is needed by the City to carry out the regulation and enforcement of City Code Chapters 29.10 – 29.30 for the Affected Area. The effective date and terms of the delegation of authority are as provided for in this Agreement. Among the actions that the County authorizes the City to take in the Affected Area are those enumerated in Section II.C below, which are hereby incorporated into this Delegation of Authority by reference. This delegation of authority should be construed broadly.

A. Fees and Costs

The parties intend that all costs and expenses incurred by City in performing tasks described in Section II.C of this Agreement shall be paid or reimbursed by the City. For purposes of this Agreement, "costs and expenses incurred by the City" include without limitation employee salaries, fringe benefits and City overhead attributed to such employees, expenses incurred for publication and mailing related to implementation, enforcement and nuisance abatement, provided such costs, expenses and fees are attributed to enforcement and/or nuisance abatement actions the City processes under this Agreement.

B. COUNTY RESPONSIBILITIES

The County agrees to perform the following activities for the Affected Area as part of this Agreement:

1. General Responsibilities

- a. The County will adopt City regulations for the Affected Area.
- b. The County will review and propose for adoption by the County Board of Commissioners any necessary amendments to Chapters 15.225 through 15.236 of the County Code to ensure continued implementation and enforcement of these code provisions is coordinated with implementation and enforcement of Chapters 29.10 – 29.30 of the City Code in the Affected Area.

The County will notify the City of the proposed amendments at least 45 days before the County Board is scheduled to consider and adopt them and will give the City an opportunity to comment on the proposed amendments before adoption.

- c. The County, with assistance from the City, will provide appropriate training to County Vector Control staff and County Counsel to ensure County staff understands the provisions of Chapters 29.10 – 29.30 of the City Code, informs citizens in the Affected Area about the substance and applicability of these City Code chapters, and is prepared to answer questions and refer complaints from the public about nuisance plants in the Affected Area to appropriate City staff. This provision in no way conveys a responsibility of implementing Chapter 29.10 - 29.30 provisions to Multnomah County staff.

2. Amendments to City and County Regulations

- a. The County will ensure that any City Council adopted amendments to Chapters 29.10 – 29.30 of the City Code will be considered by the County Board of Commissioners at the earliest possible meeting. The County Board of Commissioners will enact all amendments to Chapters 29.10 – 29.30 so that they take effect on the same date specified by the City's enacting ordinance, except as provided in b. below.
- b. In the event the City Council adopts amendments to Chapters 29.10 – 29.30 by emergency ordinance to be effective immediately, the County Board of Commissioners will consider the amendments at their next regularly scheduled meeting. The County Board of Commissioners will also consider adoption of the amendments as an emergency ordinance with an immediate effective date. Any and all immediately effective amendments adopted by the City Council by emergency ordinance will not apply to properties within the Affected Areas until the County Board of Commissioners adopts the same immediately effective amendments by emergency ordinance.
- c. In the event the County Board of Commissioners chooses not to adopt amendments to Chapters 29.10 – 29.30 of the City Code as adopted by the City Council, the City may terminate this Agreement as provided in Section IV.

C. CITY RESPONSIBILITIES

The City is authorized by the County and agrees to perform the following activities in the Affected Area as part of this Agreement:

1. General Responsibilities

- a. The City will assist in training County Vector Control staff about the substantive requirements of City Code Chapters 29.10-29.30, respond to questions about and complaints under these City Code chapters, and provide enforcement of Chapters 29.10 – 29.30 in the Affected Areas.
- b. The City will adopt administrative rules that implement City Code Chapters 29.10 – 29.30 for use within the City and the Affected Area.

2. Enforcement and Nuisance Abatement

- a. The City will enforce the provisions of City Code Chapters 29.10 – 29.30 within the Affected Area using the nuisance abatement procedures specified in those code chapters and in the administrative rules described in paragraph II.C.1.b above.

3. Amendments to City and County Regulations

- a. The City will provide appropriate opportunity for residents and property owners in the Affected Area to provide input to any legislative public process that may result in changes to Chapters 29.10 – 29.30 of the City Code adopted by the County. It is to be understood that the public process for the Affected Area is one and the same as the process held in the City.
- b. The City will include County decision-making bodies in any legislative public process that may result in changes to Chapters 29.10 – 29.30. County decision-makers and staff will be encouraged to participate in the City's public process.
- c. After the City Council has taken final action on any ordinance amending Chapters 29.10 – 29.30, the City will forward the ordinance to the County Board of Commissioners for adoption.

III. OPERATING PROCEDURES AND RELATIONSHIPS

A. Dispute Resolution

In the case of a dispute under this Agreement, the County through its Director of Vector Control, Director of Land Use Planning and County Counsel and the City through its Director of the Bureau of Environmental Services, Director of the Bureau of Development Services and City Attorney shall attempt to resolve the dispute informally. If the dispute cannot be resolved through this process, the parties shall submit their dispute to intergovernmental

arbitration pursuant to ORS 190.710 through 190.800. Each of the parties shall bear its own expense of attorney fees and arbitration.

B. Amendment

This Agreement may be amended by mutual written agreement of the parties. An amendment will be valid only when reduced to writing, approved as required and signed.

IV. TERM OF AGREEMENT AND TERMINATION

A. General Term

This Agreement shall be effective on July 1, 2010 and shall remain in effect until terminated by mutual written agreement of both parties, or as determined by dispute resolution.

B. Termination by City

This Agreement may be terminated by the City if the County fails to adopt Chapters 29.10 – 29.30 or amendments to these chapters adopted by the City Council in a timely manner as provided in Section II.B above. The City shall notify the County in writing 90 days before such termination.

C. Non-appropriation

In the event of non-appropriation of funds or staff resources by the City or County, either party may terminate or reduce the scope of services to be provided and contract funding accordingly, but such party must provide notification of termination or reduction in scope of services to the other party as soon as practicable.

V. INDEMNIFICATION

A. General Provisions

Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, County shall indemnify, defend and hold harmless City from and against all liability, loss and costs arising out of or resulting from acts of County, its officers, employees and agents in the performance of this Agreement. Subject to the conditions and limitations of the Oregon Constitution and the monetary limits of the Oregon Tort Claims Act, ORS 30.260 through 30.300, City shall indemnify, defend and hold harmless County from and against all liability, loss and costs arising out of or resulting from the acts of City, its officers, employees and agents in the performance of this Agreement.

VI. INSURANCE

County and City shall each be responsible for providing worker's compensation insurance as required by law. Neither party shall be required to provide or show proof of any other insurance coverage.

VII. ADHERENCE TO LAW

Each party shall comply with all federal, state and local laws and ordinances applicable to this Agreement.

VIII. NONDISCRIMINATION

Each party shall comply with all requirements of federal and state civil rights and rehabilitation statutes and local nondiscrimination ordinances.

IX. ACCESS TO RECORDS

Each party shall have access to the books, documents and other records of the other that are related to this Agreement for the purposes of examination, copying and audit, unless otherwise limited by law.

X. PROPERTY OF COUNTY

In the event of termination of this Agreement, all files and documents of any kind related to the scope of work set forth in this Agreement shall be transferred back to the County. The County shall only pay the actual costs of the transfer.

XI. CONTRACT ADMINISTRATION

The County designates _____, to represent the County in all matters pertaining to the administration of this Agreement.

The City designates _____, to represent the City in all matters pertaining to the administration of this Agreement.

XII. ENTIRETY OF AGREEMENT

This Agreement constitutes the entire Agreement between the parties. No waiver, consent, modification or change of the terms of this Agreement shall bind either party unless made in writing and signed by both parties.

XIII. SEVERABILITY

The County and City agree that if any terms or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular term or provision to be held invalid.

MULTNOMAH COUNTY

By: _____
Ted Wheeler, Chair

Date: _____

CITY OF PORTLAND

By: _____
Sam Adams, Mayor

Date: _____

By: _____
LaVonne Griffin-Valade
Auditor

Date: _____

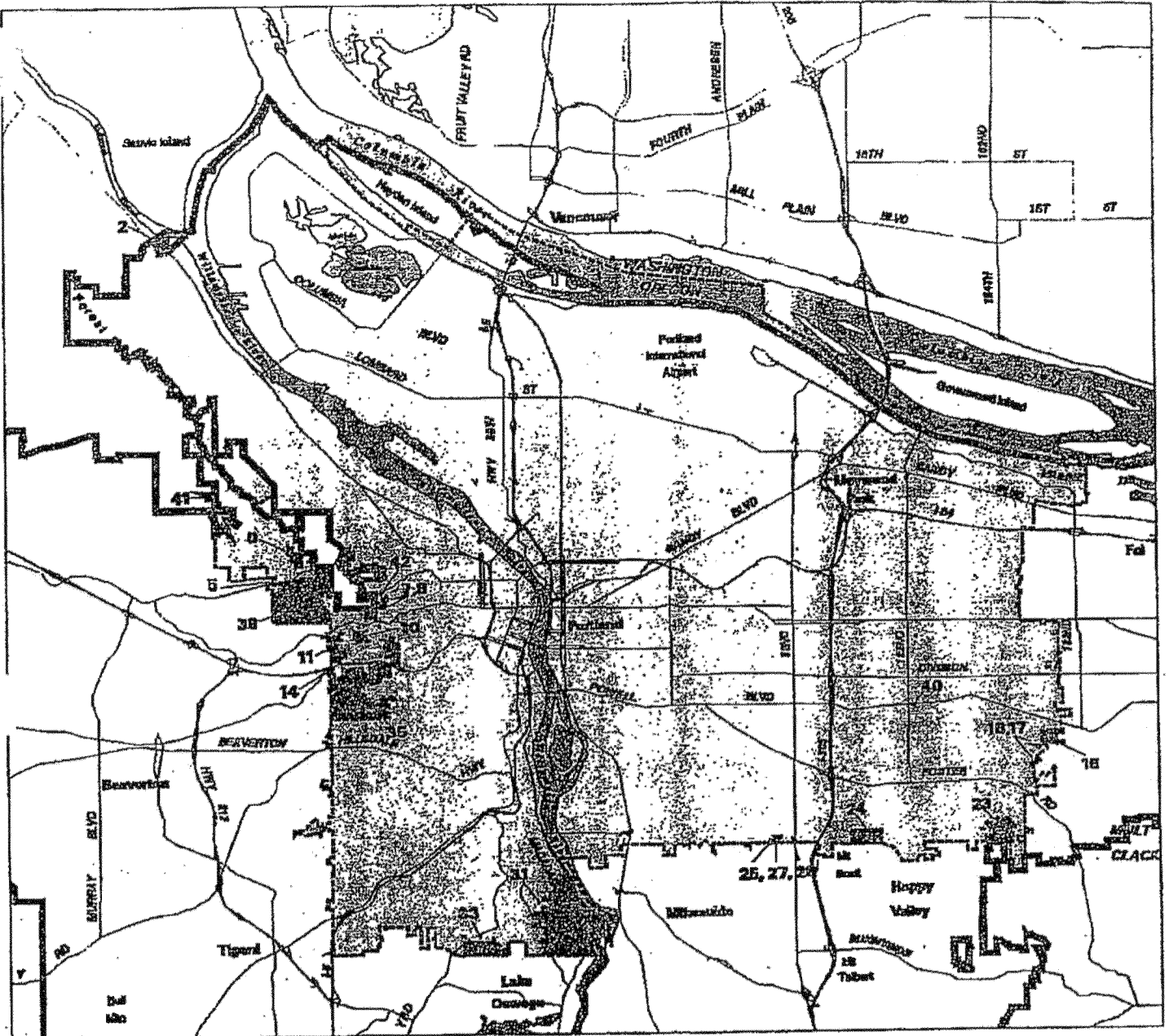
REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By: _____
Sandra Duffy, Assistant County Attorney

APPROVED AS TO FORM

City Attorney



Multnomah County Compliance Project UIA's (Unincorporated Areas)







Scales

0' 5500' 11000' 16500'



City of Portland
Bureau of Planning
Geographic Information System
May 25, 2001

LEGEND

-  Unincorporated Study Areas
-  City of Portland (Incorporated)
-  Urban Services Boundary
-  Urban Growth Boundary

INFORMATION SOURCES:

Topdata: Originally purchased by Oregon Dept. of Revenue. Modified and updated by Multnomah County Geographic Information and Planning Dept. at Washington, Updated through March 2001. Accuracy - +/- 3 feet.

Urban Growth Boundary: Derived by Metro, updated by Washington County GIS & Metro (Pilot, 2001). Modified to meet laws. Updated by Metro (Pilot, 2001).

All data compiled from source materials at different scales. For more detail, please refer to the source materials of City of Portland, Bureau of Planning.

The information on this map was derived from digital databases of the City of Portland, Bureau of Planning (BIP). It was taken in the creation of this map but it is provided "as is". The City of Portland cannot accept any responsibility for errors, omissions, or potential accuracy and therefore, there can be no warranty which accompanies this product. However, notification of any errors will be appreciated.

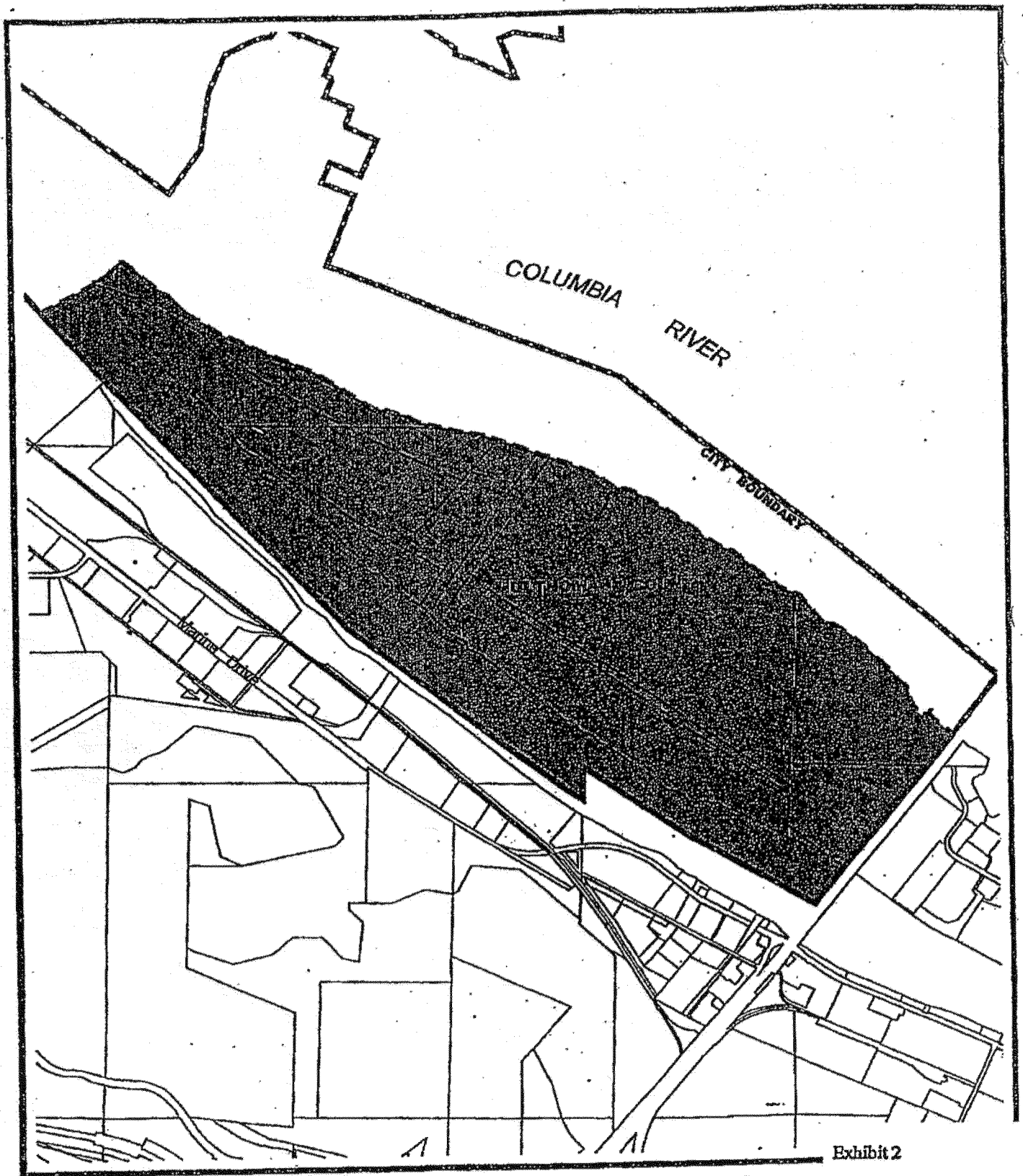





Exhibit 2

West Hayden Island

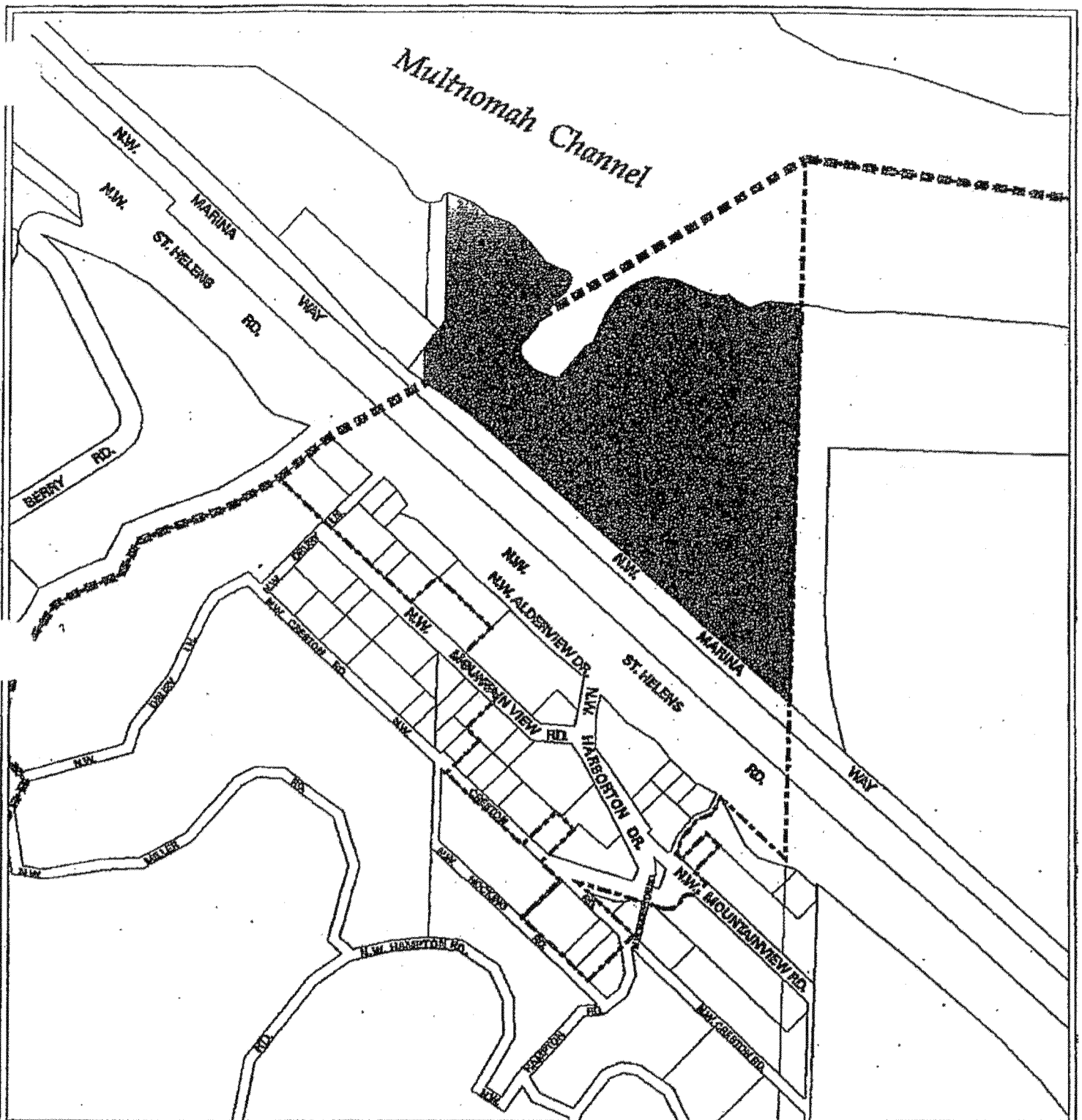


City of Portland
Nov 10 2001

-  Site Location
-  Urban Services Boundary
-  City Boundary



1 inch = 2000 feet



"Fred's Marina" Site

Exhibit 3



City of Portland
Bureau of Planning
Geographic
Information System
November 19, 2001



Site Location
State-id - 2N1W34 200



Urban Services Boundary



City Boundary



Scale
0' 175' 350' 525'



City of Portland Bureau of
Planning and Sustainability
Sam Adams, Mayor | Susan Anderson, Director

Invasive Plant Policy and Regulatory Improvement Project

Appendix G:

**Letters of Support from the Planning Commission Hearing on November 10, 2009
and the *Proposed Draft: Report and Recommendations to Planning Commission*,
dated October 9, 2009**



Department of Community Services
MULTNOMAH COUNTY OREGON

Land Use and Transportation Program
1600 SE 190th Avenue
Portland, Oregon 97233-5910
PH. (503) 988-3043 Fax (503) 988-3389
www.co.multnomah.or.us/landuse

November 3rd, 2009

Portland Planning Commission
1900 SW 4th Avenue
Portland, OR 97201-5380

Dear Planning Commission,

Multnomah County is writing in support of the City of Portland's Invasive Plant Policy and Regulatory Improvement Project. As a neighboring jurisdiction and planning partner, we see many parallels between the goals of this project and county policies and regulations crafted to help control the spread of invasive plants.

We understand the Invasive Plant Policy and Regulatory Improvement Project will update the Portland Plant List to add rankings that describe the current distribution and level of invasiveness for each species. This will help establish land management priorities and direct outreach and education efforts. The proposed changes to Title 33 will clarify invasive plant removal requirements associated with development in environmentally sensitive areas. The proposed changes to Title 29 will require property owners to remove invasive species that are currently limited in distribution. This will improve the effectiveness of invasive plant management on adjacent public land.

We are pleased to see the City of Portland implement these code and policy changes. These actions are an important step in carrying out the Portland Watershed Management Plan and the Invasive Plant Management Strategy. Multnomah County fully supports these changes and is pleased to be a partner in regional invasive plant management.

Sincerely,

Adam Barber, CPESC
Multnomah County Senior Planner
503-988-3043 x 22599
adam.t.barber@co.multnomah.or.us



Oregon

Theodore R. Kulongoski, Governor

Department of Agriculture
635 Capitol Street NE
Salem, OR 97301-2532

November 9, 2009



Planning Commission
1900 SW Fourth Ave., Suite 7100
Portland OR 97201

RE: Invasive Plant Policy Comments

ODA fully supports and commends the City of Portland for their proactive approach to the management and control of invasive plants as outlined within the Invasive Plant Policy. As the changes in this policy are implemented they will provide the foundation for setting of priorities for effective management and control of invasive plants within the City of Portland jurisdictional boundaries and overall protection of resources.

Some specific comments regarding the City of Portland Invasive Plant Policy are as follows:

Page 2, Introduction, fourth paragraph: references "OAR 603" this is a broad section and thus the reference should read: "OAR 603-052-1200".

Page 24, State of Oregon Section second paragraph. We can provide you with some clarification between the ORS and OAR's before the policy goes to final print.

Thank you for the opportunity to provide comments on the City of Portland Invasive Plant Policy. We look forward to working together on invasive plant and noxious weed issues in the future.

If you have any questions or need further assistance, please contact me.

Sincerely,

Tim Butler, Manager
ODA Noxious Weed Control Program
503 986-4625
tbutler@oda.state.or.us

November 10, 2009

Portland Planning Commission
1900 SW 4th Avenue
Portland, OR 97201-5380

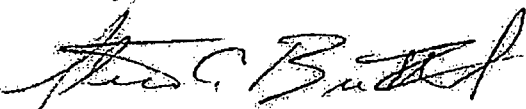
Dear Planning Commission,

I am writing in support of the City of Portland Invasive Plant Policy and Regulatory Improvement Project. The Nature Conservancy's mission is to preserve the plants, animals and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive. Next to direct habitat conversion and destruction, invasive species pose the greatest threat to biodiversity in Oregon and across the United States. Addressing this threat requires the sustained effort of our county and city governments. Portland's Invasive Plant Management Strategy provides the direction needed to address this threat and the Invasive Plant Policy Review and regulatory Improvement Project is critical to help put this Strategy into action.

The Invasive Plant Policy and Regulatory Improvement Project will update the Portland Plant List to add rankings that describe the current distribution and level of invasiveness for each species. This will help establish land management priorities and direct outreach and education efforts. Establishing the Portland Plant List as an Administrative Rule will facilitate the maintenance of this list so that it accurately reflects the current distribution and threat posed by invasives. The proposed changes to Title 33 will clarify invasive plant removal requirements associated with development in environmentally sensitive areas. The proposed changes to Title 29 will require property owners to remove invasive species that are currently limited in distribution. This will improve the effectiveness of invasive plant management on adjacent public land. The Conservancy is especially heartened to see that the Invasive Plant Policy and regulatory Improvement Project emphasizes this early detection and rapid response to invasive plants that are not yet beyond control. We believe that this is the most effective and cost effective strategy for dealing with invasives.

We are happy to see the City of Portland implement these code and policy changes. These actions are an important step in carrying out the Portland Watershed Management Plan and the Invasive Plant Management Strategy. The Nature Conservancy in Oregon fully supports these changes and is pleased to be a partner in regional invasive plant management.

Sincerely,



Steven C. Buttrick, PhD.
Director of Conservation Science and Planning
The Nature Conservancy in Oregon

Sears, Tricia (PLN)

From: Taya Cummins [tcummins@swca.com]
Sent: Thursday, November 05, 2009 12:00 PM
To: Sears, Tricia (PLN)
Subject: Invasive Plant Policy notes

Tricia-

Thank you for presenting information on the Policy to the public last week. I have reviewed the DRAFT and commend BES on doing a very nice job. Of course, this has been a long time coming and is a necessary tool for the City. I have provided a few comments on the document. Please feel free to contact me should you have specific questions.

Section 1D: The definition of REMOVAL does not account for spraying. There are some species that, even if a segment of root remains, can regenerate after being 'removed' and therefore control is most effective when sprayed.

2B: Development Standards (pg. 11): Why only consider the 'permanent disturbance area' when calculating % of area which removal of invasives is required? It seems that even temporary disturbance areas could potentially contribute to future establishment of invasive plants. Consider revising to include temporary disturbance areas (laydown areas, temporary work areas, etc.).

2B: Development Standards (pg. 11): Consider allowing bare-root stock as well. Properly maintained bare-root plants establish nicely.

Other Recommendations (pg. 14): Provide homeowners with a list of contractors that have been approved by BES for removal and revegetation. This will insure the homeowner that their investment in this process will satisfactorily meet City requirements.

2C (pg. 15): "Removal of both rank "A" and rank "B" plants is the focus of the BES Early Detection and Rapid Response (EDRR) team. However, at this time, the proposal is that the eradication requirement focuses only on certain rank "A" plants to manage the work load, funding, and education concerns..." *Comment:* Why not adhere the need to control both here? There may be NEW populations of "B" plants or the combination of "A" and "B" plants at a site, so why not use strong verbiage here to account for the removal of plants as recommended by the BES EDRR?

3. Monitoring and Reporting (Appendix A, pg. 7): Will this be done by BES/BDS staff? OR Recommend a list of City-approved consultants that can assist with this process.

Revised Portland Plant List (Appendix B): Overall, the "A, B, C" ranked species lists are limited but well organized. I have noticed a few other species ("W" and not on the list at all) that are invasive, having the potential to displace native species, at mitigation sites within the City of Portland. Specific species include: pin oak (*Quercus palustris*) which is planted widely in landscaping and creeping Jenny (*Lysimachia nummularia*) which is highly invasive in areas inundated with water throughout a portion of the growing season (swales along Columbia slough).

Thank you,

Taya Katherine Cummins, M.S.
Botanist
SWCA Environmental Consultants
34 NW 6th Avenue, Suite 304
Portland, OR 97209

Cell: 503.307.5642
Office: 503.224.0333
Fax: 503.224.1851

11/9/2009



November 10, 2009

The East Multnomah Soil and Water Conservation District has reviewed and generally supports the Invasive Plant Policy Review and Regulatory Improvement Project. The District thanks the Planning Commission for the opportunity to submit these preliminary comments. The District will continue to review the recommended improvements and may submit more detailed comments in the future.

The updates and clarifications included in this document will help the City of Portland manage existing, and prevent the establishment of new invasive plants. The addition of a ranking system to the Nuisance Plants List creates a prioritization that is crucial to controlling invasive plants. Preventing the introduction of new invasive weeds will save the City money in the long run. Reauthorizing the Portland Plant List as an administrative rule will allow the addition of new weed threats to the Nuisance Plant List as identified. This policy will also make it easier to remove invasive trees.

While we understand that the rank of a plant on the Nuisance Plant list is in part determined by its current distribution, we would like to see more priority given to the control of invasive vines like ivy (*Hedera* sp.) and *Clematis vitalba* (old man's beard), given the negative impact these vines have on trees. We encourage the City to prioritize control of these vines on their own properties, private properties, and properties owned by other government entities.

Our organization is mentioned as one of the partners in local weed control efforts, and we look forward to continuing that partnership. Soil and Water Conservation Districts are also mentioned as one of the partners that BES may refer property owners to if chemical application is necessary, or if the City has insufficient funding to pay for eradication. We are open to further conversations about the role of East Multnomah SWCD, given our policies and priorities. It is our current policy not to provide financial assistance to property owners who are under an enforcement action. In addition, we are non-regulatory and cannot help the City enforce this new policy. We do provide assistance with weed control to property owners in our priority areas, and are committed to preventing the invasion of weeds on the Multnomah County area Early Detection Rapid Response list. We look forward to identifying ways that we can work with the City of Portland on future weed control efforts.

Sincerely,

Julie DiLeone

Conservation Technical Assistance Coordinator

October 31, 2009
13900 NW Old Germantown Rd.
Portland, Oregon 97231

RECEIVED
PLANNING BUREAU

2009 NOV -4 A 10:09

City of Portland
Bureau of Planning & Sustainability
1900 SW Fourth Ave., Suite 7100
Portland, OR 97201-5380

We are residents on the west-facing slope of the Tualatin Mountains, near Forest Park. For the 25 years that we've lived on this six acres, we have battled Scotch Broom, Canada and Bull Thistle, Himalayan Blackberry (*Rubus discolor*), and other invasive, non-native plants. Although the *R. discolor* is our worst pest, new (to us) invasive plants, like Herb Robert, continue to filter in. In just the last three years, we've started to find, and remove, Ivy (*Hedera* species) seedlings in the vegetable garden and scattered in the woods.

We applaud the city's Proposed Draft on invasive plants. The ranking of plants into A, B, C, D, and Watch species is in line with current research, and aids in defining useful policy. We are also glad to see a list of plants to be removed from the Portland Plant list (Appendix B, p. 29). These plants, among them native species like Horsetails, do not pose the threat of the A-D plants, which should be the focus of city efforts.

We also applaud efforts to eradicate A list plants on page 31, Appendix B. However, we hope that two invasives which most threaten the health of native trees, in particular Forest Park and other natural areas, would be high priorities. Ivy (*Hedera* species) and *Clematis vitalba* blanket the ground and climb trees throughout Portland. Forest Park Conservancy has proposed greatly increasing Ivy control efforts, which we think is necessary to protect existing trees and for replacement tree seeding. This was a "shovel ready" program that should have been funded from Federal Stimulus monies! Ivy used as groundcovers along roads and freeways should be removed, and replaced with tough, low-growing natives like Snowberry. Ivy not only fruits when it climbs trees, but also will make fruiting mounds in otherwise flat plantings. We'd especially like to see Ivy and *Clematis* cut from trees and poles along major arterials like Burnside, St. Helens Road, and Sunset Highway from the Sylvan crest to the tunnel. Ivy and *Clematis* removal should be a routine part of street repair and improvement.

Thank you.

Judith and Jim Emerson





CITY OF GRESHAM

Department of Environmental Services
1333 N.W. Eastman Parkway
Gresham, OR 97030-3813
(503) 618-2525
TTY (Hearing/Speech Impaired) - (503) 661-3942
FAX (503) 661-5927
www.ci.gresham.or.us

David S. Rouse
Director

Transportation &
Development Services
John Dorst
Deputy Director

Office of Community
Relations
Tam Driscoll
Manager

Parks & Recreation
Division
Randy Shannon
Interim Manager

Watershed Management
Division
Steve Fancher
Manager

Wastewater Services
Division
Brian R. Stahl
Interim Manager

Water Division
Brian R. Stahl
Manager

Recycling & Solid Waste
Program
Dan Blue
Manager

November 10, 2009

Portland Planning Commission
1900 SW 4th Avenue
Portland, OR 97201-5380

Dear Planning Commission,

I am writing in support of the City of Portland Invasive Plant Policy and Regulatory Improvement Project. The City of Gresham is undertaking similar initiatives in regards to control of invasive species, due to the significant negative impacts that aggressive nuisance species can have on our urban canopy, biodiversity, and recreational resources. We are seeing a significant economic impact in our efforts to safeguard our stream banks, right-of-ways, and water quality from the impacts of invasive plants and animals. Similar to the goals of Portland's Invasive Plant Policy and Regulatory Improvement Project, Gresham has introduced nuisance code that requires property owners to remove designated nuisance weeds from their properties. We are also updating our Nuisance and Prohibited Species lists to be consistent with the City of Portland's lists. As adjacent partners in the fight against the spread of invasives, we are greatly appreciative of Portland's initiatives on this front.

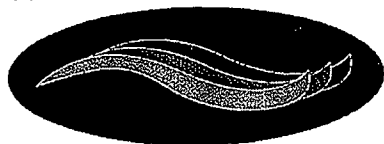
The Invasive Plant Policy and Regulatory Improvement Project will update the Portland Plant List to add rankings that describe the current distribution and level of invasiveness for each species. This will help establish land management priorities and direct outreach and education efforts. The proposed changes to Title 33 will clarify invasive plant removal requirements associated with development in environmentally sensitive areas. The proposed changes to Title 29 will require property owners to remove invasive species that are currently limited in distribution. This will improve the effectiveness of invasive plant management on adjacent public land.

We are happy to see the City of Portland implement these code and policy changes. These actions are an important step in carrying out the Portland Watershed Management Plan and the Invasive Plant Management Strategy. The City of Gresham's Watershed Division fully supports these changes and is pleased to be a partner in regional invasive plant management.

Sincerely,

Steve Fancher
Watershed Division Manager
City of Gresham

WEST MULTNOMAH



SOIL & WATER CONSERVATION DISTRICT

November 9, 2009

Planning Commission
1900 SW Fourth Avenue, Suite 7100,
Portland, OR 97201

Re: Support for the Invasive Plant Policy Review and Regulatory Improvement Project

Dear City Commissioners,

I am writing on behalf of the West Multnomah Soil and Water Conservation District in support of the Invasive Plant Policy Review and Regulatory Improvement Project.

The West Multnomah Soil and Water Conservation District (WMSWCD)'s mission is *to conserve and protect soil and water resources for people, wildlife and the environment*. A key component of our district's work is protecting our natural resources through effective invasive species management. The WMSWCD and the City of Portland currently partner on many invasive plant initiatives.

Here are our comments on the project:

- ♦ The project components -- upgrading the Portland Plant List, evaluating opportunities to improve invasive plant control by updating City Codes and rules, coordinating with the Portland Plan and researching the feasibility of establishing a local noxious weed law -- will all be crucial to effective invasive weed control.
- ♦ The Portland Plant List is in dire need of updating. Some very damaging invasives are missing.
- ♦ The WMSWCD is hopeful that the required removal of invasive trees in selected sensitive areas is approved.
- ♦ The proposed improvement and review of city codes and possible implementation of a noxious weed law will greatly assist with the most difficult part of invasive plant management -- coordinating with private landowners to treat their weeds.
- ♦ The WMSWCD is eager to partner further with the City on invasive plant projects and is fully supportive of revised and new provisions enhancing the existing EDRR program efforts.
- ♦ Furthermore, we encourage the City of Portland to dive even further into this effort by following leaders such as the City of Chicago, which regulates the sale of invasive species within their City.

We applaud your efforts to address these issues and look forward to future work together on this important environmental issue.

Sincerely,

Jane
Hartline

Jane Hartline
WMSWCD Board of Directors

Digitally signed by Jane Hartline
DN: cn=Jane Hartline, c=US,
o=Oregon Zoo, ou=Marketing
Manager
Date: 2009.11.09 12:43:36 -08'00'

2701 NW VAUGHN STREET, SUITE 450 ♦ PORTLAND, OR 97210

P: 503.238.4775 ♦ F: 503.326.3942

WWW.WMSWCD.ORG

Three Rivers

LAND CONSERVANCY

October 27, 2009

Received 11/7/09

Portland Planning Commission
1900 SW 4th Avenue
Portland, OR 97201-5380

Dear Planning Commission,

I am writing in support of the City of Portland Invasive Plant Policy and Regulatory Improvement Project. Three Rivers Land Conservancy works to conserve and restore private lands in the lower Willamette, Tualatin and Clackamas River watersheds. We often partner with City of Portland agencies on coordinated removal of invasive species.

The Invasive Plant Policy and Regulatory Improvement Project will update the Portland Plant List to add rankings that describe the current distribution and level of invasiveness for each species. This will help establish land management priorities and direct outreach and education efforts. The proposed changes to Title 33 will clarify invasive plant removal requirements associated with development in environmentally sensitive areas. The proposed changes to Title 29 will require property owners to remove invasive species that are currently limited in distribution. This will improve the effectiveness of invasive plant management on adjacent public land.

We are happy to see the City of Portland implement these code and policy changes. These actions are an important step in carrying out the Portland Watershed Management Plan and the Invasive Plant Management Strategy. Three Rivers Land Conservancy fully supports these changes and is pleased to be a partner in regional invasive plant management.

Sincerely,



Laura O'Leary
Stewardship Director
Three Rivers Land Conservancy

November 10, 2009
Portland Planning Commission

Invasive Plant Policy Review and Regulatory Improvement Project

Bonny McKnight
Coordinator; Citywide Land Use Group

I had expected to be able to testify at today's meeting but find I cannot. Here are some of the points I think are important to consider:

- This proposal has had insufficient public review.
- Changes to Title 33, the zoning code, have not been provided for comments to the Neighborhood Association Land Use Review committee system. It is important that Title 33 Code changes be communicated to Neighborhood Associations prior to adoption and that opportunity will inform the Planning Commission.
- All tree related code should be included in the Tree Policy work and new Chapter 11 – (Trees) - development that is nearing completion, rather than be modifications and/or changes to other titles. The original Council charge for the Tree Policy work was to clarify tree rules and focus the requirements of 7 titles into a single code where regulations and their impacts could be easily understood and evaluated.
- Using a single "Plant List" approach to cover both invasive plants and trees is misleading. The intent of the code dealing with invasive plants is to remove them without exception. Tree removal should require replacement with an accepted species the requirement. A single list makes the difference in handling requirements less clear. It makes more sense to have a "Plant List" and a "Tree List", which clearly demonstrates that the requirements about removal are different.
- All trees should be considered as part of watershed and if that is done, all tree removal should require planting of a replacement tree of the correct species. The language is unclear whether or not that is always the case.
- Changes to the Portland Plant List should remain legislative rather than change to administrative. Public review and comments are essential to inform decisions about items on the list but also to educate and explain why changes are being made.

These comments come from a cursory review of this 128 page document. More complete review and comments need time. Please extend the timeline on this document and refer it to the Neighborhood Associations for evaluation. Please extend the comment period to the end of January, 2010. That will make allowances for the holiday season and reductions in Neighborhood Association meeting opportunities during that time.

Thank you.



Inspiring people to love & protect nature since 1902

November 9, 2009

Re: Invasive Plant Policy and Regulatory Improvement Project

Portland Planning Commission
1900 SW 4th Ave
Portland, OR 97201-5380

Portland Planning Commission,

The Audubon Society of Portland fully supports the Invasive Plant Policy Review and Regulatory Improvement Project. It is well understood that invasive plant species threaten the health of our natural areas and the wildlife that depend on them. These code and policy changes are important for making progress on the spread and introduction of invasive plants in Portland.

The proposed policy review and project compliments our current work in our own wildlife Sanctuary and our ongoing invasive species education program for private property owners. Audubon Society of Portland manages 165 acres of forested wildlife sanctuary. Our goal is to remove major invasive species from the sanctuary and prevent the establishment of new infestations of invasive plant species. We are also working with small lot private property owners to remove invasive species from their yards through our Backyard Habitat Certification Program.

The Invasive Plant Policy Review and Regulatory Improvement Project will provide additional resources to us through the updating of the Portland Plant List. The Portland Plant List is an excellent resource and the proposed updates, including the addition of rankings that describe the current distribution and level of invasiveness, will increase its usability and value as a resource.

We support the Invasive Plant Policy Review and Regulatory Improvement Project and believe these code and policy changes are valuable improvements to Invasive Plant Species management within the City of Portland. We would like to encourage the Commission to partner with agencies and organizations throughout the region to develop a strategic long term plan to stop the spread of invasives. We are happy to be a partner on this project, and we will continue to educate, remove and monitor invasive plants in our region.

Sincerely,

Karen Munday
Urban Wildlife Specialist

Ariana Longanecker
Urban Conservation

**Tryon Creek
Watershed Council**

c/o Friends of Tryon Creek SP
11321 SW Terwilliger Blvd.
Portland, OR 97219
Phone: 503-636-4398 x109
Email:tcwc@tryonfriends.org

Coordinator
Sean Tevlin

Citizen Members

Carl Axelsen
Wendel Beachey
Diane Bland
Tom Calabrese

Kevin Duff
Amy Hoffman
Jared Kinnear
Terri Preeg Riggsby, Chair
Eric Strecker
Lynda Troutman
Mary Vogel

**Agency and Organization
Members**

Karen Houston
Oregon State Parks
Jennifer Devlin
City of Portland,
Environmental Services

Jonna Papaefthimiou
City of Lake Oswego, Planning

Natalie Strom
City of Lake Oswego, Parks

Brian Lightcap
West Multnomah Soil &
Water Conservation District

Stephanie Wagner
Friends of Tryon Creek SP

Astrid Dragoy
City of Portland,
Parks and Recreation

Dan Rohlf
Lewis and Clark Law School
and Friends of Tryon Creek SP

Leonard Gard
Southwest Neighborhoods, Inc.

November 10, 2009

City of Portland
Planning Commission
1900 SW 4th Avenue
Portland, OR 97201

**Re: Invasive Plant policy Review and Regulatory
Improvement Project**

Commission Members:

As stewards and advocates of watershed health and restoration, the Tryon Creek Watershed Council (TCWC) spends significant time and resources on projects designed to eradicate the introduction of invasive plants and prevent the introduction of such species. Invasive plants are an ongoing threat to Portland's and Multnomah County's watersheds, and represent a problem that deserves increased attention by local government.

TCWC therefore strongly supports the proposed actions and code changes resulting from the Portland Bureau of Planning and Sustainability's Invasive Plant policy Review and Regulatory Improvement Project. We encourage the Planning Commission to approve the proposed changes to the City's efforts to prevent and combat invasive plants, and look forward to continuing to work with the City to address this serious problem.

Sincerely,

/S/ **Daniel J Rohlf**
Vice Chair, Tryon Creek Watershed Council



Sears, Tricia (PLN)

From: Caroline [caro4321@earthlink.net]
Sent: Sunday, November 08, 2009 7:59 PM
To: Sears, Tricia (PLN)
Subject: comment on invasive policy

from: Caroline Skinner
2420 NW Quimby St #14
Portland, OR 97210
503-248-9719
caro4321@earthlink.net

Greetings,

I would like to send in a general letter of support for the city's new invasive plant management policy. I do a lot of volunteer ivy removal work and know how bad it is. Ivy strangles trees, and is ruining much of Forest Park's habitat. I used to be friends with Sandy Diedrich, who kicked off the entire "No Ivy League" concept through her wonderful program through Portland Parks Dept. She employed local, low-income youth with summer jobs doing ivy removal at the park, and brought in countless local groups to volunteer their time for ivy removal. Sadly, for all the work that has already been done, there is still a huge problem with ivy climbing trees, killing them and choking out virtually all other types of plant life. Sandy Diedrich is no longer with us, but her work continues in many ways, starting with the acknowledgment that English ivy is a big problem that must be dealt with.

I appreciate an Integrated Pest Management (IPM) approach. The IPM approaches de-emphasizes use of pesticides or herbicides. It does not outlaw or forbid them, but reserves them for minimal use, in only the most-needed applications. I am very concerned about harmful effects of pesticides and herbicides on the people who apply them, people who contact them in any way, and on the environment itself. So bad as the invasion of non-native species is, we need to not over react by over-relying on herbicides to address the ongoing problem.

I believe education of the public and property owners is essential. Ideally, I'd like to see it become illegal to have mature ivy on private property. Home owners and land owners could either take out the mature ivy themselves, or have an avenue such as Sandy's program, or the one at Three Rivers Conservancy, to get help with ivy removal if needed. With all the hard work that's been done, and is being done to remove invasive ivy from Forest Park and in other areas, it's disheartening to see ivy patches in private yards, or climbing up buildings, that have become mature, bloomed and made seeds. Birds eat the seeds and then broadcast them in places that can be hard to reach. We need to break the cycle of ivy overgrowth starting with stopping ivy from reaching its reproductive stage. I hope this becomes a priority in the final version of the new plan. Thank you so much for addressing this important issue.

Caroline Skinner / NW Portland



Metro | *People places. Open spaces.*

November 9, 2009

Portland Planning Commission
1900 SW 4th Avenue
Portland, OR 97201-5380

Dear Planning Commission:

I am writing in support of the City of Portland Invasive Plant Policy and Regulatory Improvement Project. Invasive species are recognized as a major threat to ecosystems worldwide, but urban areas are particularly vulnerable due to high levels of habitat disturbance and the many routes through which such species can be introduced. As a regional planning agency that owns more than 8,000 acres of natural areas, Metro supports the City's efforts to directly address invasive species through policy and action.

The Invasive Plant Policy and Regulatory Improvement Project will update the Portland Plant List to add rankings that describe the current distribution and level of invasiveness for each species. This will help establish land management priorities and direct outreach and education efforts. The proposed changes to the City's Title 33 will clarify invasive plant removal requirements associated with development in environmentally sensitive areas. The proposed changes to Title 29 will require property owners to remove invasive species that are currently limited in distribution. This will improve the effectiveness of invasive plant management on adjacent public land.

We are happy to see the City of Portland implement these code and policy changes. These actions are an important step in carrying out the Portland Watershed Management Plan and the Invasive Plant Management Strategy. Metro fully supports these changes and is pleased to be a partner in regional invasive plant management.

Sincerely,

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

Jonathan Soll
Manager, Science and Stewardship
Metro

JS/lah

Appendix H				
List of Stakeholder Involvement Actions for the Invasive Plant Policy Review and Regulatory Improvement Project				
1/12/2010				
Please note this does not include every single conversation by phone and email. Nor does it include every meeting.				
Discussion Dates	Notes	Office	Name	Position
9/30/2008	Meeting to discuss BOP workplan & timelines for components in MOU.	BOP and BES	Tricia Sears, Roberta Jortner, Jennifer Goodridge	
10/9/2008	JG met with Chris Scarzello and Tricia joined the meeting on history of PPL.	BOP and BES	Tricia Sears, Chris Scarzello, Jennifer Goodridge	
10/7/2008	General CWMA meeting. I attended with JG. Introduced myself and the work I'm doing.	CWMA	4-County Cooperative Weed Mngt Area	Nate Woodard, contact
10/13/2008	Went through list of plants (.xls), discussed ranks of those plants, definitions of ranks.	CWMA Technical Working Group	subgroup of CWMA	
10/14/2008	JG cancelled check in mtg because she felt we were up to speed on things.	BOP and BES	Tricia Sears, Roberta Jortner, Jennifer Goodridge	
10/15/2008	Conference call with Tim Butler and Janet Fults at ODA, Jennifer Goodridge, BES, Mitch Bixby, BES, and John Reed, PP&R, Tricia Sears, BOP	Oregon Dept of Agriculture	Tim Butler	Manager, ODA Noxious Weed Control Program
10/28/2008	JG, Tricia, and Roberta met for check in mtg. Discussed preparation for 10/29 mtg. Noted that my article for Local Focus magazine had been submitted.	BOP and BES	Tricia Sears, Roberta Jortner, Jennifer Goodridge	
10/29/2008	Internal stakeholder mtg to vet PPL definitions of ranks (A, B, C, D).	City staff from BES, PP&R BOP, and Metro	see list of people	
Nov-08	Article written by Tricia published in the League of Oregon Cities magazine, Local Focus.	BPS, BES	Tricia Sears	
11/12/2008	Check in meeting. Discussed documentation of work done. Tricia will create additional documents	BOP and BES	Tricia Sears, Roberta Jortner, Jennifer Goodridge	

	to help show work that has been done. Discussed my contacting nonprofits, my research on noxious weed law, our codes and policies etc.			
11/21/2008	Deadline for internal stakeholders to give comment on definitions of ranks, changing ranks of existing plants on PPL, adding plants to PPL	City staff from BES, PP&R BOP, and Metro	same people as 10/29/08	
12/2 to 12/4/08	Oregon Interagency Noxious Weed Symposium	Agency and community organizations	City staff, state, non-prof	
12/9/2008	Internal stakeholder mtg to discuss comments on definitions of ranks, changing ranks on existing plants on PPL, adding plants to PPL	City staff from BES, PP&R BOP, and Metro	same people as 10/29/08	
12/9/2008	CWMA general meeting.	CWMA	same as 10/7/08	
12/10/2008	Check in meeting. Discuss latest info, go over "check in packet" items.	BOP and BES	Tricia Sears, Roberta Jortner, Jennifer Goodridge	
12/11/2008	Contacting ODA to discuss meeting with them in person to go over the City's invasive plant project prior to us putting it out for public comment.	ODA	Tim Butler	
12//11/08	Contacting TNC to discuss their research on weed boards.	The Nature Conservancy	Mike Dennis	Local Governm. Relations
1/5/2009	Check in meeting.	BOP and BES	Tricia Sears, Roberta Jortner, Jennifer Goodridge	
1/7/2009	Meeting with ODA in Salem	BOP, BES, ODA	Tricia Sears, Jennifer Goodridge, Tim Butler, Shannon Brubaker	
1/8/2009	Policy and Codes Invasive Plant Issue Paper kickoff meeting	BOP, BES, BDS, BOM, POEM, Water Bureau	Tricia Sears, many others	
1/8/2009	Meeting with Oregon Association of Nurseries in Wilsonville	BOP, BES, OAN	Tricia Sears, Jennifer Goodridge, Elizabeth Peters, John Aguirre, Jeff	

			Stone, Michael MaMahan	
1/13/2009	Invasive Species Day in Salem	BOP and BES	Tricia Sears, Jennifer Goodridge, Mitch Bixby Steve Lower	
1/20/2009	Check in meeting.	BOP and BES	Tricia Sears, Roberta Jortner, Jennifer Goodridge	
1/26/2009	Meeting with Oregon Association of Nurseries, the Natural Resources Committee in Wilsonville	BOP, BES, OAN	Tricia Sears, Jennifer G, Michael MaMahan	
1/27/2009	Internal stakeholder meeting #2 re: Policy and Code Invasive Plant Issue Paper	BOP, BES, BDS, BOM, POEM, Water Bureau Fire Bureau	Tricia Sears, many others	
1/27/2009	PPL vetting meeting to discuss plants & ranks	BOP, BES, PP&R	Tricia Sears, Mitch Bixby Toby Query, Mark Wilson John Reed, Jennifer G	
1/27/2009	Met with Clark County Weed Department in Brush Prairie, WA	BOP and Clark Co	Tricia Sears, Phil Burgess Glenn Lesback, Ron H,	
2/3/2009	CWMA general meeting.	CWMA	same as 10/7/08	
2/3/2009	Check in meeting.	BOP and BES	Tricia Sears, Roberta Jortner, Jennifer Goodridge	
2/10/2009	Phone conversation with Craig Edminister Pacific Northwest Natives cell 503-580-6455		Tricia (rec'd by Angie Kimpo)	
2/11/2009	Airport landscaping standards	BOP	Jay Sugnet, Mindy Brooks Tricia Sears, Morgan Tracy Chris Scarzello	
2/12/2009	Meeting to discuss erosion control plants and invasive plants. Changes to the Erosion Control Manual. Etc.	BOP, BES, BDS	Tricia Sears, Jennifer G, Dawn Hottenroth, Toby Query, Tom Carter, Russ Tilander, Jeremy Person Denis O'Brien	

2/12/2009	Internal stakeholder meeting #3 re: Policy and Code Invasive Plant Issue Paper	BOP, BES, BDS, BOM, POEM, Water Bureau	Tricia Sears, many others	
2/24/2009	Meeting w/PP&R staff re: Clean Water Services	BOP and PP&R	Tricia Sears, Roberta Jortner, Kendra Peterson Morgan, Astrid Dragoy	
2/24/2009	Wildfire vegetation at urban interface	BPS, BDS, PP&R, Audubon Society of Pdx consultant	Tricia Sears, Roberta Jortner, Chris Scarzello Mark Wilson, Kim Parsons Kathy Harnden, Dean Apostle, Bob Sallinger	
2/27/2009	Leveraging development and non-development codes, nexus and proportionality, etc	BPS	Tricia Sears, Roberta Jortner, Eric Engstrom Shannon Buono, Jessica Richman	
3/2/2009	Check in meeting.	BPS and BES	Tricia Sears, Roberta Jortner, Jennifer Goodridge	
3/19/2009	Meet with City Attorney to discuss authorizing code for invasive plant project.	City Attorney, BPS, BDS	Kathryn Beaumont, Tricia Sears, Roberta Jortner, Ed Marihart, Ross Caron	
3/25/2009	Internal stakeholder meeting #4 re: Policy and Code Invasive Plant Issue Paper	BPS, BES, BDS, BOM, POEM, Water Bureau Fire Bureau	Tricia Sears, many others	
3/25/2009	Check in meeting.	BPS and BES	Tricia Sears, Roberta Jortner, Jennifer Goodridge	
3/25/2009	Check in with Jen about PPL ranks/plants to add and to subtract from list.	BPS and BES	Tricia Sears, Jennifer G	
4/3/2009	Meet to discuss noxious weed law and legislative proposals.	BPS and BES	Tricia Sears, Jennifer G Roberta Jortner, Bob Clay Kim Cox, Dan Vizzini	

			Mike Rosen/Paul Ketcham	
4/3/2009	Meet to discuss draft Zoning Code language.	BPS	Tricia Sears, Shannon Buono, Phil Nameny	
4/6/2009	Check in to discuss prep for 4/9/and 4/10 mtgs.	BPS and BES	Tricia Sears, Roberta Jortner, Jennifer Goodridge	
4/8/2009	Meet to discuss draft Zoning Code language.	BPS	Tricia Sears, Shannon Buono, Phil Nameny	
4/9/2009	Meeting to discuss authorizing code for invasive plant project.	BPS, BES, BDS	Tricia Sears, Roberta Jortner, Jennifer G, Eric Engstrom, Ross Caron Ed Marihart, Paul Ketcham Dawn Hottenroth	
4/10/2009	Update on invasive plant project at the NRT mtg.	BPS, BES, Parks&Rec	Tricia Sears, Roberta Jortner, Jennifer G etc	
4/14/2009	Conference call with ODA.	BPS and ODA	Tricia Sears, Tim Butler, Shannon Brubaker, Tom Forney	
4/15/2009	Phone conversation with Multnomah County RE: County weed control district, Derrick is Principal Planner	BPS & Mult Co Land Use	Tricia Sears, Derrick Tokos	
4/16/2009	Join City-wide tree project discussion meeting. Two key questions from Tricia to group.	BPS	Tricia Sears, Roberta Jortner, Chris Scarzello Morgan Tracy, Chris Hagerman	
4/17/2009	Check in meeting.	BPS and BES	Tricia Sears, Roberta Jortner, Jennifer Goodridge	
4/21/2009	PPL vetting meeting. Try to finalize list.	BPS, BES, PP&R, Water BDS	Tricia Sears, Jennifer Goodridge, John Reed Mark Wilson, Mitch Bixby Toby Query, Angie Kimpo Emily Roth, Kim Parsons	

4/24/2009	Meet to discuss draft Zoning Code language.	BPS	Tricia Sears, Shannon Buono, Phil Nameny	
4/28/2009	Meet with Clean Water Services.	BPS, BES, PP&R, CWS	Tricia Sears, Roberta Jortner, Jennifer G, Dawn Hottenroth, Astrid Dragoy, Kendra Morgan- Peterson, Damon Reishe	
4/30/2009	Check in meeting.	BPS and BES	Tricia Sears, Roberta Jortner, Jennifer G	
5/7/2009	City of Portland Invasive Plant Policy and Regu- latory Improvement Project -sent out email to project database.	BPS	Tricia Sears	
5/8/2009	Conversation about UF Recommended Street Tree List/Nuisance and Prohibited Plants List	BPS and UF	Tricia Sears, Kathleen Murrin	
5/19/2009	Check in meeting.	BPS and BES	Tricia Sears, Roberta Jortner, Jennifer G	
5/20/2009	Invasive Plant Project public meeting/presenta.	BPS, BES, BDS, etc	Tricia Sears, Roberta Jortner, Jennifer G, Mike Hayakawa, Ed Marihart, Kathy Harnden	
5/19/2009	Email to project database to remind people about the public meetings on 5/20 and 5/21.	BPS	Tricia Sears	
5/21/2009	Invasive Plant Project public meeting with staff presentation.	BPS, BES, BDS, etc	Tricia Sears, Roberta Jortner, Jennifer G, Mike Hayakawa, Ed Marihart, Kathy Harnden	
5/22/2009	Email to people who attended the Removing Invasive Species, Restoring Healthy Natural Areas Summit on 11/18/08.	BPS	Tricia Sears	

5/27/2009	Email to project database alerting people to project info available on the webpage.	BPS	Tricia Sears	
6/2/2009	CWMA meeting	CWMA	see previous	
6/4/2009	Check in meeting.	BPS and BES	Tricia Sears, Roberta Jortner, Jennifer G	
6/5/2009	Discuss invasive plants, including trees.	BPS and BDS	Tricia Sears, Marisol Caron, Kim Freeman	
6/11/2009	Meeting with Multnomah County to discuss project - Zoning Code and other City Titles.	BPS, Multnomah County	Tricia Sears, Roberta Jortner, Adam Barber, Chris Wirth	
6/17/2009	Discuss Connecting Green and CWMA potential collaborations.	Metro, CWMA, BES, BPS	Jennifer Goodridge, Tricia Sears, Lori Hennings, Nate Woodard	
6/18/2009	Invasive tree meeting	BPS, BES, BDS, Parks & Recreation, Water Bureau	Tricia Sears, Roberta Jortner, Dave McAllister, Sandra Wood, Kim Tallant, Michelle Seward, Angie Kimpo, Kathleen Murrin, Jennifer Karps, Kris Day, Emily Roth	
6/22/2009	Discuss proposed Zoning Code text.	BPS	Tricia Sears, Shannon Buono, Phil Nameny	
6/29/2009	BES BPS check in meeting.	BPS and BES	Tricia Sears, Roberta Jortner, Jennifer Goodridge	
7/15/2009	Authorizing Code meeting.	BPS, BES, BDS	Tricia Sears, Roberta Jortner, Eric Engstrom, Jennifer Goodridge, Dawn Hottenroth, Ross Caron, Ed Marihart, Paul Ketcham	

7/16/2009	CWMA presentation (including City of Portland info about the Invasive Plant Project) to the Connecting Green Alliance.	CWMA, Connecting Green Alliance	Jennifer Goodridge Tricia Sears	
7/28/2009	Check in meeting.	BPS and BES	Tricia Sears, Roberta Jortner, Jennifer G	
7/29/2009	Authorizing Code meeting.	BPS, BES, BDS	Tricia Sears, Roberta Jortner, Eric Engstrom, Jennifer Goodridge, Dawn Hottenroth, Ross Caron, Ed Marihart, Paul Ketcham	
7/30/2009	Discuss project and proposed Zoning Code changes with the EN GW team at BDS.	BPS and BDS	Tricia Sears, Kim Tallant and other BDS staff	
Aug-09	Article written by Tricia on invasive species published in the Bureau of Development Services "Checksheet" newsletter.	BDS and BPS	Tricia Sears	
8/3/2009	Fiscal Impact/Work Load meeting.	BPS, BES, BDS	Tricia Sears, Roberta Jortner, Jennifer Goodridge, Kim Tallant, Douglas Hardy, Michelle Seward, Mike Hayakawa, Russ Tilander	
8/4/2009	CWMA general meeting.	CWMA	same as 10/7/08	
8/4/2009	Authorizing Code meeting	BPS, BES, BDS	Tricia Sears, Roberta Jortner, Eric Engstrom, Jennifer Goodridge, Dawn Hottenroth, Ross Caron, Ed Marihart, Paul Ketcham	
8/18/2009	Discuss comments on the Portland Plant List from internal and external stakeholders.	BPS and BES	Tricia Sears, Jennifer Goodridge	
8/27/2009	Discuss project and proposed Zoning Code changes with the EN GW team at BDS.	BPS and BDS	Tricia Sears, Kim Tallant and other BDS staff	

8/27/2009	Check in meeting.	BPS and BES	Tricia Sears, Roberta Jortner, Jennifer G
9/19/2009	Build it Green Tour. Handouts about the project available at the Info Fair part of the tour.	BPS	Tricia Sears
9/24/2009	Joan Hamilton emailed the Department of Land Conservation & Development (DLCD) the required notice and draft report to Planning Commission (both written by Tricia)	BPS and DLCD	Tricia Sears, Joan Hamilton
9/25/2009	Confirmation of info received by Joan Hamilton from DLCD.	BPS and DLCD	Joan Hamilton
9/26/2009	Invasives resolution at City Council. Resolution No. 36726 passed with 4-0 vote.	BES and BPS.	Jennifer Goodridge, Paul Ketcham, Tricia Sears
10/6/2009	CWMA general meeting.	CWMA	same as 10/7/08
10/8/2009	Public notice for the Planning Commission mailed to project and legislative databases.	BPS	Tricia Sears, Chris Dornan
10/9/2009	Proposed Draft Report and Recommendations to Planning Commission available to public.	BPS	Tricia Sears
10/15/2009	Discuss project and proposed Zoning Code changes with the EN GW team at BDS.	BPS and BDS	Tricia Sears, Kim Tallant and other BDS staff
10/15/09	Kathy Harden from BDS joins BPS and the Invasive Plant Project.	BDS, BPS	Kathy Harnden
10/19/2009	Meet with Multnomah County Commissioners and their staff. Commissioner Deborah Kafoury.	BES, Multnomah County	Jennifer Goodridge Adam Barber, Karen Schilling
10/20/2009	Meet with Multnomah County Commissioners and their staff. Commissioner Diane McKeel.	BES, BPS, Multnomah County	Jennifer Goodridge Tricia Sears, Kathy Harnden Adam Barber, Karen Schilling

10/20/2009	Presentation to the West Multnomah Soil & Water Conservation District Board of Directors	WMSWCD, BPS	Tricia Sears	
10/21/2009	Meet with Multnomah County Commissioners and their staff. Commissioners Jeff Cogen and Judy Shiprack.	BPS, Multnomah County	Tricia Sears, Adam Barber, Karen Schilling	
10/21/2009	SW Hills Residential League meeting. Roberta presents info about the Citywide Tree Project and the Invasive Plant Project.	BPS	Roberta Jortner	
10/22/2009	Invasive Trees meeting.	BPS, BES, BDS	Tricia Sears, Jennifer Goodridge, Kaitlin Lovell, Dave Kiewer, Kristin Day, Jennifer Karpis, Kim Tallant, Emily Roth, Mark Wilson, Angie Kimpo, Rob Crouch, Kathleen Murrin, Dawn Hottenroth, Mike Rosen, Nancy Hendriksen, Maggie Skendarian, Daniela Cargill	
10/26/2009	.5 FTE position meeting	BDS, BES, BPS	Tricia Sears, Roberta Jortner, Kathy Harnden, Jennifer Goodridge, Kim Tallant, Michelle Seward, Douglas Hardy	
10/28/2009	BES BPS check in meeting	BES and BPS	Tricia Sears, Roberta Jortner, Kathy Harnden, Paul Ketcham	
10/28/2009	Email to project database to remind people of the open house on Oct. 29 from 3 - 7 pm.			
10/29/2009	Project open house from 3 - 7 pm with staff presentation.	BPS, BES, citizens	Tricia Sears, Jennifer Goodridge	
11/2/2009	Presentation to the East Multnomah Soil &	EMSWCD, BPS	Tricia Sears	

	Water Conservation District Board of Directors			
11/9/2009	Tryon Creek Watershed Council. Roberta presents info about the Citywide Tree Project and the Invasive Plant Project.	BPS	Roberta Jortner	
11/10/2009	Planning Commission hearing at 12:30 pm. PC unanimously approved the project.	BPS, BES	Tricia Sears, Jennifer Goodridge, Roberta Jortner Paul Ketcham, Kathy Harnden	
11/13/2009	Jennifer Goodridge leaves BES and her position as the City's Invasive Species Coordinator.	BES	Jennifer Goodridge	
11/18/2009	Email to project database to update people on the project - Planning Commission approved the project on 11/10/09.		Tricia Sears	
11/13/2009	Email to project legislative database to update people on the project - Planning Commission approved the project on 11/10/09.		Tricia Sears	
11/17/2009	Award presented to the Bureau of Environmental Services (including BPS work on the Invasive Plant Project) as Government Cooperator of the Year; awarded by West Multnomah Soil & Water Conservation District.	BES, BPS, WMSWCD	Tricia Sears, Mitch Bixby, Paul Ketcham, Mary Bushman, Jen Seamans	
11/23/2009	Discuss invasive plants code	Water Bureau & BPS	Tricia Sears, Angie Kimpo, Tom Carter	
11/24/2010	Met with Bonny McKnight, Chair of the Citywide Land Use Group.	BPS and citizen	Tricia Sears, Roberta Jortner, Morgan Tracy	
Dec-09	Article about the project published in The Southwest Portland Post. Written by Lee Perlman.	citizen	citizen	
12/7/2009	BPS and BES check in meeting.	BPS and BES	Tricia Sears, Kathy Harnden Roberta Jortner, Paul Ketcham	

12/9/2009	BES Watershed Division meeting. Tricia's presentation about the Invasive Plant Project.	BES, BPS	Tricia Sears, Paul Ketcham
12/9/2009	East Portland Neighborhood Association. Roberta presents info about the Citywide Tree Project and the Invasive Plant Project.	BPS	Roberta Jortner
12/10/2009	Discuss Title 29 administrative rules.	BPS, BES, BDS	Tricia Sears, Ed Marihart, Dawn Hottenroth, Mitch Bixby
12/17/2009	.5 FTE position meeting.	BPS, BES, BDS	Tricia Sears, Kathy Harnden, Roberta Jortner, Paul Ketcham, Mitch Bixby, Ross Caron, Rebecca Esau
12/23/2009	BES BPS check in meeting.	BPS and BES	Tricia Sears, Kathy Harnden, Roberta Jortner, Paul Ketcham
1/4/2010	Email to the project database and the district coalitions to update people on the project. Alert them that the City Council hearing is 2/3/10 at 9:30 am and that the City Council report will be available on 1/15/10.	BPS	Tricia Sears
1/5/2010	Invasive tree meeting.	BPS, BES, BDS, Parks & Recreationn, Water Bureau	Tricia Sears, Kathy Harnden, Morgan Tracy, Roberta Jortner, Stephanie Beckman, Angie Kimpo, Kathleen Murrin, Dave Kliewer, Dawn Hottenroth, Kim Tallant
1/7/2010	Citywide Land Use Committee special meeting with Mayor Sam Adams. Invasive Plant Project mentioned by Bonny McKnight.	BPS, citizens	Eric Engstrom
1/8/2010	Public notice for City Council hearing mailed to the project and the legislative databases.	BPS	Tricia Sears, Chris Dornan

1/12/2010	Special meeting to confirm project support.	BPS, BES, BDS	Tricia Sears, Roberta Jortner, Kathy Harnden	
			Paul Ketcham, Ross Caron, Rebecca Esau	
1/15/2010	Planning Commission Recommended Report to City Council available to the public.	BPS	Tricia Sears	
1/25/2010	Commissioner Assistant's meeting.	BPS, Commission Asst.	Tricia Sears, Roberta Jortner	
1/25/2010	Citywide Land Use Committee meeting. Discuss Invasive Plant Project.	BPS and BES, citizens	Roberta Jortner, Tricia Sears, Paul Ketcham	
2/2/2010	Tricia's presentation at the CWMA "Pull Together" Conference.	BPS, CWMA	Tricia Sears	
2/3/2010	City Council hearing at 9:30 am.	BPS and BES	Tricia Sears, Roberta Jortner, Paul Ketcham, Mitch Bixby, Kathy Harnden	



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(revised 12/31/09)

Board Clerk Use Only

Meeting Date: 4/01/10
Agenda Item #: R-10
Est. Start Time: 10:45 am
Date Submitted: 3/17/10

Agenda Title: **Approving an Intergovernmental Agreement to Provide for the Coordinated Regulation and Management of Invasive Plants.**

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

Requested Meeting Date: April 1, 2010 Amount of Time Needed: 5 minutes
Department: Community Services Division: Land Use & Transportation
Contact(s): Adam Barber
Phone: 503-988-3043 Ext. 22599 I/O Address: 455/116
Presenter(s): Adam Barber

General Information

1. What action are you requesting from the Board?

Approval of an Intergovernmental Agreement to provide for the coordinated regulation and management of invasive plants.

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

The State of Oregon (State), City of Portland (City) and Multnomah County have long recognized invasive plants as a problem. The proliferation of invasive plants can have environmental and economic impacts, including reducing tree health and longevity, creating fuel sources for wildfires, and out competing and displacing native plants that provide food and cover for native wildlife.

In September 2008, the City funded a multi-bureau project referred to as the Invasive Plant Policy Review and Regulatory Improvement Project that included review of the City code and other regulatory and policy documents. On February 10, 2010 the City approved zoning regulation (Title 13) amendments to help coordinate and improve the City's approach to controlling invasive plants on property associated with a development review. This was accomplished primarily by clarifying when removal of invasive plants is required. The City's property maintenance regulations (Title 29) were also amended to require eradication of plants found on the Nuisance Plants List from all properties when discovered at any time. The approved amendments therefore address the scenario

of invasive plant discovery in both the development and non-development situations. Finally, the Portland Plant List was updated through this process to assist with implementation.

In 2002, the City and County entered into an (IGA) intergovernmental agreement that transferred responsibilities from the County to the City for implementing and administering comprehensive plan and zoning regulations, including Title 33 of the City Code, for all property within the County that is also within the City's Urban Services Boundary. These areas are often referred to as the "urban pockets". The amendments to City development code Title 33 will be governed by the terms of that land use planning IGA, which is currently effective. The City's Title 29 property maintenance amendments can not be covered under the scope of the existing land use IGA because these regulations are not triggered by development review.

The City and County desire to enter into a separate IGA to make the nuisance plant eradication portions of Title 29 applicable within the urban pockets. Application of both the existing and proposed IGAs will result in a more coordinated and effective approach to removal and eradication of nuisance plants.

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

NA

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

The proposed IGA has been reviewed by City and County Council. A copy of the IGA was included in the City Council packet approved February 10, 2010. The IGA allows for uniform application of City Code Chapters 29.10 - 29.20 within the City and the urban pockets.

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

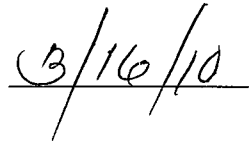
On February 10, 2010, the City approved the attached IGA.

Required Signature

Elected Official or
Department/
Agency Director:



Date:



BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 2010-035

Approving an Intergovernmental Agreement to Provide for the Coordinated Regulation and Management of Invasive Plants

The Multnomah County Board of Commissioners Finds:

- a. The State of Oregon (State), City of Portland (City) and Multnomah County have long recognized invasive plants as a problem. The proliferation of invasive plants can have environmental and economic impacts, including reducing tree health and longevity, creating fuel sources for wildfires, and out competing and displacing native plants that provide food and cover for native wildlife.
- b. In September 2008, the City funded a multi-bureau project referred to as the Invasive Plant Policy Review and Regulatory Improvement Project that included review of the City code and other regulatory and policy documents.
- c. City and County staff have worked collaboratively throughout the project, and have prepared an *"Intergovernmental Agreement to Provide for the Coordinated Regulation and Management of Invasive Plants Between City of Portland and Multnomah County"* (IGA) in the "urban pocket areas" of Multnomah County.
- d. The IGA allows for uniform application of City Code Chapters 29.10 - 29.20 within the City and the urban pockets and will result in a more coordinated and effective approach to the removal and eradication of invasive, nuisance plants.
- e. On February 10, 2010, the City approved the attached IGA.

The Multnomah County Board of Commissioners Resolves:

1. The attached *Intergovernmental Agreement to Provide for the Coordinated Regulation and Management of Invasive Plants* is approved; and the County Chair is authorized and directed to sign the attached agreement.

ADOPTED this 1st day of April 2010.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Jeff Cogen, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Sandra N. Duffy, Assistant County Attorney

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

**INTERGOVERNMENTAL AGREEMENT TO PROVIDE FOR THE COORDINATED
REGULATION AND MANAGEMENT OF INVASIVE PLANTS**

BETWEEN

CITY OF PORTLAND AND MULTNOMAH COUNTY

This is an Intergovernmental Agreement to provide for the coordinated regulation and management of invasive plants (Agreement) between MULTNOMAH COUNTY (County), a home rule county and a political subdivision of the State of Oregon, and the CITY OF PORTLAND (City), a home rule city and political subdivision of the State of Oregon.

RECITALS:

A. The City and County are authorized under the provisions of ORS 190.003 to 190.030 to enter into intergovernmental agreements for the performance of any or all functions that a party to the agreement has authority to perform. This Agreement is made pursuant to the authority granted by ORS Chapter 190.

B. The State of Oregon (State), City and County have long recognized invasive plants as a problem. The proliferation of invasive plants can have environmental and economic impacts, including reducing tree health and longevity, creating fuel sources for wildfires, and outcompeting and displacing native plants that provide food and cover for native wildlife. Certain invasive plants are identified as noxious weeds by the State of Oregon. There are regulations related to noxious weeds; not every invasive plant is designated as a noxious weed.

C. The State Department of Agriculture has established priority ranks for noxious weeds, as has the 4-County Cooperative Weed Management Area for Multnomah, Washington, Clackamas, and Clark Counties under authority granted by state law.

D. Multnomah County has adopted and uses nuisance abatement procedures to regulate nuisance plants, such as tansy ragwort and scotch broom. The County has also adopted zoning regulations that prohibit the planting of specific nuisance plants in certain zones, such as the Significant Environmental Concern zone. The County identifies certain invasive plants as nuisance plants and has regulations specific to these nuisance plants.

E. In 1991, the City published the *Portland Plant List*, which contains three lists: a Native Plants List, a Nuisance Plant List and a Prohibited Plant List. Plants on the Nuisance Plant List and the Prohibited Plant List are not allowed to be planted in the City's Environmental Overlay Zones, Greenway Overlay Zones, and Pleasant Valley Natural Resources Overlay Zones. In addition, plants on the Prohibited Plant List and the Nuisance Plant List are not allowed to be planted in required landscaping anywhere within the City. The terms nuisance and prohibited are

specific to the City of Portland; the terms refer to certain invasive plants that are regulated by the City of Portland.

F. In 2005, the City adopted the *Portland Watershed Management Plan* (PWMP) to provide a comprehensive approach to restoring watershed health and identified the detrimental impacts of invasive plants. The City also adopted Resolution No. 36360 in 2005, which required the City to develop a work plan and goals to reduce invasive plants and to support invasive plant management efforts within City bureaus.

G. In response to Resolution No. 36360, the City's Bureau of Environmental Services led a multi-bureau effort that culminated in publication in November, 2008 of the *Invasive Plant Management Strategy* (Strategy). Among the actions the Strategy calls for is the incorporation of new invasive plant regulations into existing City Codes.

H. In August, 2009, the City adopted Resolution No. 36726, which adopted the Strategy to guide work within all City bureaus related to invasive plants from the present to 2020. To implement the Strategy, the City's Bureau of Planning and Sustainability (BPS) led an evaluation of City policies and rules relating to invasive plants entitled the *Invasive Plant Policy and Regulatory Improvement Project* (*Invasive Plant Project*) and developed recommendations for code updates and improvements. The final report for the *Invasive Plant Project* recommends, among other things, updating the *Portland Plant List* to include priority ranks and guidance regarding invasive plants, and to amend City Code Titles 33 (Planning and Zoning) and 29 (Property Maintenance Regulations) to improve invasive plant control and require removal of plants on the Nuisance Plant List in certain areas throughout the City. As part of the *Invasive Plant Project*, the Nuisance Plant List and the Prohibited Plant List were consolidated and renamed the Nuisance Plants List. The City of Portland uses the term nuisance plants to refer to invasive plants that are regulated by the City.

I. The City and County previously entered into an intergovernmental agreement that transferred responsibilities from the County to the City for implementing and administering comprehensive plan and zoning regulations, including Title 33 of the City Code, for all property within the County that is also within the City's Urban Services Boundary. These areas are often referred to as the "urban pockets." See the "Intergovernmental Agreement to Transfer Land Use Planning Responsibilities Between City of Portland and Multnomah County," with the effective date in January, 2002. The amendments to Title 33 recommended by the *Invasive Plant Project* will be governed by the terms of that intergovernmental agreement, which is currently effective.

J. The City and County desire to enter into a separate intergovernmental agreement to make Chapters 29.10 through 29.20 of the City Code, including the amendments to Title 29 recommended by the *Invasive Plant Project*, applicable within the urban pockets. These amendments require eradication of certain plants – those plants on the Nuisance Plants List, Required Eradication List - if they are found on a property. For purposes of this Agreement, the plants regulated by Chapters 29.10 through 29.20 of the City Code are referred to as "nuisance plants." Uniform application of Chapters 29.10-29.20 of the City Code within the City and the

urban pockets, also known as the Affected Area described below, will result in a more coordinated and effective approach to the removal and eradication of nuisance plants.

NOW, THEREFORE, THE CITY AND COUNTY MUTUALLY AGREE AS FOLLOWS:

I. INTENT OF AGREEMENT

- A. This Agreement provides for the coordinated regulation and management of nuisance plants by the City and County in the area specified in paragraph I.B below. Specifically, this Agreement provides for the County's adoption of Chapters 29.10 through 29.20 of the City Code and the transfer of responsibilities for implementing these chapters from the County to the City for properties within unincorporated Multnomah County that are within the City's Urban Services Boundary, the METRO Urban Services Area and Urban Growth Boundary;
- B. The area that is subject to this Agreement is defined as depicted in Exhibit 1, attached to this Agreement (the Affected Area). The Affected Area, in general, includes all of the properties within unincorporated Multnomah County that are also within Portland's Urban Services Boundary, with two exceptions. The first, West Hayden Island (map attached as Exhibit 2), is already covered by an intergovernmental agreement and will retain County zoning. It is not subject to this Agreement. The second, a site known as Fred's Marina (attached as Exhibit 3), will remain under County land use jurisdiction and is not subject to this Agreement for all matters related to the settlement agreement entered into on February 6, 2001 in the United States District Court, and confirmed in writing on February 27, 2001.
- C. All costs to implement and enforce city Code Chapters 29.10 - 29.20 within the Affected Area pursuant to this Agreement shall be the responsibility of the City.
- D. All actions specified by this Agreement shall be taken to assure that the County's regulation of nuisance plants remains consistent with the City's. The County has adopted Chapters 29.10 – 29.20 of the City Code as the County's for the Affected Area and intends to adopt future amendments to these chapters. The City intends to administer these chapters for County properties in the Affected Area in the same manner as it does for City properties within the City's boundaries.
- E. If any property in the Affected Area annexes to the City or is removed from the City's Urban Services Boundary, it will no longer be subject to this Agreement.

II. DELEGATION OF AUTHORITY

The County agrees to adopt Chapters 29.10 - 29.20 of the City Code for the County Affected Area and to delegate to the City any and all authority that it possesses and that is needed by the City to carry out the regulation and enforcement of City Code Chapters 29.10 – 29.20 for the Affected Area. The effective date and terms of the delegation of authority are as provided for in this Agreement. Among the actions that the County authorizes the City to take in the Affected Area are those enumerated in Section II.C below, which are hereby incorporated into this Delegation of Authority by reference. This delegation of authority should be construed broadly.

A. Fees and Costs

The parties intend that all costs and expenses incurred by City in performing tasks described in Section II.C of this Agreement shall be paid or reimbursed by the City. For purposes of this Agreement, “costs and expenses incurred by the City” include without limitation employee salaries, fringe benefits and City overhead attributed to such employees, expenses incurred for publication and mailing related to implementation, enforcement and nuisance abatement, provided such costs, expenses and fees are attributed to enforcement and/or nuisance abatement actions the City processes under this Agreement.

B. COUNTY RESPONSIBILITIES

The County agrees to perform the following activities for the Affected Area as part of this Agreement:

1. General Responsibilities

- a. The County will adopt City regulations for the Affected Area.
- b. The County will review and propose for adoption by the County Board of Commissioners any necessary amendments to Chapters 15.225 through 15.236 of the County Code to ensure continued implementation and enforcement of these code provisions is coordinated with implementation and enforcement of Chapters 29.10 – 29.20 of the City Code in the Affected Area.

The County will notify the City of the proposed amendments at least 45 days before the County Board is scheduled to consider and adopt them and will give the City an opportunity to comment on the proposed amendments before adoption.

- c. The County, with assistance from the City, will provide appropriate

information to familiarize the County Vector Control staff, the County Land Use Planning staff, and County Counsel to ensure County staff understands the provisions of Chapters 29.10 – 29.20 of the City Code; that staff informs citizens in the Affected Area about the substance and applicability of these City Code chapters; and that staff is prepared to answer questions and refer complaints from the public about nuisance plants in the Affected Area to appropriate City staff. This provision in no way conveys a responsibility of implementing Chapter 29.10 - 29.20 provisions to Multnomah County staff.

2. Amendments to City and County Regulations

- a. The County will ensure that any City Council adopted amendments to Chapters 29.10 – 29.20 of the City Code will be considered by the County Board of Commissioners at the earliest possible meeting. The County Board of Commissioners will enact all amendments to Chapters 29.10 – 29.20 so that they take effect on the same date specified by the City's enacting ordinance, except as provided in b. below.
- b. In the event the City Council adopts amendments to Chapters 29.10 – 29.20 by emergency ordinance to be effective immediately, the County Board of Commissioners will consider the amendments at their next regularly scheduled meeting. The County Board of Commissioners will also consider adoption of the amendments as an emergency ordinance with an immediate effective date. Any and all immediately effective amendments adopted by the City Council by emergency ordinance will not apply to properties within the Affected Areas until the County Board of Commissioners adopts the same immediately effective amendments by emergency ordinance.
- c. In the event the County Board of Commissioners chooses not to adopt amendments to Chapters 29.10 – 29.20 of the City Code as adopted by the City Council, the City may terminate this Agreement as provided in Section IV.

C. CITY RESPONSIBILITIES

The City is authorized by the County and agrees to perform the following activities in the Affected Area as part of this Agreement:

1. General Responsibilities

- a. The City will provide information to the County to familiarize the County Vector Control staff, the County Land Use Planning staff, and the County

Counsel about the substantive requirements of City Code Chapters 29.10-29.20; the City will respond to questions about and complaints under these City Code chapters; and the City will provide enforcement of Chapters 29.10 – 29.20 in the Affected Areas.

- b. The City will adopt administrative rules that implement City Code Chapters 29.10 – 29.20 for use within the City and the Affected Area.

2. Enforcement and Nuisance Abatement

- a. The City will enforce the provisions of City Code Chapters 29.10 – 29.20 within the Affected Area using the nuisance abatement procedures specified in those code chapters and in the administrative rules described in paragraph II.C.1.b above.

3. Amendments to City and County Regulations

- a. The City will provide appropriate opportunity for residents and property owners in the Affected Area to provide input to any legislative public process that may result in changes to Chapters 29.10 – 29.20 of the City Code adopted by the County. It is to be understood that the public process for the Affected Area is one and the same as the process held in the City.
- b. The City will include County decision-making bodies in any legislative public process that may result in changes to Chapters 29.10 – 29.20. County decision-makers and staff will be encouraged to participate in the City's public process.
- c. After the City Council has taken final action on any ordinance amending Chapters 29.10 – 29.20, the City will forward the ordinance to the County Board of Commissioners for adoption.

III. OPERATING PROCEDURES AND RELATIONSHIPS

A. Dispute Resolution

In the case of a dispute under this Agreement, the County through its Director of Vector Control, Director of Land Use Planning and County Counsel and the City through its Director of the Bureau of Environmental Services, Director of the Bureau of Development Services and City Attorney shall attempt to resolve the dispute informally. If the dispute cannot be resolved through this process, the parties shall submit their dispute to intergovernmental arbitration pursuant to ORS 190.710 through 190.800. Each of the parties shall bear its own expense of attorney fees and arbitration.

B. Amendment

This Agreement may be amended by mutual written agreement of the parties. An amendment will be valid only when reduced to writing, approved as required and signed.

IV. TERM OF AGREEMENT AND TERMINATION

A. General Term

This Agreement shall be effective on July 1, 2010 and shall remain in effect until terminated by mutual written agreement of both parties, or as determined by dispute resolution.

B. Termination by City

This Agreement may be terminated by the City if the County fails to adopt Chapters 29.10 – 29.20 or amendments to these chapters adopted by the City Council in a timely manner as provided in Section II.B above. The City shall notify the County in writing 90 days before such termination.

C. Non-appropriation

In the event of non-appropriation of funds or staff resources by the City or County, either party may terminate or reduce the scope of services to be provided and contract funding accordingly, but such party must provide notification of termination or reduction in scope of services to the other party as soon as practicable.

V. INDEMNIFICATION

A. General Provisions

Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, County shall indemnify, defend and hold harmless City from and against all liability, loss and costs arising out of or resulting from acts of County, its officers, employees and agents in the performance of this Agreement. Subject to the conditions and limitations of the Oregon Constitution and the monetary limits of the Oregon Tort Claims Act, ORS 30.260 through 30.300, City shall indemnify, defend and hold harmless County from and against all liability, loss and costs arising out of or resulting from the acts of the City, its officers, employees and agents in the performance of this Agreement.

VI. INSURANCE

County and City shall each be responsible for providing worker's compensation insurance as required by law. Neither party shall be required to provide or show proof of any other insurance coverage.

VII. ADHERENCE TO LAW

Each party shall comply with all federal, state and local laws and ordinances applicable to this Agreement.

VIII. NONDISCRIMINATION

Each party shall comply with all requirements of federal and state civil rights and rehabilitation statutes and local nondiscrimination ordinances.

IX. ACCESS TO RECORDS

Each party shall have access to the books, documents and other records of the other that are related to this Agreement for the purposes of examination, copying and audit, unless otherwise limited by law.

X. PROPERTY OF COUNTY

In the event of termination of this Agreement, all files and documents of any kind related to the scope of work set forth in this Agreement shall be transferred back to the County. The County shall only pay the actual costs of the transfer.

XI. CONTRACT ADMINISTRATION

The County designates the Land Use and Transportation Program Planning Director (1600 SE 190th Avenue, Portland, OR 97233), to represent the County in all matters pertaining to the administration of this Agreement.

The City designates the Director of the Bureau of Environmental Services or the designee (1120 SW 5th Avenue, Portland, OR 97204), and the Director of the Bureau of Development Services or the designee (1900 SW 4th Avenue, Portland, OR 97201), to represent the City in all matters pertaining to the administration of this Agreement.

XII. ENTIRETY OF AGREEMENT

This Agreement constitutes the entire Agreement between the parties. No waiver, consent, modification or change of the terms of this Agreement shall bind either party unless made in writing and signed by both parties.

XIII. SEVERABILITY

The County and City agree that if any terms or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular term or provision to be held invalid.

MULTNOMAH COUNTY

CITY OF PORTLAND

By: _____
Jeff Cogen, Chair

By: _____
Sam Adams, Mayor

Date: _____

Date: _____

By: _____
LaVonne Griffin-Valade
Auditor

Date: _____

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

APPROVED AS TO FORM

By: _____
Sandra Duffy, Assistant County Attorney

City Attorney

MULTNOMAH COUNTY CONTRACT APPROVAL FORM (CAF)

Contract #: 4710000338

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 type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input checked="" 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: Community Services

Division/

Program: Land Use & Transportation Program

Date: 03/02/2010

Originator: Adam Barber

Phone: (503) 988-3043 x22599

Bldg/Room: #455

Contact: Cathey Kramer

Phone: (503) 988-5050 x22589

Bldg/Room: #425/Yeon

Description of Contract: Non-financial Intergovernmental Agreement to provide for the coordinated regulation and management of Invasive Plants between City of Portland and Multnomah County. This is a perpetual agreement.

RENEWAL: ☐ PREVIOUS CONTRACT #(S) _____

EEO CERTIFICATION EXPIRES _____

PROCUREMENT
EXEMPTION OR
CITATION # _____

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	City of Portland Development Services			Remittance address (If different)	
Address	1900 SW 4 th Avenue, Suite 5000				
City/State	Portland, OR			Payment Schedule / Terms:	
ZIP Code	97201			<input type="checkbox"/> Lump Sum \$ _____	<input type="checkbox"/> Due on Receipt
Phone	(503) 823-7300			<input type="checkbox"/> Monthly \$ _____	<input type="checkbox"/> Net 30
Employer ID# or SS#				<input type="checkbox"/> Other \$ _____	<input type="checkbox"/> Other
Contract Effective Date	07/01/2010	Term Date	06/30/2030	<input type="checkbox"/> Price Agreement (PA) or Requirements Funding Info:	
Amendment Effect Date		New Term			
Original Contract Amount	\$	Original PA/Requirements Amount	\$		
Total Amt of Previous Amendments	\$	Total Amt of Previous Amendments	\$		
Amount of Amendment	\$	Amount of Amendment	\$		
Total Amount of Agreement	\$ \$0 - NFA	Total PA/Requirements Amount	\$		

REQUIRED SIGNATURES:

Department Manager

[Signature]

DATE

3/16/10

County Attorney

DATE

CPCA Manager

DATE

County Chair

DATE

Sheriff

DATE

Contract Administration

DATE

COMMENTS:

**Non-Financial Agreement****Vendor Address**

PORTLAND CITY OF OFFICE OF
PLANNING & DEVELOPMENT REVIEW
299/5000

Information

Contract Number 4710000338
Date 07/01/2010
Vendor No. 40847
Contact/Phone Land Use Plng /
X85276
Validity Period: 07/01/2010 - 06/30/2030
Minority Indicator: Not Identified

Item	Material/Description	Target Qty	UM	Unit Price
0001	<p>IGA w/Portland re Invasive Plant Mgmt</p> <p>Plant: F030 Community Service <i>Intergovernmental Agreement with the City of Portland's Bureau of Development Services to provide coordinated regulation and management of Invasive Plants.</i> County Contact: Karen Schilling, Program Manager, x29635 Effective date: July 1, 2010 <i>This is a perpetual agreement</i></p>			\$ 0.0000



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(revised 12/31/09)

*Sent to
Presenter
4-21-2010*

Board Clerk Use Only

Meeting Date: 4/01/10
Agenda Item #: R-11
Est. Start Time: 10:50 am
Date Submitted: 3/23/10

DUNTHORPE RIVERDALE SERVICE DISTRICT

Agenda Title: Approve Intergovernmental Agreement (IGA) with the Riverdale School District and the City of Portland for the Construction of the Elk Rock Bypass Sewer Project Bypass Line on Behalf of the Dunthorpe-Riverdale Service District No. 1, in Unincorporated Multnomah County.

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

Requested Meeting Date: April 1, 2010 Amount of Time Needed: 10 minutes
Department: Community Services Division: Land Use & Transportation
Contact(s): Kim Peoples, Tom Hansell
Phone: (503) 988-5050 Ext. 29833 I/O Address: #425/2
Presenter(s): Kim Peoples & Stuart Farmer

General Information

1. What action are you requesting from the Board?

The Department of Community Services' Land Use and Transportation Program requests the Multnomah Board of County Commissioners to convene as the governing body of the Dunthorpe-Riverdale Service District to approve an Intergovernmental Agreement with Riverdale School District and the City of Portland for the construction and installation of the Elk Rock Bypass Sewer Project.

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 Dunthorpe-Riverdale Service District's current year capital program was adopted to construct a 500 foot long, 8 inch diameter bypass pipe to divert flow from the Elk Rock pump station into the Tryon Creek pump station. The project had been identified in the District's 20 year Sanitary Systems Facility Plan as a high priority in order to forestall an expensive capacity upgrade at the Elk Rock pump station. Placement of the bypass line will alleviate capacity problems identified at Elk Rock pump station and will extend the

estimated date of the pump station upgrade to 2023.

Working in coordination with Riverdale School District and the City of Portland this intergovernmental agreement allows for Riverdale School District to construct the sewer bypass through a change order executed through the Riverdale School District's contractor (Bremik Construction – procured through public contracting laws to construct a new school on the same property). Riverdale School District through this intergovernmental agreement is able to achieve their goal to contain all construction activities occurring on the school grounds under one construction contractor. The City of Portland and the Dunthorpe-Riverdale Service District mutually benefit from leveraging the existing construction contractor by capitalizing on the availability of a qualified contractor, avoiding mobilization costs and maintain the ability to oversee the project through prescribed inspections defined under the construction permit issued by the City of Portland to the School's contractor.

The Dunthorpe-Riverdale Service District is currently working to obtain all the necessary property easement from Riverdale School District and grants or permits of entry from the adjoining properties. Due to the Riverdale School District construction schedule this intergovernmental agreement is advancing concurrently to the Riverdale School District, City of Portland and to the governing body Dunthorpe-Riverdale Service District to minimize construction delay. The construction of the sewer bypass will not start until all the necessary easements and grants or permit or entry documents are secured.

The District and the City of Portland share in the cost of any capital improvements based on the calculated use of the facilities within the three tributary drainage basins serving both District and City residents. The current allocation for this drainage basin assigns 78.3% of construction cost to the District. The construction estimate for the project is \$256,000.00, which includes construction and project management charges.

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

The District has secured the necessary financial resources to construct and maintain this new infrastructure. Through the authority of Oregon Revised Statutes (ORS) the District establishes sewer rates to meet the current and forecasted operational, maintenance and capital and capital debt repayment requirements.

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

The Multnomah County Board serving as the governing body of the District under ORS 451 is granted authority to establish fees necessary to support construction, maintenance and operations of district facilities. Through the District's 20 year Sanitary Systems Plan this project has been identified as high priority and necessary to delay larger capital improvements.

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

The District has been working in collaboration with the City of Portland, Riverdale School District and the adjoining properties to develop an acceptable construction design and project management strategy. The City of Portland conducted a public involvement process with the community during the design stage of the project to communicate the project scope and benefit.

Required Signature

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

M. Cecilia Johnson

Date:

**INTERGOVERNMENTAL AGREEMENT
FOR THE CONSTRUCTION OF THE ELK ROCK BYPASS SEWER PROJECT**

County No. 4600008178

City No.

School District No.

This Intergovernmental Agreement (this "Agreement") is entered into pursuant to ORS 190 between the Riverdale School District No. 51J, a political subdivision of the State of Oregon (hereinafter called "The School"), the City of Portland, a municipal corporation (hereinafter called "The City"), and the Dunthorpe-Riverdale Service District No. 1, an ORS Chapter 451 Service District; primarily located in Multnomah County (hereinafter called "The District"), collectively referred to herein as "the Parties" or individually as a "Party", for the purposes set forth herein below.

PURPOSES:

1. The first purpose of this Agreement is to provide for the construction and installation of a sewer system and appurtenances as more particularly set forth in the attached Plans that are seven (7) pages in length and are collectively entitled the: "ELK ROCK BYPASS PROJECT; BES PROJECT #8378" identified as **EXHIBIT A**, hereby incorporated by this reference and hereinafter referred to as "the Sewer Project". The Sewer Project consists of the construction and installation of approximately 500 feet of buried 8 inch sewer pipe within the area described as "Parcel 1" on Exhibit A of the Sanitary Sewer Easement Agreement of even date herewith between School, as grantor, and the District, as grantee, which Sewer Project is more particularly described and shown in the Plans attached as Exhibit A to this Agreement
2. The second purpose of this Agreement is to establish the Parties' individual roles and obligations with respect to the Sewer Project.

RECITALS:

1. The City and the District entered into a certain Intergovernmental Agreement in 2006 (County Contract No 4600006391; approved by City Ordinance 180597; hereinafter the "District/City IGA") that provides for the City to undertake certain functions with respect to any construction work of the District. Section II, Sub-section B, of the District/City IGA addresses the engineering services the City is to provide the District. The purpose of this Agreement is to modify those provisions with respect to the Sewer Project.
2. Notwithstanding the cited provisions of the District/City IGA, the Parties stipulate that it is in the best public interest in this particular instance to allow and authorize the School to provide certain management functions related to the Sewer Project. The School has contracted with Bremik Construction, Inc. ("Bremik") for the construction of the new Riverdale Grade School (the "School Project"). The Sewer Project is within the general scope of the School's original procurement for the School Project, and because of schedule constraints and related coordination issues, it is necessary for the School to incorporate, by change order, the Sewer Project into its contract with Bremik (the "Bremik Contract"). The Parties agree that Bremik is qualified to perform the Sewer Project work.

3. The Sewer Project has been identified in the District's 20-year Sanitary Systems Facility Plan and the District and the City have secured the necessary Project funding in their current budgets.
4. The Sewer Project budget estimate as of March 22, 2010 is \$256,000.
5. The City is the regulatory and permitting governing body with jurisdiction over the Sewer Project now that it will be built by Bremik, pursuant to that certain Intergovernmental Agreement to Transfer land Use and Planning Responsibilities between the City of Portland and Multnomah County, as set forth in City Ordinance No. 51712, dated January 15, 2002 ("City/County IGA")
6. The Consolidated Special Provisions for the Sewer Project are set forth in the attached **Exhibit B** hereby incorporated by this reference and hereinafter referred to as "the Special Provisions".
7. The attached **Exhibits A and B** are final and not to be revised, amended, deleted or in any way altered without the written consent of the Parties obtained through the signature of the designated Party representative as provided herein.
8. Payments from the District to the School shall be considered delinquent if not paid within 20 days of the date invoiced. Payments as between the District and the City shall be considered delinquent if not paid within 30 days of the date billed. Provided there is no reasonable basis to withhold payment as otherwise provided herein, delinquent payments shall be subject to simple interest charges calculated from the date due to the date payment is received at the rate of one percent per month.

The Parties agree as follows:

1. **TERM.** The term of this Agreement shall be from the date that all required signatures have been obtained to the completion of the Sewer Project, and final payment.
2. **RECITALS ARE INCORPORATED.** The above Recitals are contractual and incorporated by this reference.
3. **CITY AND DISTRICT CONSENT; SCHOOL'S ACCEPTANCE.** Notwithstanding the provisions of the District/City IGA as discussed in the Recitals, the City and the District, subject to the terms and conditions set forth in this Agreement, hereby expressly authorize the School to award the Sewer Project construction work to Bremik and to perform the Management Services (as defined in Section 4.A); and the School accepts and agrees to do same.
4. **RESPONSIBILITIES OF THE SCHOOL.** The School agrees to the following:
 - A. The School will provide the following management functions (the "Management Services") for the Sewer Project:

- (i) Processing and paying invoices received from Bremik under the Bremik Contract;
- (ii) Paying for and receiving the permits required under Section 4.F; and
- (iii) Issuance of a Change Order to Bremik to install and construct the Sewer Project, and oversee and manage the Sewer Project.

The School will perform the Management Services in compliance with all applicable federal, state and local laws and regulations and in compliance with terms and conditions of this Agreement and **Exhibits A and B**. As part of the change order to the Bremik Contract noted in Recital 2, the School and Bremik will agree that the District is an intended third-party beneficiary of that change order and that Bremik's performance of the Sewer Project work under the change order will be rendered directly to the District for the District's express benefit. Further, the change order between the School and Bremik will provide that any reference to "Owner," "Owner's Representative" or "Engineer" in the Special Provisions or the City of Portland Standard Construction Specifications will be a reference to the District or its designated representative.

- B. Special Provisions Part 00100 (General Provisions Sections 00110 to 00199) of **Exhibit B** are hereby waived. The Parties acknowledge and agree that Special Provisions Part 00100 do not apply to the Sewer Project.
- C. Other than the obligation to incorporate the Special Provisions in its change order with Bremik, the School shall have no obligations under the Special Provisions or the City of Portland Standard Construction Specifications and under no circumstances shall the term "Contractor," as that term is used in the Special Provisions or the City of Portland Standard Construction Specifications, be construed to mean the School.
- D. The School will designate the School's Sewer Project Manager, who shall be:
Name: Terry Hoagland, Riverdale School Superintendent
Address: 9727 SW Terwilliger Blvd., Portland, OR 97219-8409
Phone: (503) 636-8611; E-mail: thoagland@riverdale.k12.or.us
- E. The School's Sewer Project Manager or his designee shall regularly meet with the City and the District during the construction stages of the Sewer Project and provide timely responses to the City's and the District's inquiries regarding the Sewer Project.
- F. The School shall contact the City's representative (Sun Noble, at phone number: 503-823-5241) for information regarding all permits related to the Sewer Project required by the City. The District shall ensure that all necessary permits imposed by the City's code or regulations for the installation and construction of the Sewer Project are approved and ready for pick up at the City's offices; and, upon notification that the permits are ready to pick up, the School will pay the City's permit fees and pick up the permits. The City's permit fees will be reimbursed as an approved cost of the Sewer Project.

- G. The School shall maintain electronic copies of all Sewer Project documents generated during construction, copies of which shall be provided to the District and the City at the completion of the Sewer Project. The District and the City, however, acknowledge the inherent risk in using electronic documents, because electronic documents may become corrupted or otherwise altered or, when plotted, may result in variances. Any use of electronic documents by the District or the City will be at the user's sole risk, and without liability, risk or legal exposure to the School.
- H. The School's costs under this Agreement shall be billed monthly by direct invoice to the District accompanied by the Application and Certificate for Payment based on the list of schedule of values or bid items for the Sewer Project.
5. **RESPONSIBILITIES OF THE DISTRICT.** The District agrees to provide the following services:
- A. The District shall designate the District's Project Manager, who shall be:
Name: Tom Hansell, Service District Manager
Address: 1620 SE 190th Ave, Portland OR 97233
Phone: (503) 988-5050 ext 29833; E-mail: tom.j.hansell@co.multnomah.or.us
- B. The District shall meet regularly with School during the construction stages of the Sewer Project.
- C. The District shall timely respond to School's Project Manager inquiries regarding the Sewer Project.
- D. The District shall participate in all scheduled Sewer Project meeting(s).
- E. The District shall place \$256,000 into Multnomah County's Local Government Investment Pool (LGIP) within 15 days after all signatures are obtained on this agreement. The District shall pay the School by completing a pool transfer to the School's LGIP account within 10 days after receipt of a School's invoice as provided under Section 4 h, provided that the work described in the invoice has been completed in accordance with the terms and conditions of this Agreement. In the event of a dispute about whether some portion of the work described in an invoice has been completed in accordance with the terms and conditions of this Agreement, the Service District shall pay the School all undisputed amounts.
- F. The District shall bill the City at the completion of the construction work for all eligible costs as defined under the District/City IGA.
6. **RESPONSIBILITIES OF CITY.** City agrees to provide the following services:
- A. Designate the City Sewer Project Manager, who shall be:
Name: Duane Peterson, Principal Financial Analyst
Address: 1120 SW Fifth Ave, Room 1000, Portland OR 97204-1912
Phone: (503) 823-7141; E-mail: Duane.Peterson@portland.oregon.gov

- B. Issue all applicable permits to Bremik to construct the Sewer Project, and provide inspection and oversight as necessary.
 - C. The City shall reimburse the District within 30 days of the receipt date of any District bill for costs eligible for reimbursement under the District/City IGA.
7. **TERMINATION.** This Agreement may be terminated by any Party upon 60 days' written notice to the other parties, provided that obligations already incurred by the Parties through partial or complete performance of this Agreement at the time of early termination shall survive early termination.

8. INDEMNIFICATION.

- A. Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, and the financial limits therein, the District shall indemnify, defend, and hold harmless the School and the City from and against all liability, loss, and costs arising out of or resulting from the acts of the District, its officers and employees in the performance of this Agreement, but only to the extent caused by the negligent acts or omissions of the District.
- B. Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, and the financial limits therein, the School shall indemnify, defend, and hold harmless the District and the City from and against all liability, loss, and costs arising out of or resulting from the acts of School, its officers and employees, in the performance of this Agreement, but only to the extent caused by the negligent acts or omissions of the School.
- C. Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, and the financial limits therein, the City shall indemnify, defend, and hold harmless the District and the School from and against all liability, loss, and costs arising out of or resulting from the acts of the City, its officers and employees in the performance of this Agreement, but only to the extent caused by the negligent acts or omissions of the City.

9. INSURANCE.

- A. Each Party shall be responsible for providing workers' compensation insurance as required by law for its employees or volunteers. No Party shall be required to provide or show proof of any other insurance coverage.
- B. The School shall cause the following insurance terms to be included in the Bremik Contract:
 - (1) Automobile Liability Insurance for Contractor's/Subcontractor's activities: \$2,000,000 combined single limit for bodily injury and property damage per occurrence for Contractor's/Subcontractor's owned, non-owned, and hired vehicles.

- (2) Workers Compensation and Employers Liability Insurance for activities. Oregon statutory coverage and limits for Workers Compensation Employers Liability insurance with limits not less than: \$1,000,000 for each accident-bodily injury by accident; \$1,000,000 each employee-bodily injury by disease; \$1,000,000 annual aggregate-bodily injury by disease.
- (3) Commercial General Liability insurance for activities. The policy shall not contain exclusions for Blanket Contractual, Broad Form Property Damage, Personal Injury, Premises-Operations, Products-Completed Operations, Independent Contractors, Fire Legal Liability, and Explosion, Collapse, and Underground (XCU) property damage liability. Policy limits shall not be less than: \$2,000,000 combined single limit for bodily injury and property damage per occurrence.
- (4) The insurance coverage obtained by the contractor shall name the City and the District and the officers, employees and agents of these parties as additional insureds, and shall not be terminated or canceled or materially reduced prior to the completion of the Sewer Project without thirty (30) days written notice to the School, with a copy of such notice being sent to the District and the City. For purposes of computing time, the first day of the thirty days written notice shall begin on the day that the notice is actually received by the School. Prior to entry of any subcontractor onto the Sewer Project site, the contractor shall provide the School with a certificate of insurance in force evidencing insurance coverage of such subcontractor with limits and conditions as described herein. The School shall provide the City and the District with copies of the certificate of insurance, and shall provide both the City and the District with copies of any notices received pursuant to this section.

10. **ADHERENCE TO LAW.** Each Party shall comply with all applicable federal, state, and local laws and ordinances.
11. **NON-DISCRIMINATION.** Each Party shall comply with all requirements of federal and state civil rights and rehabilitation statutes and local non-discrimination ordinances.
12. **ACCESS TO RECORDS.** Each Party shall have access to the books, documents, and other records of the other which are related to this Agreement for the purpose of examination, copying, and audit, unless otherwise limited by law.
13. **LIMIT OF SCHOOL'S RESPONSIBILITIES.** Neither the School nor the Service District shall be responsible for Bremik's failure to perform its work in accordance with **Exhibit A**, **Exhibit B**, or any other requirements of the Bremik Contract. Neither the School nor the Service District shall be responsible for the acts or omissions of (i) Bremik, (ii) Bremik's subcontractors, consultants or suppliers at any tier, (iii) their respective agents or employees, or (iv) any other persons or entities performing work related to the Sewer Project.
14. **SUBCONTRACTS AND ASSIGNMENT.** No Party will subcontract or assign any part of this Agreement without the written consent of the other Parties, provided the School may assign performance of the Management Services at its discretion; and further provided the

School shall retain responsibility for the performance of any assigned Management Services performed by any such assignee.

15. **THIS IS THE ENTIRE AGREEMENT.** This Agreement constitutes the entire Agreement between the parties. This Agreement may be modified or amended only by the written agreement of the parties.

16. **ADDITIONAL TERMS AND CONDITIONS.** In the event the pricings received by the School exceed by 10% or more above the estimated cost of the Sewer Project, the Parties agree to timely meet to resolve how to fund the additional cost or revise the Sewer Project to stay within budget. If a mutually acceptable resolution is not obtained, the Sewer Project will be cancelled, and this Agreement will be terminated.

17. **COUNTERPARTS EXECUTION.** This Agreement may be executed in multiple counterparts, each of which shall be deemed to be an original, and such counterparts shall constitute one and the same instrument. For the convenience of the Parties, the execution pages of any executed counterpart may be detached and reattached to any other executed counterpart to form one or more documents that are fully executed. This Agreement shall not be effective until all Parties have executed this Agreement or a counterpart of this Agreement.

IT IS SO AGREED:

1. FOR RIVERDALE SCHOOL DISTRICT No. 51J, OREGON

By: _____

Title: _____

APPROVED AS TO FORM:

By: _____
Of Attorneys for Riverdale School District No. 51J.

2. FOR DUNTHORPE-RIVERDALE SERVICE DISTRICT NO. 1:

By: _____

JEFF COGEN, CHAIR

APRIL 19, 2010

CHAIR OF BOARD OF COUNTY COMMISSIONERS FOR MULTNOMAH COUNTY, OREGON
GOVERNING BODY FOR DUNTHORPE-RIVERDALE SANITARY SERVICE DISTRICT No. 1

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY

By: _____

Matthew O. Ryan, Assistant County Attorney



3. FOR THE CITY OF PORTLAND:

Dean Marriott,
Director of the Bureau of Environmental Services

APPROVED AS TO FORM:

By: _____

City Attorney



IGA Contract

Vendor Address

PORTLAND CITY OF ACCT RECEIVABLE
106/1250

Information

Contract Number 4600008178
Date 03/24/2010
Vendor No. 11981
Contact/Phone Land Use & Trans /
X26798
Validity Period: 04/01/2010 - 07/01/2012
Minority Indicator: Not Identified

Estimated Target Value: 256,000.00 USD

Item	Material/Description	Target Qty	UM	Unit Price
0001	<p>*** Validity period changed ***</p> <p>Elk Rock Bypass Sewer Project</p> <p>Plant: F030 Community Service Requirements Tracking Number: 99 Requisition #: 10048585 <i>Intergovernmental Agreement between Riverdale School District No.51J, the City of Portland, and the Dunthorpe-Riverdale Service District No. #1 for construction and installation of a sewer system project, entitled the "Elk Rock Bypass Project."</i> Effective dates: April 1, 2010 - July 1, 2012 County Representative: Tom Hansell, Service District Manager, x29833</p> <p>*** Text changed ***</p>	256,000.000	Dollars	\$ 1.0000

- | | |
|--|------------------------------|
| | PROPOSED STORM SEWER/MH |
| | PROPOSED SANITARY SEWER/MH |
| | PROPOSED INLET |
| | EXISTING STORM SEWER/MH |
| | EXISTING SANITARY SEWER/MH |
| | EXISTING INLET |
| | EXISTING HOUSE |
| | FIRE HYDRANT |
| | WATER |
| | WATER VALVE |
| | GAS |
| | GAS VALVE |
| | ELECTRIC |
| | TELEPHONE |
| | WATER METER |
| | POWER POLE |
| | LIGHT |
| | CURB |
| | EDGE OF PAVEMENT |
| | EDGE OF DRIVEWAY |
| | TREE WITH DIAMETER IN INCHES |
| | DITCH OR STREAM |
| | PROPERTY LINE |
| | RIGHT-OF-WAY LINE |
| | CENTERLINE RIGHT-OF-WAY |
| | EDGE OF GRAVEL |
| | QUARRY |
| | VIENT FENCE |

NOTICE TO EXCAVATORS:
ATTENTION: OREGON LAW REQUIRES YOU
TO FOLLOW RULES ADOPTED BY THE
OREGON UTILITY NOTIFICATION CENTER.
THOSE RULES ARE SET FORTH IN OAR
952-001-0010 THROUGH OAR
952-001-0090. YOU MAY OBTAIN
COPIES OF THE RULES BY CALLING THE
CENTER.
(NOTE: THE TELEPHONE NUMBER FOR
THE OREGON UTILITY NOTIFICATION
CENTER IS (503)-232-1987).

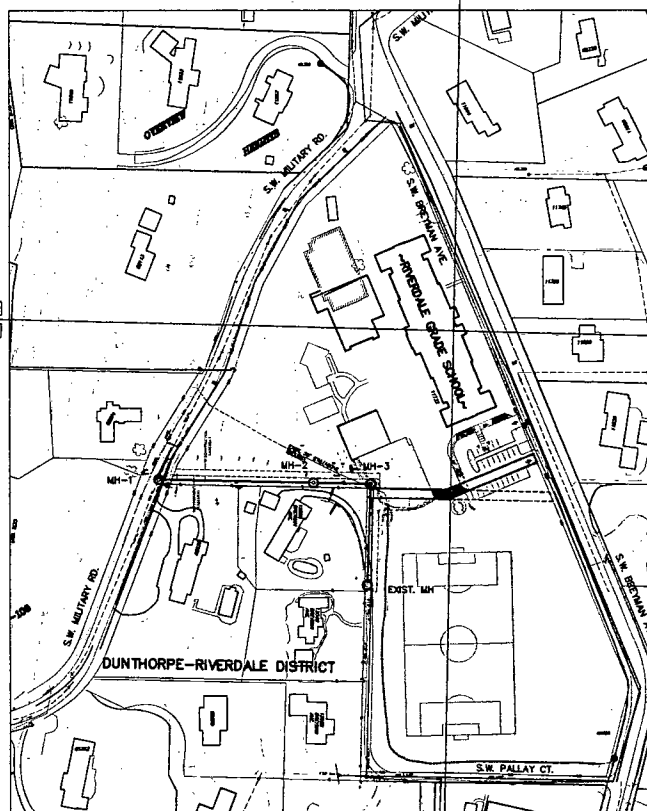
POTENTIAL UNDERGROUND FACILITY OWNERS

Dig / Safely.

Call the Oregon One-Call Center
DIAL 811 or 1-800-332-2344

EMERGENCY TELEPHONE NUMBERS

NW NATURAL GAS
M-F 7am-6pm 503-228-4211 Ext.4313
AFTER HOURS 503-228-4211
PGE 503-484-7777
QWEST 1-800-573-1311
QTY BUREAU OF MAINTENANCE 503-823-1700
QTY WATER 503-823-4874
VERIZON 1-800-483-1000



GENERAL INSTRUCTION DURING CONSTRUCTION:

1. THE CONSTRUCTION SITE IS A DENSELY WOODED AREA. CONSTRUCTION MANAGEMENT PLAN (CEQ3) SHOWS ALL TREES TO BE CUT.
2. INSTALL MARKER BALL PER STANDARD SPEC. 0448.41 FOR ALL PIPES.
3. COORDINATE WITH RIVERDALE GRADE SCHOOL CONTRACTORS.

PROJECT
AREA

VICINITY MAP

SCALE: NONE

ELK ROCK BYPASS
PROJECT
BES PROJECT #8378

SHEET INDEX

NO.	NAME	DESCRIPTION
1	G01	COVER SHEET
2	C01	PLAN AND PROFILE
3	C02	PLAN AND PROFILE
4	D01	DETAILS
5	CE01	EROSION CONTROL PLAN
6	CE02	EROSION CONTROL DETAILS
7	CE03	CONSTRUCTION MANAGEMENT PLAN

GENERAL NOTES:

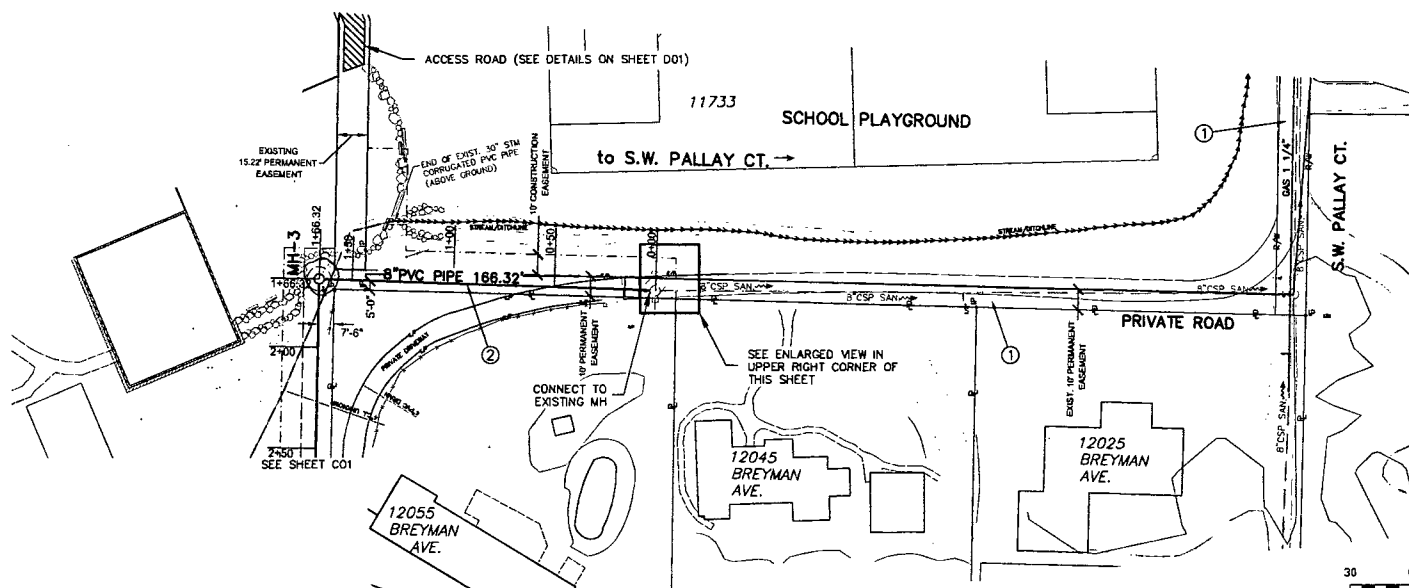
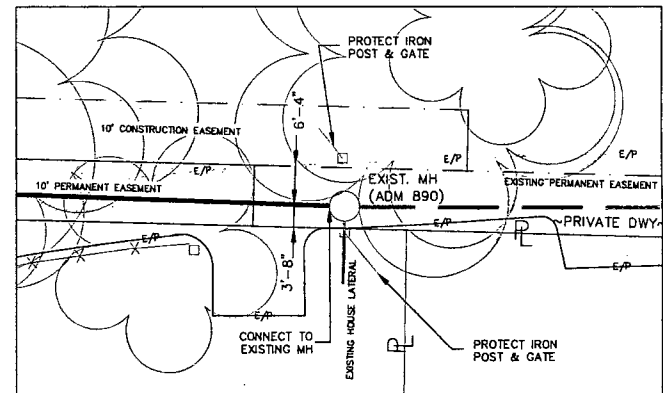
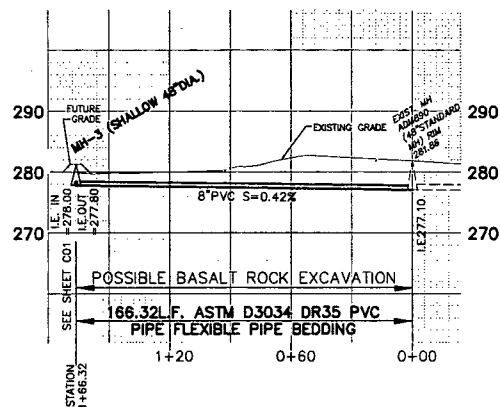
1. ALL CONSTRUCTION SHALL CONFORM TO CITY OF PORTLAND STANDARD CONSTRUCTION SPECIFICATIONS, AS REVISED IN 2007.
2. SITE EROSION CONTROL MUST COMPLY WITH BES "EROSION CONTROL MANUAL", MARCH 1, 2008. EROSION CONTROL MUST BE IN PLACE PRIOR TO CONSTRUCTION.

DESIGN NOTES:

1. THIS SANITARY SEWER BY-PASS IS BUILT TO DIVERT FLOWS FROM ELK ROCK PUMP STATION TO TRYON PUMP STATION.

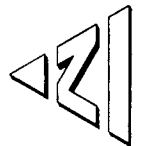
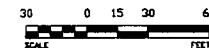
C.O.P. DATUM & NAD 83-91

			XREF(S) USED: 253728			DESIGNED BY: _____ DATE APPL: _____			<div>CITY OF PORTLAND</div> <div>ENVIRONMENTAL SERVICES</div> <div></div> <div>DAN SALTZMAN COMMISSIONER PUBLIC AFFAIRS</div> <div>APPROVAL</div> <div>WILLIAM F. RYAN, P.E. CHIEF ENGINEER</div> <div>ENVIRONMENTAL SERVICES CHIEF ENGINEER (SEAL, PROFESSIONAL ENGINEER, NO. 12301)</div>			<div></div> <div>ELK ROCK BYPASS COVER SHEET</div>			174 SHEET NO. 4231 JOB NO. E0837 SHEET NO. G01 1 of 7		
			ROTATION ANGLE: 900.00°			DRAWN BY: _____ PROGRAM MGR: _____											
			CONSTRUCTED BY: _____			CHECKED BY: _____ CONST. MGR: _____											
			PROJECT COMPLETED: _____														
			MAP CORRECTED BY: _____ CHECKED BY: _____														
			FINAL MAP DATA			DESIGN MGR: _____											
NO. DATE DESCRIPTION APPD.			837BG01.DWG 12/24/09														



CONSTRUCTION NOTE

- ① NO CONSTRUCTION ACCESS ALLOWED ON PRIVATE DRIVEWAY & S.W. PALLAY C FROM BREYMAN AVE.
- ② INSTALL 6" OF SELECTED TOPSOIL (SPEC. 1040.14(A)) OVER BACKFILL AREAS TO FINISHED GRADE.



NO.		DATE	DESCRIPTION	APPRO.
1			DESIGN	
2			REVISION	

DESIGNED BY	DATE APPL.
DRAWN BY	PROGRAM MGR.
CHECKED BY	CONST. MGR.
DESIGN MGR.	

CONSTRUCTED BY	PROJECT COMPLETED
MAP CORRECTED BY	CHECKED BY
FINAL MAP DATA	

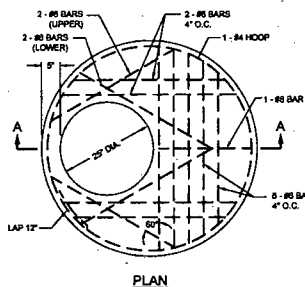
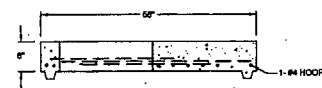
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CITY OF PORTLAND
ENVIRONMENTAL SERVICES



**ELK ROCK BYPASS
PLAN AND PROFILE**

1/4" SCALE
423
JOB NO.
E083
SHEET NO.
CO:
3 of



NOTES:

- CONCRETE SHALL BE STRUCTURAL CONCRETE HAVING A MINIMUM 28-DAY COMPRESSIVE STRENGTH OF 4,000 PSI.
- REINFORCEMENT SHALL HAVE A MINIMUM YIELD STRENGTH OF 60,000 PSI (GRADE 60).
- LAP SPICES SHALL BE A MINIMUM OF 34 BAR DIAMETERS IN LENGTH UNLESS OTHERWISE NOTED.
- ALL REINFORCING HOOPS AND BARS SHALL HAVE A MINIMUM 1" CLEARANCE TO OUTSIDE SURFACES, INCLUDING TO THE INSIDE FACE AT OPENING.

The selection and use of this Standard Drawing, while designed to conform with generally accepted engineering practices and standards, is the sole responsibility of the user.

Standard Drawing No. P-140

Bureau of Environmental Services
CITY OF PORTLAND, OREGON

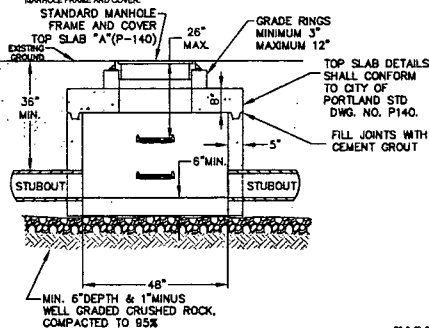
City Book No. 001
Change Date 01-01-08

Standard Drawing No. P-140

A/P140.TOP.SUB.A080 4/4/08 4:32 PM R003

NOTES:

- ALL PRECAST CONCRETE SHALL CONFORM TO THE REQUIREMENTS OF THE CITY OF PORTLAND MANUFACTURING STANDARDS FOR PRECAST CONCRETE PRODUCTS (BMP/CP), AS REVISED.
- CAST-IN-PLACE CONCRETE SHALL BE STRUCTURAL CONCRETE HAVING A MINIMUM 28-DAY COMPRESSIVE STRENGTH OF 4,000 PSI.
- ALL CONNECTING PIPE SHALL HAVE A FLEXIBLE JOINT WITHIN 10' OF OUTSIDE WALL OF MANHOLE OR WITHIN ONE HALF THE DIAMETER IN LENGTH IF THE PIPE IS OVER 30" IN DIAMETER.
- ALL PRECAST CONCRETE SECTIONS SHALL HAVE KEYED OR BELL & SPIGOT JOINTS AND USE PREFORMED PLASTIC SEALS (MASTIC) OR PREFORMED RUBBER GASKET SEALS ACCORDING TO THE MANUFACTURER'S SPECIFICATIONS.
- MANHOLE STEPS SHALL BE PLACED A MINIMUM OF 9" FROM PRECAST SECTION JOINT.
- INLET LEADS SHALL BE CONNECTED 8" BELOW RIM OR 14" ABOVE LOWEST PIPE INVERT (WHICHEVER IS LESS), UNLESS SHOWN OTHERWISE ON THE PLANS. IN ALL CASES INLET LEADS SHALL BE CONNECTED BELOW THE CORNER SECTION, A MINIMUM OF 9" CLEAR OF A PRECAST SECTION JOINT AND 12" CLEAR OF JOINT IN BASE SECTION (80"-144" MANHOLES).
- FORM AND POUR A 4"x4" EXTERIOR CONCRETE COLLAR AROUND PIPE CONNECTIONS TO 60"-144" MANHOLE.
- WHEN CONNECTING PIPE OR THROUGH PIPE IS LESS THAN 48" DIAMETER, USE STANDARD 34" MANHOLE FRAME AND COVER.

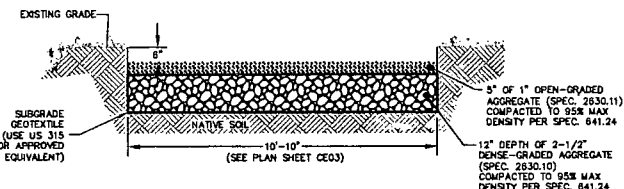


DEPARTMENT OF PUBLIC WORKS CITY OF PORTLAND, OREGON

SHALLOW MANHOLE DETAILS

STANDARD PLAN NO.

APPROVED: SPECIAL



SECTION DETAILS MAINTENANCE ACCESS ROAD

NOT TO SCALE

NO.	DATE	DESCRIPTION	APPROVED
1	12/24/09	8378D01.DWG	

CITY OF PORTLAND
ENVIRONMENTAL SERVICES



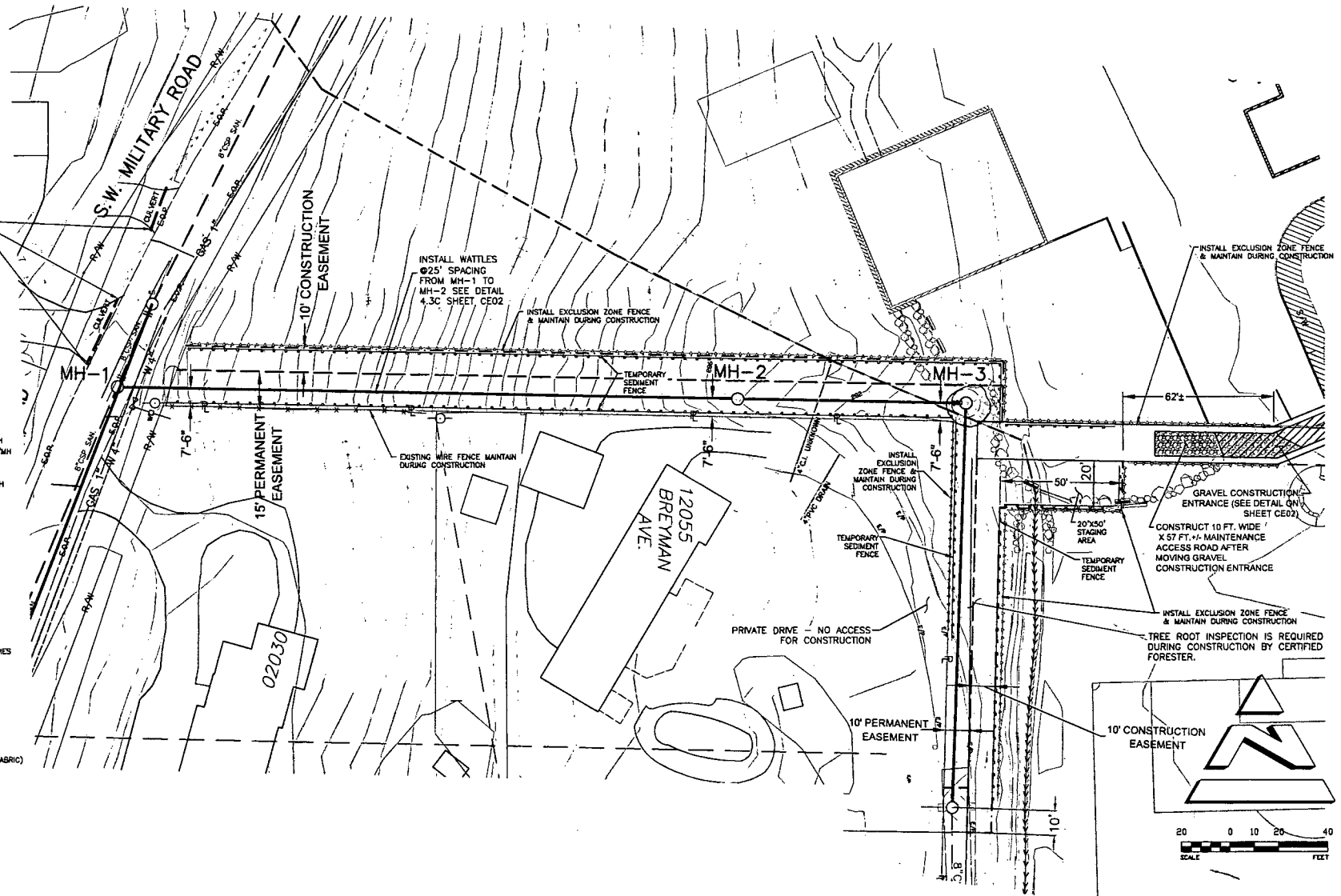
ELK ROCK BYPASS
DETAILS

1/4 SECTION
4231
JOB NO.
E08378
SHEET NO.
D01
4 of 7

SEE STORMWATER BARRIERS
#2 DETAIL ON SHEET
CED2 DRAWING 4.4-E

LEGEND

- PROPOSED STORM SEWER/MH
- PROPOSED INLET
- EXISTING STORM SEWER/MH
- EXISTING INLET
- EXISTING HOUSE
- FIRE HYDRANT
- WATER VALVE
- GAS VALVE
- ELECTRIC TELEPHONE
- WATER METER
- POWER POLE
- LIGHT CURB
- EDGE OF PAVEMENT
- EDGE OF DRIVEWAY
- TREE WITH DIAMETER IN INCHES
- DITCH OR STREAM
- PROPERTY LINE
- RIGHT-OF-WAY LINE
- CENTERLINE RIGHT-OF-WAY
- EDGE OF GRAVEL
- CULVERT
- WIRE FENCE
- BIOFILTER BAG
- INLET PROTECTION (FILTER FABRIC)
- SEDIMENT FENCE
- TREE TO BE REMOVED
- TREE TO BE SAVED
- DITCH
- EXCLUSION ZONE FENCE



NO.		DATE	DESCRIPTION	APPROVED
			REVISION	
DESIGNED BY: <u>DATE APPL.</u> DRAWN BY: <u>PROGRAM MAN.</u> CHECKED BY: <u>CONST. MGR.</u> MAP CORRECTED BY: <u>CHECKED BY:</u> FINAL MAP DATA 8378CED1.DWG 12/24/09				

CITY OF PORTLAND
ENVIRONMENTAL SERVICES



**ELK ROCK BYPASS
EROSION CONTROL PLAN**

1/4 SECTION
4231
JOB NO.
E08378
SHEET NO.
CE01
5 of 7

EXISTING TREE STATUS								
NO.	DIA.	10"-12"	13"-23"	24"+	ASH	MAPLE	DOUGLAS FIR	ALDER
1	12	1			1			
2	23		1				1	
3	15		1			1		
4	26			1	1			
5	14		1		1			
6	10	1			1			
7	12	1			1			
8	10	1			1			
9	14		1		1			
10	12	1			1			
11	24			1			1	
12	14		SAVE				SAVE	
13	14		SAVE					SAVE
14	16		SAVE		SAVE			
15	14		1		1			
16	12	SAVE			SAVE			
17	14		SAVE		SAVE			
18	14		1		1			
19	12	1			1			
TOTAL		6	6	2	14	1	3	1

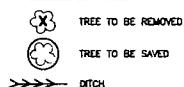
CONSTRUCTION RESTORATION NOTES
 ALL DISTURBED AREAS IN UNIMPROVED AREAS SHALL BE RESTORED BY ONE OF THE FOLLOWING METHODS AFTER APPLYING 6" OF SELECTED TOPSOIL (SPEC. 1040.14(g)).

1. RESTORATION OF SLOPED AREAS (FROM MH-1 TO MH-2):
 MATTING (SPEC. 280.46(i)) LANDLICK 407 OR EQUIVALENT (DETAILS IN SHEET CE02) WITH OWNER SUPPLIED SEED. SEEDING SHALL BE SPREAD BY THE METHOD "D" IN SPEC. 1040.48 (d)
2. RESTORATION OF FLAT AREAS (FROM MH-2 TO EXISTING MH):
 STRAW MULCH (SPEC. 1030.15) WITH OWNER SUPPLIED SEED. SEEDING SHALL BE SPREAD BY THE METHOD "D" IN SPEC. 1040.48 (d)

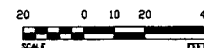
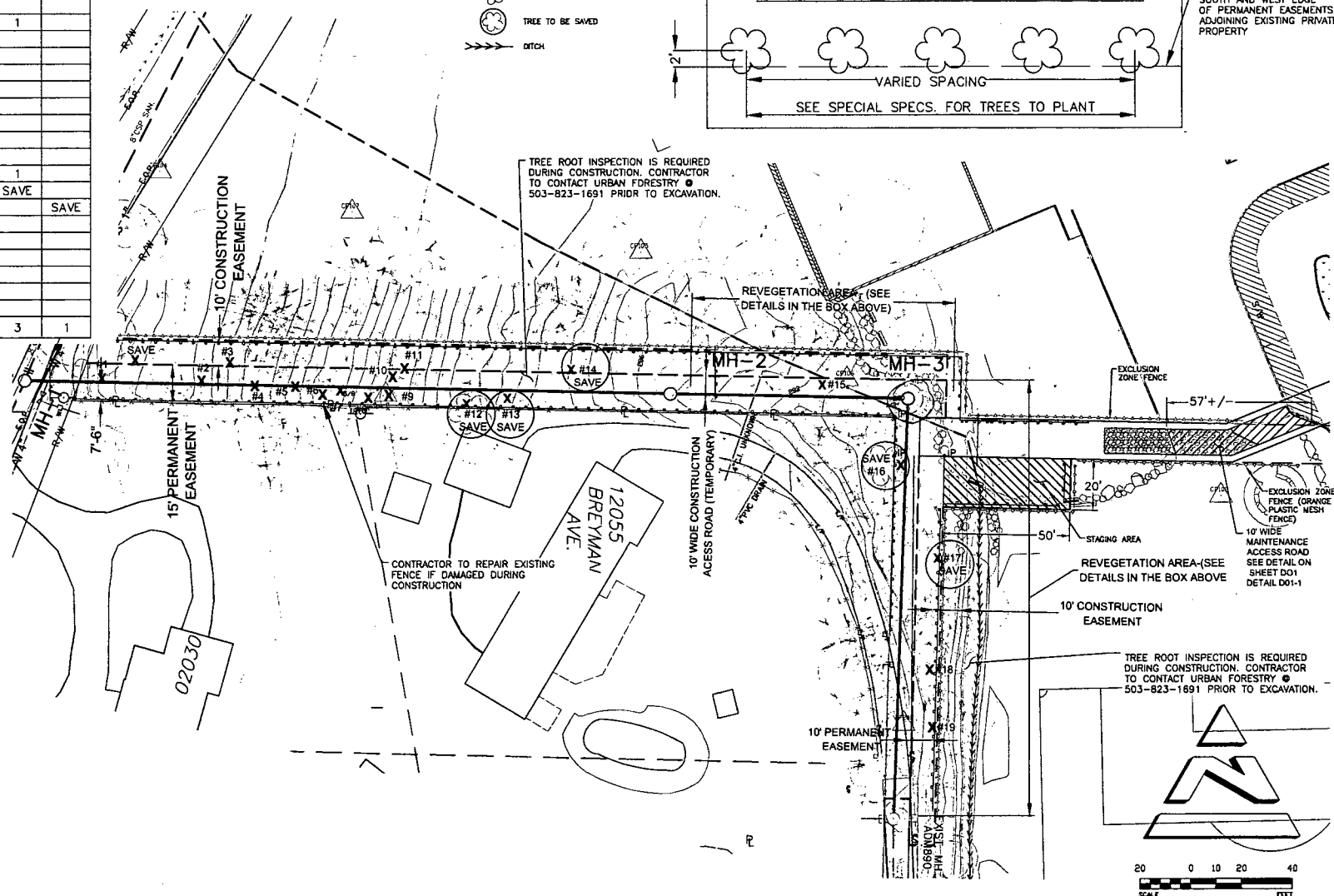
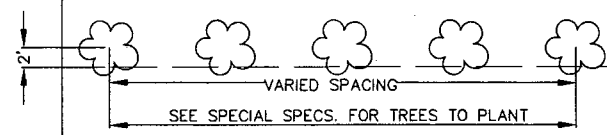
CONSTRUCTION NOTE:

1. RIVERDALE SCHOOL RECONSTRUCTION PROJECT (PRIVATE) IS IN CONSTRUCTION. THE CONTRACTOR SHALL COORDINATE WITH THE PRIVATE CONTRACTOR OF THE SCHOOL PROJECT CLOSELY.
2. CONTRACTOR TO PROTECT ALL EXISTING A/C SURFACES. PAINT MARKINGS ON PARKING LOT, AND SCHOOL STRUCTURE. REPAIR OF ANY DAMAGES WILL BE CONTRACTOR'S RESPONSIBILITY.

LEGEND



DETAILS OF REVEGETATION



NO.	DATE	DESCRIPTION	APPRO.	DESIGN	CHECKED	DATE
1	12/24/09	8378CE03 DWG				

CITY OF PORTLAND
ENVIRONMENTAL SERVICES



**ELK ROCK BYPASS
 CONSTRUCTION MANAGEMENT PLAN**

1/4 SECTION
 4231
 JOB NO.
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 CE03
 7 of 7

EXHIBIT B

CITY OF PORTLAND

BUREAU OF ENVIRONMENTAL SERVICES

SPECIAL PROVISIONS

FOR

ELK ROCK BYPASS PROJECT

CONSOLIDATED SPECIAL PROVISIONS

The preparer of the consolidated specifications for this Project:

By: Sungmo Sung, PE Date: 12/23/09

CITY OF PORTLAND

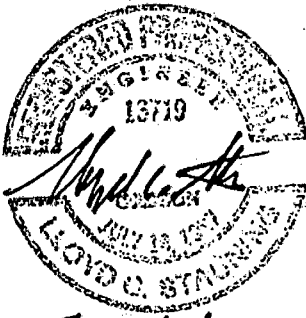
BUREAU OF ENVIRONMENTAL SERVICES

SPECIAL PROVISIONS

FOR

Elk Rock Bypass Project

PROFESSIONAL OF RECORD CERTIFICATION(s):

<p>Seal w/signature</p>  <p>Exp. 6/30/10</p>	<p>Signing as the Professional of Record for the Special Provisions sections listed below:</p> <p>ALL Sections of Special Provisions</p>
--	--

SPECIAL PROVISIONS

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SPECIAL PROVISIONS

WORK TO BE DONE

The Elk Rock By-pass Project involves sewer bypass pipe construction near the following streets.

- 2071 SW Military Rd. & 12055 SW Breyman Ave

Improvements shall consist of those items of work listed in the Proposal and as shown on the accompanying Plans. The Contractor shall perform all labor, and furnish all materials, equipment and incidentals required to make each item complete. Work shall include, but not be limited to:

1. Construct, maintain, and remove temporary work zone traffic control measures.
2. Construct, maintain, and remove erosion control measures.
3. Perform all removal of trees, clearing and grubbing, and earthwork operations.
4. Construct drainage system including sewer pipes and manholes.
5. Complete pavement restoration.
6. Construct a maintenance access road.

APPLICABLE SPECIFICATIONS

The Specification that is applicable to the Work on this Project is the 2007 edition of the "City of Portland Standard Construction Specifications".

All number references in these Special Provisions shall be understood to refer to the Sections and subsections of the Standard Specifications bearing like numbers and to Sections and subsections contained in these Special Provisions in their entirety.

OWNER'S REPRESENTATIVE ENGINEER

Owner's Representative: Brad Huard
1120 SW 5th Ave, Suite 1000
Portland, Oregon 97204
503 823-4885

Engineer: Lloyd Stauning
1120 SW 5th Ave, Suite 1000
Portland, Oregon 97204
503 823-7633

TIME FOR COMPLETION

See subsection 00180.50(d) for the time to complete all Work under the Contract.

The written Notice to Proceed will be sent to the Contractor in accordance with subsection 00130.80.

The Owner considers on-site work to have commenced when the Contractor mobilizes equipment onto the Project site.

* * * * *

Note: As an aid to reviewers of these Special Provisions, text that has been modified specifically for this project is marked by a left-hand vertical bar as shown in this paragraph.

* * * * *

PART 00100 – GENERAL REQUIREMENTS

**SECTION 00110 - ORGANIZATION, CONVENTIONS, ABBREVIATIONS
AND DEFINITIONS**

Comply with Section 00110 of the Standard Specifications supplemented and/or modified as follows:

00110.20 Definitions – Add the following:

Pea Gravel – Naturally occurring round gravel that will pass a 3/8 inch sieve and be retained on a No. 4 sieve.

SECTION 00140 - SCOPE OF WORK

Comply with Section 00140 of the Standard Specifications supplemented and/or modified as follows:

00140.40 Differing Site Conditions: Delete this subsection in its entirety.

SECTION 00150 – CONTROL OF WORK

Comply with Section 00150 of the Standard Specifications supplemented and/or modified as follows:

Add the following subsection:

00150.50(e) Utility Information:

(1) Arranging for a utility company to remove, relocate, or adjust a facility is the responsibility of the Owner. The Contractor shall schedule work such so as to afford the utility companies sufficient time and space to perform their work. Contact the Owner for information regarding these arrangements.

(2) The following organizations may be adjusting utilities within the work area during the life of this Contract with adjustment work estimated to be completed by the following time frame.

<u>Utility</u>	<u>Estimated Completed Date (Time)</u>
NW Natural Gas	1 day to adjust 2 gas valves.
Murray, Smith & Associates for Palatine Hill Water District	5 days to relocate 7 meters. 1 day to adjust 3 meters. 2 days to relocate a fire hydrant. 1 day to adjust 3 valves.

(3) The above time frames reflect actual working and not calendar days and are not necessarily concurrent or continuous.

(4) The Contractor shall be responsible for all other utility adjustments to finish grade.

(5) Utilities and their field coordinators include:

<u>Utility Company</u>	<u>Contact Person</u>	<u>Telephone No.</u>
Pacific Power & Light	Justin Moore	503-280-2709
Qwest Communications	Scott Miller	503-242-4144
Comcast	Jamie Stencil	503-605-6158
NW Natural	Christine Jeibmann	503-721-2463
Dunthorpe-Riverdale Sanitary Sewer District	Tom Hansell	503-988-5050x29833
Murray, Smith & Associate for Palatine Hill Water District	Jim Hilton	503-225-9010

(6) There may be unavoidable delays due to utility companies or utility contractors working in the same construction zone. It is imperative for the Contractor to provide accurate work schedules to the Owner's Representative. Notify the Owner's Representative immediately when utility work causes delays or construction issues.

(7) The utility companies or utility contractors may be in the right-of-way working concurrently with this Contract. The contractor's schedule and the schedules of the utility companies shall be coordinated and agreed upon prior to beginning construction. The Contractor shall work with the utility companies or the utility contractors so that all work on the project completed within the Contract Time.

(8) The Owner does not guarantee the site conditions will remain the same after the utility companies or the utility contractors have performed their work. The Contractor shall perform an assessment of site conditions prior to beginning work and after the utility companies or utility contractors have completed their work to determine actual conditions.

(9) The Owner's Representative has the option to direct the Contractor to work in another area of the project in an effort to reduce conflicts and delays that may prevent the utility company or utility contractors from getting their work done.

SECTION 00160 - SOURCE OF MATERIALS

Comply with Section 00160 of the Standard Specifications.

SECTION 00165 - QUALITY OF MATERIALS

ELK ROCK BYPASS PROJECT

Comply with Section 00165 of the Standard Specifications supplemented and/or modified as follows:

00165.04 Cost of Testing - Replace this Subsection with the following:

00165.04 Cost of Testing - The Project is administered by BES. BES will provide and pay for materials testing services for this project.

SECTION 00170 - LEGAL RELATIONS AND RESPONSIBILITIES

Comply with Section 00170 of the Standard Specifications supplemented and/or modified as follows:

00170.03 Right-Of-Way, Easements and Premises – Add the following paragraph:

(c) The easement for the Project will be secured as follows (see easement plat map in the Appendix):

Location	Date Secured
A portion of Lot 22, Abernethy Heights, Multnomah County	12/31/09
A portion of Lot 23, Abernethy Heights, Multnomah County	12/31/09

SECTION 00180 – PROCUREMENT AND PROGRESS

00180.40(b) On-Site Work - Add the following:

(9) An approved Site Specific Safety and Health Plan

Add the following Subsection:

00180.40(c) Specific Limitations - Limitations of operations specified in these Special Provisions include, but are not limited to, the following:

Limitations	Subsection
Cooperation with Utilities	00150.50
Cooperation with Other Contractors	00150.55
Interim Completion Time	00180.50
Final Completion Time	00180.50
Right-of-Way and Access Delays	00180.60(e)
Traffic Restrictions	00220.40
Noise Control	00290.30(d)

Be aware of and subject to schedule limitations in the Standard Specifications that are not listed in this Subsection.

00180.41 Project Work Schedules

00180.41 Project Work Schedules – Add the following six subsections.

(j) The Contractor shall submit a Project Work schedule meeting the requirements of 00180.41(k) to the Owner's Representative. The Project Work schedule is intended to identify the sequencing of activities and time required for prosecution of the Work. The schedule is used to plan, coordinate, and control the progress of construction. Therefore, the Project Work schedule shall provide for orderly, timely, and efficient prosecution of the Work, and shall contain sufficient detail to enable both the Contractor and the Owner's Representative to plan, coordinate, analyze, document, and control their respective Contract responsibilities.

Contractor's activity related to developing, furnishing, monitoring, and updating these required schedules is Incidental.

A type "A" schedule will be required under the Contract.

(k) Type "A" Schedule - The Contractor shall do the following:

(1) Schedule - Ten Calendar Days prior to the preconstruction conference, the Contractor shall provide to the Owner's Representative four copies of a Project Work schedule, including a time-scaled bar chart and narrative, showing:

- Expected beginning and completion dates of each activity, including all staging;
- Elements of the Traffic Control Plan as required under 00225.05;
- Duration of Work, including completion times of all stages and their subphases; and
- Elements of the Diversion of Flow Plan under 00490.40(b).

The schedule shall show detailed Work activities as follows:

- Construction activities;
- Submittal and approval of Materials samples and shop drawings; and
- Fabrication, installation, and testing of special Materials and Equipment.

For each activity, the Project Work schedule shall list the following information:

- A description in common terminology;
- The quantity of Work, where appropriate, in common units of measure;
- The activity duration in Days; and
- Scheduled start, completion, and time frame shown graphically using a time-scaled bar chart.

The schedule shall show the Work broken down into logical, separate activities by area, stage, or size. The duration of each activity shall be verifiable by manpower and Equipment allocation, in common units of measure, or by delivery dates.

The bar chart shall be prepared as follows:

- The length of bar shall represent the number of Work Days scheduled.
- The time scale shall be appropriate for the duration of the Contract.
- The time scale shall be in Calendar Days.
- The smallest unit shown shall be one Calendar Day.
- The first day and midpoint of each month shall be identified by date.
- Distinct symbols shall be used to denote multiple shifts, holiday, and weekend Work.

Each page of the bar chart shall include a title block showing the Contract name and number, Contractor's name, date of original schedule, and all update dates; and a legend containing the symbols used, their definitions, and the time scale, shown graphically. To ensure readability the bar chart shall be drawn on a reasonable size of paper up to a maximum of 36 inch by 36 inch, using multiple sheets when needed.

Within seven Calendar Days after the preconstruction conference, the Owner's Representative and the Contractor shall meet to review the Project Work schedule as submitted. The Owner's Representative will review the schedule for compliance with all Contract Time limitations and other restraints. Within 10 Calendar Days of this meeting, the Contractor shall resubmit to the Owner's Representative four copies of the Project Work schedule, including required revisions.

(2) Review with the Owner's Representative - The Project Work schedule may need revision as the Work progresses. Therefore, the Contractor shall periodically review the Project Work schedule and progress of the Work with the Owner's Representative. If the Owner's Representative or the Contractor determines that the Project Work schedule no longer represents the Contractor's own plans or expected time for the Work, a meeting shall be held between the Owner's Representative and the Contractor. At this meeting, the Contractor and the Owner's Representative shall review Project events and any changes for their effect on the Project Work schedule.

The Contractor shall compile an updated Project Work schedule incorporating any changes to the Project completion time(s). The bar chart shall reflect the updated information. The Contractor shall submit four copies of the updated Project Work schedule to the Owner's Representative within seven Calendar Days after the meeting. The report shall include without limitation the following:

- Sufficient narrative to describe the past progress, anticipated activities, and stage Work;
- A description of any current and expected changes or delaying factors and their effect on the construction schedule; and
- Proposed corrective actions.

(1) Specified Contract Time Not Superseded by Schedule Revisions - The predicted completion date(s) for the Project Work schedule shall be within the specified Contract Time(s) or adjusted Contract Time or as shown on pending requests for adjustments of Contract Time. If the Contractor believes that additional Contract Time is due, the Contractor shall submit, with

the updated Project Work Schedule, a request for adjustment of Contract Time according to 00180.60.

(m) Float Time - Float time shown on the Project Work schedule, including any time between a Contractor's scheduled completion date and the specified Contract completion date, does not exist for the exclusive use of either party to the Contract and belongs to the Project.

(n) Schedules Do Not Constitute Notice - Submittal of a Project Work schedule with supporting narrative does not constitute or substitute for any notice the Contractor is required under the terms of the Contract to give the Owner.

(o) Owner's Representative Review - Owner Representative's review and approval of Contractor's schedules will not constitute a warranty or representation by the Owner that the Contractor can perform the Work according to such schedule. Review of Project Work Schedules and subsequent schedules by the Owner's Representative shall not relieve the Contractor of responsibility for timely and efficient execution of the Contract.

(p) Failure to Provide Schedule - The Project Work schedule is essential to the Owner. The Contractor's failure to provide the schedule, schedule information, progress reports or schedule updates when required will be cause to suspend the Work, or to withhold Contract payments as necessary to protect the Owner, until the Contractor provides the required information to the Owner's Representative.

Add the following subsection:

00180.50(d) Contract Time to Complete Work Add the following:

00180.50(d) Contract Time to Complete Work - Complete all Work to be done under the Contract, except for seeding establishment and plant establishment, not later than **90** Calendar Days after receipt of Written Notice

00180.80(b) Liquidated Damages - Add the following paragraph:

(6) The liquidated damages for failure to complete the Work on time is **\$980** per Calendar Day *.

* Calendar Day amounts are applicable when the Contract time is expressed on the Calendar Day or fixed date basis.

SECTION 00190 - MEASUREMENT OF PAY QUANTITIES

Comply with Section 00190 of the Standard Specifications.

SECTION 00195 - PAYMENT

Comply with Section 00195 of the Standard Specifications.

SECTION 00196 - PAYMENT FOR EXTRA WORK

Comply with Section 00196 of the Standard Specifications.

SECTION 00197 - PAYMENT FOR FORCE ACCOUNT WORK

Comply with Section 00197 of the Standard Specifications supplemented and/or modified as follows:

00197.20(a) Equipment - Use rental rates given in the Rental Rate Blue Books for Construction Equipment, Volumes 1, 2, and 3, published Penton Media, Inc. Contact: EquipmentWatch, 1735 Technology Drive, San Jose, CA 95110-1333, phone number 800-669-3282. Website <https://www.equipmentwatch.com/HomePage.isp>, Email: customerservice@equipmentwatch.com.

SECTION 00199 - DISAGREEMENTS, PROTESTS AND CLAIMS

Comply with Section 00199 of the Standard Specifications supplement and/or modified as follows:

PART 00200 – TEMPORARY FEATURES AND APPURTENANCES

SECTION 00210 - MOBILIZATION

Comply with Section 00210 of the Standard Specifications supplemented and/or modified as follows:

Add the following subsection:

00210.10 Project Signing - Provide a minimum of two "Clean River Project" signs. Camera-ready artwork will be provided for the Project signage. Signs shall be made in accordance with 00225.11.

00210.60 Clean River Signing - Maintain signs in accordance with 00225.60.

00210.90 Lump Sum Basis - Add the following sentence:

Payment for the item "Mobilization" includes furnishing, installing, maintaining, moving and removing the "Clean River Project" signage.

SECTION 00220 - ACCOMMODATIONS FOR PUBLIC TRAFFIC

Comply with Section 00220 of the Standard Specifications supplemented and/or modified as follows:

00220.02 Public Safety and Convenience - Add the following bullets to the end of this subsection:

- Do not stop or hold vehicles more than 5 minutes, block driveways, intersections or connections for more than 5 minutes unless otherwise authorized in writing.
- Provide notice to business and residents of upcoming construct at least *10 days*, but no more than *20 days* before construction is expected to begin in front of their property. The notice will be on an approved form or letter. The notice shall include the Project name, the name and address of the Contractor, daytime and emergency phone numbers, daytime Project contact person's name and an emergency contact person's name. If other means of delivery are not effective, the notice shall be hung on a business's or resident's building in a waterproof plastic bag.
- Coordinate work to accommodate any reasonable special needs of the business and residents. The Engineer will make a final determination should a question arise whether a special need or request submitted to the Contractor is reasonable.
- In coordination with the Owner's Representative, provide notice to public agencies impacted by disruption or restriction of traffic or access to property as a result of project-related TCM:

Agency/ Company/ Residence:	Person Contacted:	Telephone:
Portland Fire Bureau		(503) 823-3700
Multnomah County Sheriff's office		(503) 823-3333
Traffic Engineer's office	Steve Miles	(503) 988-5050x29629
Bureau of Emergency Communications		(503) 823-1911
Riverdale Public School	Terry Hoagland	(503) 636-8611

Add the following subsection(s):

00220.40(I) Lane Restrictions - Do not close any traffic lanes on SW Military Rd between SW Corbett Hill Circle and SW Breyman Ave. Monday through Friday, except holidays between:

7:00 a.m. - 9:00 a.m.
and
4:00 p.m. - 7:00 p.m.

For the purposes of this section, legal holidays are as follows:

- New Year's Day on January 1
- Memorial Day on the last Monday in May
- Independence Day on July 4
- Labor Day on the first Monday in September
- Thanksgiving Day on the fourth Thursday in November
- Christmas Day on December 25

When a holiday falls on Sunday, the following Monday shall be recognized as a legal holiday. When a holiday falls on Saturday, the preceding Friday shall be recognized as a legal holiday.

SECTION 00225 - WORK ZONE TRAFFIC CONTROL

Comply with Section 00225 of the Standard Specifications supplemented and/or modified as follows:

00225.05 Contractor's Traffic Control Plan - Add the following bullet to the end of the bullet list:

- Multnomah County has the jurisdiction on street permits so the Contractor shall submit the Traffic Control Plan to the County's Traffic Engineer listed in Section 220.02. See detailed instructions in the street permit issued by Multnomah County.

00225.11(a)(2) Type - Delete the bullet that begins "3/4 inch medium density..."

00225.41(a) Orange Construction Speed Zone Signing - Replace this subsection with the following:

00225.41(a) Speed Signs - Use speed signs as follows:

(1) Advisory Speed Signs - Install the advisory Type "O4" speed signs as directed.

When advisory Type "O4" speed signs are used, cover the appropriate Type "W1" speed zone signs with sign covers according to Section 00941. Uncover them when the advisory Type "O4" speed signs are removed or covered. At the trailing end of the Project, install a Type "W1" speed zone sign with the original designated speed. If existing Type "W1" speed signs are 500 feet or less beyond the Project, additional signs are not required.

When there is no work on the Project or when directed, cover or remove the advisory Type "O4" speed signs and restore the original Type "W1" speed zone signs.

(2) Regulatory Speed Signs - Install and maintain the regulatory signs as directed.

When regulatory Type "W1" speed signs are used, cover the appropriate Type "W1" speed zone signs with sign covers according to Section 00941. When there is no work on the Project or when directed, cover or remove the regulatory Type "W1" speed signs and restore the original speed zone signs.

00225.42(d) Impact Attenuators - Replace the sixth bullet with the following sentence:

For narrow site systems, pin or restrain the first two barrier sections as shown on ODOT Standard Drawing RD516.

00225.43(h) Stripe Removal and Durable Stripe Removal - Replace the first paragraph with the following:

Remove striping by hydroblasting, steel shot blasting or grinding so the pavement surface is not damaged below a depth of 1/8 inch. Do not use paint or asphalt to cover existing stripes. Repair any damaged surfaces to the Engineer's satisfaction at no additional compensation.

00225.46(a) Sequential Arrow Signs – Delete the second bullet.

00225.80 General - Add the following at end of this subsection:

For this project, use Method " B " .

00225.80(a) Quantity Limitations - Replace the first two bullets with the following:

- The initial installation of quantities necessary to complete the Project based on the Schedule of Items
- The initial installation of additional TCD and TCM that the Engineer and Contractor agree are necessary to ensure a safe work zone

00225.90(a)(2) Temporary Protection and Direction of Traffic - Add the following bullet(s) to the end of the bullet list:

- Moving, reinstalling, and removing existing post-mounted signs required by stage construction

SECTION 00275 – TEMPORARY PLATING

Comply with Section 00275 of the Standard Specifications supplemented and/or modified as follows:

00275.11 Plating Coating - Replace this subsection with the following:

00275.11 Plating Coating - Use plating coating from the CPL.

SECTION 00280 - EROSION AND SEDIMENT CONTROL

Comply with Section 00280 of the Standard Specifications supplemented and/or modified as follows.

00280.02 City Controlled Lands Erosion and Sediment Control Plan - Replace the second paragraph with the following:

The Contractor may submit the ESCP that is included in the Project plans. To assist in the preparation or modification of the ESCP, refer to the current version of the City's Erosion and Sediment Control Manual along with Title 10 of the City Code.

Add the following subsection:

00280.05 Project Signing - Install 2 erosion signs on the Project with the following information:

- "Erosion Control Information"
- Elk Rock Bypass Project (BES Project No. 8378)
- Contact Number BES 503-823-7180
- Type: "G" Sign

Contact the Engineer to confirm the above information before fabricating the signs.

00280.10(i) Matting - Add the following paragraph to the end of this subsection:

Where shown, furnish hydraulically applied bonded fiber matrix slope protection matting. Bonded fiber matrix is a hydraulically applied product consisting of fully biodegradable long fiber strands held together by a water resistant bonding agent. This product is designed to be the functional equivalent of rolled erosion matting on slopes where there is no potential for displacement from physical traffic. It is typically used with seed for holding soil in place until vegetation is able to provide protection from soil erosion, but may also be used without seed for temporary applications. For seeding and fertilizing requirements, see Section 01030.

SECTION 00310 - REMOVAL OF STRUCTURES AND OBSTRUCTIONS

Comply with Section 00310 of the Standard Specifications supplemented and/or modified as follows:

00310.93 Incidental Basis - There is an unknown drainage 4 inch pipe near to the proposed pipe construction alignment around the station 2+25. The Contractor shall provide a protection plan to save the pipe. If the pipe removal is required, the removal of the 4 inch pipe is considered incidental to the work and no separate or additional payment will be made.

SECTION 00320 - CLEARING AND GRUBBING

Comply with Section 00320 of the Standard Specifications supplemented and/or modified as follows:

00320.02 Definitions - Add the following paragraph

Root Protection Zone - A generally circular area around an existing plant to be protected from disturbance or compaction by the use of temporary fencing or other means. The zone as actually staked may exceed the current root area to allow for future growth of the plant. Root Protection Zones will be shown on the plans or staked before construction activities begin.

00320.40(a) Clearing Trees and Other Vegetation - Add the following paragraph:

The Contractor is advised that the project area is a wooded area so there are many trees to be removed as part of clearing and grubbing. All trees inside the 15 ft permanent easement area and the 10 ft permanent easement area shall be removed. The trees to be removed over 10" in diameter are identified in the Construction Management Plan.

Tree removals over 10" in diameter are separate pay items as shown in 00320.92.

00320.40(b)(3) Tree Trimming - Replace the first line of 00320.40(b)(3) Tree Trimming beginning with (3) and ending with "as:" with the following:

00320.40(b)(3) Tree Trimming - The Owner will coordinate with the City Forester office and pay for all arboreal services for this project if necessary.

- The Owner's Representative will issue written notice of planned work on trees to adjacent property owners 10 calendar days in advance of work.
- Before beginning work, attend a walk-through of the entire project area with the Owner's Representative and the City Forester. Identify all trimming necessary to complete the Work. Notify the Owner's Representative if additional arboreal work arise during the project. Following completion of work, attend a final walk-through of the project area and identify any needed post-construction tree-related work.

Trim trees according to good tree surgery practices as directed to remove safety hazards such as blocking visibility.

00320.40(b) Tree Trimming - Add the following paragraph:

00320.40(b)(5) Tree Root Protection - Exercise care when excavating near existing trees. Where roots are 2 inches and greater in diameter, except in the direct path of the pipe, hand excavate and tunnel the pipe trench. When large roots are exposed, wrap them with heavy burlap for protection and to prevent excessive drying. When digging trenches by machine adjacent to trees having roots 2 inches and less in diameter, hand trim the sides of the trench, making a clean cut of the roots. Treat all cut and trimmed roots 1/2 inch or larger in diameter with an approved tree wound dressing. Backfill trenches having exposed tree roots within 24 hours unless protected by continuously moist burlap or canvas.

00320.80 Measurement - Add the following paragraph:

Unit Basis – Tree removal – Trees shown or directed to be removed measuring 12 inches or more measured 4.5 feet from the ground shall be measured per each, based on the tree diameter.

00320.90 Payment - Payment for the clearing, grubbing, disposal, and cleanup work specified to be done will be made at the Contract lump sum amount or the contract unit price per acre for the item "Clearing and Grubbing". Payment will be payment in full for furnishing all equipment, labor, and incidental to complete the work as specified.

00320.92 Unit Basis - Add the following paragraph:

Pay Item	Unit of Measurement
a) Tree removal, 10 inches – 12 inches	Each
b) Tree removal, 13 inches – 24 inches	Each

- | c) Tree removal, over 24 inches..... Each

Payment for items (a), (b) and (c) include all labor, equipments, materials, and incidentals required to remove, handle, and dispose of trees shown on the Plans, including removal and disposal of roots.

SECTION 00330 - EARTHWORK

Comply with Section 00330 of the Standard Specifications supplemented and/or modified as follows:

00330.42(c)(5) Embankment, Fills and Backfills

(5) **Embankment Construction around Minor Structures-** Backfill prior excavations in the vicinity of curbs, walks, driveways, inlets, manholes and such minor structures with selected general backfill, or selected granular backfill material as directed with no particles larger than 1 inch and that is compatible with the adjacent material, unless otherwise specified. The material shall have a moisture content as specified in 00330.43, and be placed in layers according to 00330.42(c)(1) and compacted according to 00330.43.

| Place topsoil-selected (Spec. 1040.14(a)) over the top before finishing grade and seeding.

00330.92 Access Road Earthwork - Add the following to the end of this subsection:

(i) **Maintenance Access Road** - Earthwork as shown on the Typical Sections on Plan D01, necessary to construct construction road.

Pay Item	Unit of Measurement
(i) Maintenance Access Road	Square Yard

Payment for (i) will be payment in full for excavating, selecting, handling, hauling, placing, compacting and all materials including geotextiles, and providing all equipment, labor and incidentals necessary to complete the work.

00330.94 Embankment Basis Payment

Pay Item	Unit of Measurement
a) Embankment in Place	Cubic Yard

PART 00400 - DRAINAGE AND SEWERS

SECTION 00405 - TRENCH EXCAVATION, BEDDING AND BACKFILL

Comply with Section 00405 of the Standard Specifications supplemented and/or modified as follows:

00405.02 Definitions - Add the following paragraph

Root Protection Zone - A generally circular area around an existing plant to be protected from disturbance or compaction by the use of temporary fencing or other means. The zone as actually staked may exceed the current root area to allow for future growth of the plant. Root Protection Zones will be shown on the plans or staked before construction activities begin.

00405.40 General - Add the following paragraph:

(e) Tree Root Protection - Exercise care when excavating near existing trees. Where roots are 2 inches and greater in diameter, except in the direct path of the pipe, hand excavate and tunnel the pipe trench. When digging trenches by machine adjacent to trees having roots 2 inches and less in diameter, hand trim the sides of the trench, making a clean cut of the roots. Treat all cut and trimmed roots 1/2 inch or larger in diameter with an approved tree wound dressing. Backfill trenches having exposed tree roots within 24 hours unless protected by continuously moist burlap or canvas.

00405.41(b)(2) Cleanup - Add the following words to the first sentence "according to 00275.40"

00405.45(b) Flexible Pipe Bedding - Replace the first paragraph with the following:

(b) Bedding for Flexible Sewer Pipe (Class D Bedding) - Unless otherwise specified, bed flexible sewer pipe with 3/4" - 0" aggregate placed a minimum of 4 inches under the pipe, between the sides of the pipe and the undisturbed trench walls, and to the top of the pipe zone which is 12 inches above the top of the pipe.

00405.80(e) Trench Excavation, Bedding and Backfill for Inlet Lead Pipe - Delete this subsection in its entirety.

00405.90 General - Replace this subsection with the following

00405.90 General - The accepted quantities of trench work will be paid at the Contract price per unit of measurement for the following items

	Pay Item	Unit of Measurement
(a)	Rock Excavation	Cubic Yard
(b)	Boulder Excavation	Cubic Yard
(c)	Exploratory Excavation	Cubic Yard
(d)	Pothole Excavation	Each
(e)	Trench Excavation and Native backfill	Cubic Yard
(f)	Trench Excavation, _____	Cubic Yard
(g)	Trench Backfill, Class _____	Cubic Yard
(h)	Dewatering	Lump Sum

Payment will be payment in full for furnishing, placing and compacting all materials, and providing all equipment, labor and incidentals necessary to complete the work.

For item (a), the type of excavation will be inserted in the blank (Common, Rock, Boulder or Concrete). This work includes any additional excavation required for installation of manholes,

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inlets, pipe or other structures in rock or concrete. Other than as provided in 00405.82(a) and (b), such additional excavation is considered incidental to the work and no separate or additional payment will be made.

Item (c) includes pavement restoration. All other exploratory excavation work performed by the Contractor for its sole use is considered incidental to the work with no additional payment.

Under item (d), if another method is used than described, no additional payment will be made. All other pothole excavation work performed by the Contractor for its sole use is considered incidental to the work with no additional payment.

For item (g), the class of backfill will be inserted in the blank according to 00405.14.

SECTION 00445 - SANITARY, STORM AND CULVERT PIPE

Comply with Section 00445 of the Standard Specifications supplemented and/or modified as follows:

Add the following subsection:

00445.48 Electronic Location and Visual Identification of Sewers - Use only marker balls for electronic location and visual identification of inlet lead piping. A marker ball shall be placed over any bend constructed for the inlet lead pipe.

00445.72(d)(1) General - In the fourth sentence of the first paragraph, change 0.0625 to 0.1.

00445.81(i) Concrete Blocks - Add the words "as shown" to the end of the sentence.

00445.84 Television Inspection - In the first sentence, insert the word "all" before "television".

00445.91 Pipes and Appurtenances - Replace this subsection with the following:

00445.91 Pipes and Appurtenances - The accepted quantities will be paid for at the Contract price per unit of measurement for each of the pay items listed in the Proposal. Payment will be payment in full for furnishing and placing all materials, equipment, labor and Incidentals necessary to complete the work as specified.

(a) Pipes - Payment for pipes will be made at the Contract unit price per foot for the following item:

____ inch Pipe, _____, Bedding Type: _____

The nominal pipe diameter will be inserted in the first blank. The type and design standard of pipe will be inserted in the second blank. The appropriate pipe zone bedding type will be inserted in the third blank.

Payment for pipes will include bedding, pipe and pipe zone backfilling, compacting, joint materials, joining, collars, fittings, field closures.

Payment for trench excavation and backfill will be according to 00405.

Payment for perforated pipe will be according to Section 00430.

(b) Appurtenances - The following items, when in the Schedule of Items, will be paid for at the Contract price for the unit of measure installed as specified:

Pay Item	Unit of Measurement
(a) Pipe Tees or Wyes, ____ X ____ inch	Each
(b) Concrete Pipe Anchors	Each
(c) Concrete Closure Collars	Each
(d) Terminal Cleanout	Each
(e) Service Lateral Cleanout	Each
(f) Deep Connection Risers	Each
(g) Field Fabricated Connections	Each
(h) Concrete in Blocks	Cubic Yards
(i) Metal Pipe Anchors	Each

Payment for items (a) through (g) will be by actual count for units installed, and will include payment for pipe plugs, stoppers and other fittings required to accomplish the work.

For item (a) the pipes to be installed are PVC pipe as shown in the plan, not concrete pipes. The Contractor shall use the concrete pipe anchors in PVC pipe to prevent any creeping/sliding of backfill by anchoring to at least 1 ft more than the trench excavation required.

For item (b) the tee or wye will be a compatible pipe type and class as indicated in 00445.91(a) or as specified. The nominal size will be inserted in the first blank and the lateral size inserted in the second blank.

Payment for a service lateral connection to a new manhole will made under item (a) for a tee of the same inside diameter as the service lateral.

Payment for service lateral 2"x4" markers will be according to Section 00446.

The accepted quantities of reinforcement will be paid for on the weight or lump sum basis according to 00530.90. If there is no item provided in the Schedule of Items for "Reinforcement in Blocks" the cost will be considered incidental with payment for reinforcement included in the item "Concrete in Blocks".

00445.94 Television Inspection - In the first sentence, insert the word "all" before "television".

SECTION 00446 - ELECTRONIC LOCATION AND VISUAL IDENTIFICATION OF SEWERS

Comply with Section 00446 of the Standard Specifications supplemented and/or modified as follows:

00446.40 General - Add to this section the following:

Install Marker Balls wherever electronic locating facilities are required or when directed to be installed.

SECTION 00470 - MANHOLES, CATCH BASINS AND INLETS

Comply with Section 00470 of the Standard Specifications supplement and/or modified as follows:

00470.90 General - Replace this subsection with the following:

00470.90 General - The accepted quantities will be paid for at the Contract unit price for one or more of the following items:

Pay Item	Unit of Measurement
(a) Concrete Manholes, _____ inch, 0-8 Ft Depth.....	Each
(b) Concrete Manholes, _____ inch, Deeper than 8 Ft.....	Foot
(c) Concrete Shallow Manholes _____ inch.....	Each

In items (a), (b) and (c) the diameter of the manhole or assembly will be inserted in the blank, with a separate pay item provided for each size.

Payment will be payment in full for furnishing all materials, equipment, labor and incidentals necessary to complete the work as specified.

There will be no separate payment for performing required acceptance testing.

Resurfacing work will be paid for according to Section 00495.

SECTION 00490 - WORK ON EXISTING SEWERS AND STRUCTURES

Comply with Section 00490 of the Standard Specifications supplemented and/or modified as follows:

00490.40 General – Add the following to the second paragraph:

00490.40(c) Anticipated Storm Sewer Flow Rate and Diversion of Flow - The following table is the best estimate of flow rate for the existing 8 inch PVC pipe on SW Military Rd.

Project Location (COP Manhole ID and Street reference)	Maximum Dry Weather Flow Rate (cfs/gpm)	Maximum Wet-Weather Flow Rate (cfs/gpm)
8 inch PVC pipe at MH-1	0.50/45	1.5/670

00490.83 Volume Basis - Measurement will include only the volume within the neat lines of the abandon structure as shown or as revised.

00490.90 Unit Basis - Replace the heading, first paragraph, and pay items with the following:

00490.90 Unit Basis - The accepted quantities of work on existing sewers and structures will be paid for at the Contract price per unit of measurement for the following items:

Pay Item	Unit of Measurement
(a) Connections to Existing Structures	Each
(b) Flow Diversion.....	Lump Sum

SECTION 00495 – TRENCH RESURFACING

Comply with Section 00495 of the Standard Specifications supplemented and/or modified as follows:

Add the letter "M" in front of all references to "HMAC" throughout the Section.

00495.00 Scope – Add "and excavated areas in front of curb replacement" after the words "consists of resurfacing pipe trenches".

00495.40 General – Add the following:

Construct the MHMAC pavement section in front of the curb replacement as shown.

Add the following subsection:

00495.42 Permanent Resurfacing

Resurface all trenches and excavations according to the table below:

Location	Trench Resurfacing Formula
2071 SW Military Rd	5" PG64-22 binder HMAC Asphalt Concrete placed in two separate lifts of 2.5" each over 6" Aggregate Base(1"-0) Level 2, ½" Dense grade
Private Road (Extension of SW Pally Ct)	3" PG64-22 binder HMAC Asphalt Concrete over 4" Aggregate Base(1"-0) Level 2, ½" Dense grade

00495.90 General – Add the following pay item:

Pay Item	Unit of Measurement
(c) Trench Surfacing w/o Base.....	Square Yard

Item (c) is only for the replacement of the trench resurfacing material. In the first blank, indicate the resurfacing material according to 00495.10. Payment for any aggregate base will be paid for according to Section 00640.

PART 00600 - BASES

SECTION 00640 - AGGREGATE BASE AND SHOULDERS

Comply with Section 00640 of the Standard Specifications supplemented and/or modified as follows:

00640.81 Volume Basis Measurement for Aggregate Base for trench resurfacing will be on the volume basis. Volume will be computed using the following dimensions:

Length - Measure horizontally along the full length of the centerline of the installed pipe.

Width - Measure width according to 00405.80(b)

Depth - Measure as shown.

00640.90 General - Add the words "or Cubic Yards" to the unit of measurement for item (a).

PART 00700 - WEARING SURFACES

SECTION 00744 - HOT MIXED ASPHALT CONCRETE (HMAC) PAVEMENT

Comply with Section 00744 of the Standard Specifications supplemented and/or modified as follows:

Replace the Section heading with the following:

SECTION 00744 - MINOR HOT MIXED ASPHALT CONCRETE (MHMAC) PAVEMENT

Add the letter "M" in front of all references to "HMAC" throughout the Section.

00744.00 Scope - Add the word "minor" after the word "constructing" in the first sentence.

00744.02 Definitions: Add the word "Minor" to the definition that begins with Hot Mixed Asphalt ...

00744.10 Aggregate - Delete the word "and" and add the phrase "and RAP" after the word "fine" in the first sentence.

Add the following subsection:

00744.10(d) Fractured Faces - Provide crushed aggregate with not less than the minimum number of fractured faces as determined by AASHTO TP 61 as follows:

Type of Mix	Percent of Fracture (by weight)	
	Material retained on 1 1/2," 1", 3/4", 1/2" and No. 4 Sieve (two fractured faces)	Material Retained on No. 8 Sieve (one fractured faced)
All Dense Graded MHMAC, ATPB	75	75
All Open Graded MHMAC	90	75

00744.11(a) Asphalt Cement - Add the following sentence to the first paragraph of this subsection:

| Use PG 64-22 binder HMA asphalt cement on the Project.

00744.12(b) Broadband Limits – Replace this subsection with the following:

00744.12(b) Broadband Limits - Provide a JMF for the specified mix type within the control points listed below:

Sieve Size	3/4" Dense		1/2 " Dense		3/8" Dense	
	Control Points (% passing by Weight)		Control Points (% passing by Weight)		Control Points (% passing by Weight)	
	Min.	Max.	Min.	Max.	Min.	Max.
1"	100					
3/4"	90	100	100			
1/2"	–	90	90	100	100	
3/8"	–	–	–	90	90	100
No. 4	–	–	–	–	–	90
No. 8	23	49	28	58	32	67
No. 200	2.0	8.0	2.0	10.0	2.0	10.0

00744.13 Job Mix Formula (JMF) Requirements – Replace this subsection with the following:

00744.13 Job Mix Formula (JMF) Requirements – Provide a JMF for the mixture to be used on the project meeting the criteria set forth below. The JMF shall have been performed or verified according to the ODOT Contractor Mix Design Guidelines for Asphalt Concrete within 3 years of the date the Contract was advertised. Perform a new TSR when the source of the asphalt cement changes.

(a) Contractor Provided JMF – The CMDT shall prepare, sign and submit a JMF to the Engineer for each mixture required at least 10 days prior to the anticipated use in MHMAC, and according to the latest copy of the ODOT Contractor Mix Design Guidelines for Asphalt Concrete. If requested, submit material samples 10 calendar days prior to use.

(b) JMF Requirements - The JMF shall meet the following mixture requirements

Dense Graded Mixture

	Level 1	Level 2	Level 3
Design Method	Superpave	Superpave	Superpave
Compaction Level	65 Gyration	65 Gyration	80 Gyration
Air Voids, %	3.5	4.0	4.0
VMA, % minimum	1/2" - 14.0 3/8" - 15.0	3/4" - 13.0 1/2" - 14.0 3/8" - 15.0	3/4" - 13.0 1/2" - 14.0 3/8" - 15.0
VMA, % maximum	min + 2.0%	min + 2.0%	min + 2.0%
P No. 200/ Eff AC ratio	0.8 to 1.6	0.8 to 1.6	0.8 to 1.6
TSR, % minimum	80	80	80
VFA, %	70 - 80 3/8 inch: 70 - 80	65 - 78 3/8 inch: 70 - 80	65 - 75 3/8 inch: 70 - 80

Open Graded Mixture

	3/4" Open and 1/2" Open	3/4" ATPB
Design Method	ODOT	ODOT
Air Voids, %	13.5 - 16.0	—
Draindown, %	70 - 80	—
TSR, % minimum	80	—
Coating, %, minimum	—	90
VFA, %	40 - 50	—

* Percent of Theoretical Maximum Density

00744.40 Season and Temperature Limitations – Replace this subsection with the following:

00744.40 Season and Temperature Limitations - Place MHMAC when the temperature of the surface that is to be paved is not less than the temperature indicated:

Nominal Compacted Thickness of Individual Lifts and Courses as shown on the typical section of the plans	All Levels All Courses Surface Temperature**
Dense Graded Mixes	
Less than 2"	60 °F
2" - 2 1/2"	50 °F
Greater than 2 1/2"	40 °F

Open Graded Mixes

Less than 2"	60 °F
2" and Over	50 °F
ATPB	40 °F

Temporary

40 °F

* If placing MHMAC between March 15 and September 30, temperature requirement may be lowered 5 °F.

** Do not use field burners or other devices to heat the pavement surface to the specified minimum temperature.

PART 01000 – RIGHT OF WAY DEVELOPMENT AND CONTROL

SECTION 01030 - SEEDING

Comply with Section 01030 of the Standard Specifications supplemented and/or modified as follows:

01030.13(f) Types of Seed Mixes - Provide the following seed mix formulas:

- **Permanent Seeding, Slope:** Use a mixture of 50% tall fescue, 20% creeping red fescue, 15% hard fescue, 20% annual ryegrass, and 5% White Dutch clover. The seeding rate shall be 100 lbs/acre.

The Contractor shall use seeds supplied by the Owner.

01030.15 Mulch The amount paid for permanent seeding items will be as follows:

At completion of seeding..... 100%

SECTION 01040 – PLANTING

Comply with Section 01040 of the Standard Specifications supplemented and/or modified as follows:

01040.14(a) Selected Topsoil – Add the following:

The topsoil shall be free from any contamination.

01040.19 Plants - Replace this subsection with the following:

ELK ROCK BYPASS PROJECT

Add the followings in (a):

The species of the trees to be planted are Bigleaf Maple and Oregon Alder, native Oregon plants, in 3 inch caliper. The location and details of re-vegetation is shown on Plan CE03. Follow proper instructions and procedures to plant the trees in a right manner.

PERMITS



MULTNOMAH COUNTY OREGON

DEPARTMENT OF COMMUNITY SERVICES
LAND USE & TRANSPORTATION PROGRAM
RIGHT-OF-WAY PERMIT SECTION
1800 SE 190TH AVENUE, ROOM 119/120
PORTLAND, OREGON 97233
503-988-3582 FAX: 503-988-3389

APPLICATION AND PERMIT TO OCCUPY OR PERFORM OPERATIONS UPON A COUNTY ROAD OR DEDICATED STREET

Revocable Permit No. 67653

District: 2

Fee: \$ 80.00

From: DRSVC0901C
Check No.:

Name and Address of Applicant

SUNG MO SUNG
Rm # 1000 Bureau of Environmental Services
City of Portland
1120 SW 5th Ave. Portland, OR 97204
Phone: 503-827-7205

Applicant hereby applies to the Board of County Commissioners through the Department of Community Services for permission to perform certain operations upon the right-of-way of a County road or dedicated street as shown on the map or plan attached hereto and by this reference made a part hereof.

- ☐ Construct, operate and maintain a _____ pole line.
☐ Construct, operate and maintain a _____ buried cable.
☒ Construct, operate and maintain a 21 FT pipe line
☐ Miscellaneous operations and/or facilities as described
☐ Erect and maintain non-commercial sign

County Maintained ROAD - YES
Ins. Req. X Bond Req. X
Depth: () inches minimum cover
Cut X Push or Bore _____ ft.
Trenching or tunnelling nearer than _____ ft.
To surface portion of road not permitted

POLE LINE, BURIED CABLE, OR PIPE LINE TO BE CONSTRUCTED ALONG OR ACROSS:

STREET	Between/at/nearest and	Side of Road	Distance from		Buried Cable or Pipe	
			Center Line	ROW Line	Depth	Size & Kind
SW Military Rd.	Carbett hill Dr. & Breyman Ave. (Approximately 1100 ft from Carbett hill Dr.)	Cross	5	21	5-31	8" PVC

DESCRIPTION AND LOCATION OF NON-COMMERCIAL SIGN, MISCELLANEOUS OPERATIONS AND/OR FACILITIES

There is a 8" CSP sewer pipe running along SW Military Rd. at the site. This project will construct a 48" manhole on the 8" CSP and branch out an 8" PVC pipe, from the manhole to East through Riverdale Elementary school's property. (Plan is attached)
The total area of the excavation on street will be 6'x6' for MH and 21'x2.5' for the pipe.

This permit is issued by the Department of Community Services subject to the terms and provisions contained herein and attached hereto and is accepted and approved by applicant subject to said terms and provisions.

See the attached special provisions which are made part of this permit.

APPLICANT MUST NOTIFY OFFICE BEFORE COMMENCING WORK: PERMIT VALID FOR 90 DAYS FROM DATE ISSUED

Applicant: SUNG MO SUNG

By: BES

City of Portland

Date of Application: Oct. 23, 2009

MULTNOMAH COUNTY, OREGON
DEPARTMENT OF COMMUNITY SERVICES

Approved By: Alan H. Young
Right-of-Way User Permit Specialist

Effective Date: October 27, 2009

Expected construction time: March, 2010.

REVOCABLE COUNTY ELK ROCK BYPASS PROJECT PERMIT # 67653

SPECIAL PROVISIONS

1. A. This permit is issued by Multnomah County (hereinafter the "County") to the City of Portland, Bureau of Environmental Services (BES), (hereinafter the "Permittee"), (hereinafter collectively referred to as the "Parties") for the construction of new Dunthorpe-Riverdale Sewer District improvements within SW Military Road right-of-way and more particularly provided in those certain set of construction plans (job # E08378 sheet no.1-7) and BES Special Provisions specifications, dated 10/5/09 which are attached and collectively identified and referred to as **Exhibit A**, and which is hereby incorporated by this reference; or as the Parties agree in writing to amend or revise said Exhibit A.

B. **Exhibit A** shall not be changed, altered or modified without first obtaining the written consent of the County.

C. Permittee is to construct a standard 48-inch diameter sanitary sewer manhole on the existing 8-inch diameter concrete sewer main located in SW Military Road right-of-way, approximately 1100 ft SE of Corbett Hill Drive and an 8-inch diameter PVC sewer branch from the new manhole in the Permit Area. Permittee shall be responsible for periodic inspection and maintenance of all the new improvements in the Permit Area and the Permit Area generally for the duration of the Permit.
2. The County contact person to coordinate work activities under this permit within SW Military Road right-of-way is County Right-of-Way Inspector, Bob Wheatley, 503-970-1621 or 503-988-3582.
3. A. Prior to beginning any work under this permit the Permittee shall confirm in writing to the County that the general contractor has obtained a commercial insurance policy that provides: (i) for a combined single limit of not less than \$1,000,000 per each incident or occurrence; and with an annual aggregate limit of not less than \$2,000,000; (ii) for extended reporting period coverage for claims made within two years after the work or associated work authorized under this permit is completed; (iii) for the County, its officers, employees and agents to be named as additional insureds for all work or associated work, being authorized under this permit. This permit may be revoked without further action if the insurance is permitted to lapse, is canceled, or for any other reason becomes inoperative.

B. Prior to beginning work the Permittee shall confirm in writing to the County that the contractor has agreed to defend, indemnify and hold harmless the County, its officers, employees and agents upon the same terms and conditions as this permit imposes on the Permittee under Section 4 of this Permit, excepting therefrom any limitation invoked on behalf of the Permittee under the Oregon Tort Claims Act, under ORS 30.260 through 30.300.

4. A. Subject to the limitations of the Oregon Tort Claims Act and the Oregon Constitution the City agrees to defend, indemnify and hold the County, its officers, and agents (the "Indemnitees") harmless from:

(a) All claims, demands, suits, liabilities, damages, losses, costs or expenses, including but not limited to attorney's fees, that the indemnities may sustain or incur on account of any damage to or destruction of any property that the County may own or in which it may have an interest;

(b) All claims, demands, suits, liabilities, damages, losses, costs or expenses, including but not limited to attorney's fees, on account of any damage to or destruction of any property belonging to any person, firm or corporation; and

(c) All claims, demands, suits, liabilities, damages, losses, costs or expenses, including but not limited to attorney's fees, on account of any damage resulting from injury to or death of any person or persons;

which arise out of or are in any way connected with the work performed under this Permit by the City, its officers, employees, or agents.

(B) Subject to the limitations of the Oregon Tort Claims Act, the City agrees to defend, indemnify, and hold the Indemnitees harmless from all claims, demands, suits, liabilities, damages, losses, costs or expenses which arise out of or are in any way connected with the use, generation, manufacture, storage, discharge, disposal, transportation or possession of Hazardous Materials by the City, its officers, employees or agents at any time while working under this permit. "Hazardous Materials" means: (a) any petroleum, including crude oil or any fraction thereof, natural gas, natural gas liquids, liquefied natural gas or synthetic gas usable for fuel, or any mixture thereof, flammable substances, explosives, radioactive materials, hazardous wastes or substances, toxic wastes, wastes or substances or any other materials or pollutants which: (1) pose a hazard to the Permit Site or to persons on or about the Permit Site or (ii) cause the Permit Site to be in violation of any federal, state or local law, ordinance, regulation, code, or rule relating to Hazardous Materials; (b) asbestos in any form which is or could become friable, urea formaldehyde foam insulation, transformers or other equipment which contain dielectric fluid containing levels of polychlorinated biphenyls in excess of fifty (50) parts per million; (c) any chemical, material or substance defined as or included in the definition of "hazardous substances," "hazardous wastes," "hazardous materials," "extremely hazardous waste," "restricted hazardous waste," "waste" or "toxic substances" or words of similar import under any applicable local, state or federal law or under the regulations adopted or publications promulgated pursuant thereto, including, but not limited to, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. § 9601, et seq. the Hazardous Materials Transportation Act, as amended, 49 U.S.C. § 1801, et seq.; the Resource Conservation and Recovery Act, as amended, 42 U.S.C. § 6901, et seq.; the Federal Water Pollution Control Act, as amended, 33 U.S.C. § 1251, et seq.; and (d) any other chemical, material or substance, exposure to which is prohibited, limited or regulated by any governmental authority or

may or could pose a hazard to the health and safety of the owners and/or occupants of property adjacent to or surrounding the Permit Site.

(C) The City's indemnity obligations under this Section 4, Subsections (A), (B) and (C) shall survive the termination of this Permit.

5. Traffic control is the responsibility of the Permittee/Contractor and shall be performed in accordance with the Manual of Uniform Traffic Control Devices and Oregon Supplements. No work may be done under this permit until the Permittee/ Contractor has submitted a traffic control plan for review to Steve Miles, Multnomah County Traffic Section, (503) 988-5050 ext 29629, fax (503) 988-3321. Traffic control is the responsibility of the Permittee / Contractor and shall be performed in accordance with the Manual of Uniform Traffic Control Devices and Oregon Supplements. Working hours may be limited in some cases due to traffic control plan impact on the public. **Allow a minimum of five(5) working days to review and approve a submitted traffic control plan.** Additional safety signing may be required as the situation dictates.
6. The Permittee shall provide the name and telephone contact number for their inspector and a 24-hour emergency telephone number(s) for their contractor prior to beginning work under this permit.
7. **ATTENTION:** Oregon law requires you to follow rules adopted by the Oregon Utility Notification Center. Those rules are set forth in OAR 952-001-0010 through OAR 952-001-0090. You may obtain copies of the rules by calling the center. The telephone number for the Oregon Utility Notification Center is (503) 232-1987.
8. No modification shall be made to any installation authorized under this permit without prior approval from the County. Failure to comply with any term or condition of this permit shall be cause for revocation. The County reserves the right to stop the work performed under this permit for failure to comply. All costs associated with work stoppage or revocation as provided herein are the responsibility of the Permittee and all costs shall be borne by the Permittee.
9. The Permittee/Contractor shall restore SW Military Road right-of-way to an equal or better condition than existed prior to the work authorized under this permit. The Permittee/ Contractor is responsible for quality control of all new construction within SW Military Road right-of-way. The County may perform spot inspections to monitor quality control. The Permittee shall correct all construction work that does not conform to County standards. The County may require additional work to return the public right-of-way to "as good" or "better" Condition.
10. Permittee will hold the construction and maintenance bond for work authorized under this permit. Permittee shall not release the construction bond until all work within the County right-of-way has been approved by the County and any direct costs incurred by the County has been paid to the County.

temporary asphalt trench patch that is deemed to be in noncompliance with the County standard within the time specified by the County and the County is required to do such work, the **Permittee/Contractor** shall reimburse the County for all costs incurred within 30 days of billing.

17. Final pavement restoration shall consist of 5-inches of level 2, ½" dense grade, with PG 64-22 binder HMAC asphalt concrete. The asphalt pavement is to be placed in separate lifts that are not less than 1-1/2 inches or greater than 3-1/2 inches in depth. **NOTE: The limits of the final pavement restoration will be determined after the sewer line is installed and prior to the final pavement restoration based on the construction impact to the County road.**
18. Immediately prior to placing the final asphalt wearing surface the existing pavement shall be cleaned, removing all loose material, and coated with hot liquid asphalt to insure a bond with the new asphalt surfacing. The restored pavement shall be finished to a smooth riding surface and to the grade of the surrounding undisturbed pavement. The final pavement joints are to be sealed and sanded.
19. The Permittee shall be in compliance with all federal, state, and local laws, regulations, rules and ordinances, pertaining to all the work performed under this Permit, including but not limited to obtaining all necessary City required permits and approvals prior to beginning the work authorized under this permit; and compliance with all applicable OSHA rules and regulations.
20. Permittee shall provide at no cost to Multnomah County an "as built" or "as constructed" set of plans upon completion of the work authorized under this permit. The plans shall detail any variances from the originally approved plan.
21. Multnomah County reserves the right to revoke this permit in the event the County determines the permitted activity is in conflict with a future street improvement project; public need requires it, or the Permittee fails to comply with the conditions of this permit. No expenditure of money, lapse of time, or other act or thing shall operate as an estoppel against the County, or be held to give the Permittee any vested or other right. Upon revocation of this permit the Permittee shall within 30 days of receiving notification, modify, remove, relocate or abandon if granted by the County said installations from SW Military Road right-of-way and restore the right-of-way as directed by and to the satisfaction of the County.

11. The Permittee shall provide the County the opportunity to attend the pre-construction meeting for the work authorized under this permit. The individual /contractor shall notify this office (503) 988-3582 twenty-four (24) hours prior to being work under this permit. If notification is not given and a stop work order is issued work may resume 24 hours after issuance of the stop work order.
12. It will be the responsibility of the Contractor to find an adequate storage site for all equipment and construction material. No equipment or construction material will be allowed to be stored in the road right-of-way except that used in a workday.
13. A saw cut with a "T" patch will be required on all trench work in the paved roadway. Backfill material for any perpendicular or diagonal road crossing or at specific locations identified by the inspector shall consist of a CDF (controlled density fill) from an approved source to be placed in the area above the pipe zone and below the required pavement depth stated below. The CDF shall not exceed 150 lbs psi. A minimum of 12 hours curing time for the CDF will require the temporary placement of the steel plating over the trench. The exposed plate edges are to be dressed with asphalt mix as described below. A granular backfill of 1"-0 crushed aggregate rock is required below the CDF backfill material. A granular backfill of 1"-0 crushed aggregate rock may be used as backfill material on a trench cut that parallels the direction of travel of the road.
14. If the use of a steel plate is required overnight the steel plate is to be secured to prevent movement by traffic and the exposed edges of the plate shall be ramped with asphalt mix. A steel plate is to be removed from the roadway by the following day unless otherwise approved by the County. The use of a steel plate in the roadway over a weekend or holiday is prohibited unless approved in advance; backfill material is to be made level with the existing road surface and a 24-hour emergency telephone contact number(s) shall be provided to the County. Lighted barricades with "CONSTRUCTION AHEAD" and "BUMP" signs mounted on them shall be placed sufficiently both ahead of and adjacent to the steel plating to warn all traffic and are to remain in place until permanent surface restoration is underway.
15. Manhole assemblies are to be rotated to provide minimal impact where a motor vehicle tire will run in the traveled roadway.
16. All trench work in the paved roadway shall be backfilled and temporarily patched with a 1 to 1 1/2-inch minimum depth hot asphalt mix skin patch to provide a smooth driving surface. The Permittee's Contractor is responsible to maintain the condition of the **temporary hot asphalt trench patch** in accordance with Multnomah County Design and Construction Manual. A temporary patch that becomes settled, cracked, broken or otherwise faulty shall be replaced as directed by the County to provide a smooth driving surface during the course of construction. Settlement of the replaced road surface of one-half (1/2) inch or more with a six (6) foot straight edge shall constitute evidence of improperly compacted backfill material. The trench backfill material shall be re-compacted to obtain the required compaction results and a new temporary patch is to be applied. If the Permittee/Contractor fails to repair a

SOIL BORING LOGS

SOIL BORING LOGS


LOG OF HA-01

Date Excavated: 1/20/2009

Logged by: J. Wood

Equipment: Hand Auger

Surface Elevation(ft): 316.0*

DEPTH (feet)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE	HAND PEN. (tsf)	MOISTURE (%)	DRY UNIT WT. (pcf)	LAB TESTS
		IVY					
		Sandy SILT (ML) soft to loose, trace to some clay, low plasticity, trace to some organics, 10-25 % fine Sand, moist, tan.					
5		Weathered BASALT decomposed vesicular Basalt with relic structure in a matrix of sand sized-fragments, friable to R-1 in strength, moist, brown with orange mottles. Refusal at 60" bgs.					
10							

LOG OF HA-02

Date Excavated: 1/20/2009

Logged by: J. Wood

Equipment: Hand Auger

Surface Elevation(ft): 305.0*

DEPTH (feet)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE	HAND PEN. (tsf)	MOISTURE (%)	DRY UNIT WT. (pcf)	LAB TESTS
		IVY					
		Sandy SILT (ML) [fill] soft to loose, low plasticity, trace to some organics, 10-25 % fine Sand, moist, Dark Brown.					
5		Hit obstruction 20" bgs, probably tree root, moved 2' north small rounded gravel clasts and brick shards encountered below 24" bgs. Refusal at 30" bgs.					
10							

MTL HAND AUGER BES 8378 ELK ROCK BYPASS.GPJ LAGUNN07.GDT 12809



City of Portland Materials Testing Laboratory
1405 N. River Street
Portland, OR 97227
Phone: (503) 823-2340 Fax: (503) 823-2342

Elk Rock Bypass

BES 8378

PLATE

LOG OF HA-03

Date Excavated: 1/20/2009

Logged by: J. Wood

Equipment: Hand Auger

Surface Elevation(ft): 281.6*

DEPTH (feet)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE	HAND PEN. (tsf)	MOISTURE (%)	DRY UNIT WT. (pcf)	LAB TESTS
		off EOP next to gate Sandy SILT (ML) [fill] soft to loose, low plasticity, some organics, 10-25 % fine Sand, moist to wet, Dark Brown.					
5		Hit gravel layer 10" bgs, probably base for adjacent driveway. Becomes wet, more clay shards and rounded gravels (drain rock?) encountered Refusal at 44" bgs					
10							

MTL HAND-AUGER BES 8378 ELK ROCK BYPASS.GPJ LAGNN07.GDT 1/25/09



City of Portland Materials Testing Laboratory
1405 N. River Street
Portland, OR 97227
Phone: (503) 823-2340 Fax: (503) 823-2342

Elk Rock Bypass

BES 8378

PLATE

ENVIRONMENTAL ANALYSIS



CITY OF PORTLAND ENVIRONMENTAL SERVICES



1120 SW Fifth Avenue, Room 1000, Portland, Oregon 97204-1912 • Sam Adams, Commissioner • Dean Marriott, Director

Memorandum

Date: 8/18/08
To: Holly Walla, PE
From: Michael Hodge
Taryn Meyer
RE: Environmental Records Search for Elk Rock Bypass Project #8378

BACKGROUND:

The City of Portland's Bureau of Environmental Services (BES) Coordinated Site Analysis Program was requested to conduct an environmental records search at 11733 SW Breyman Ave., Portland OR and surrounding properties. A sanitary bypass is going to be installed between SW Military Rd. and SW Breyman Ave. The project site and surrounding properties are shown in Figure 1.

The construction will occur using open cut methods. Soil samples will be obtained from soil pits excavated by the contractor before construction activities begin. The purpose of this records search is to identify any recognized environmental conditions (RECs) at or adjacent to the project site that indicate the possible presence of contamination.

SUMMARY OF ENVIRONMENTAL FEATURES OF CONCERN:

The project site is in a residential area. The main features of concern in residential areas are underground storage tanks. One leaking underground storage tank site (LUST) was found near the project site and it is possible that other undocumented tanks may exist nearby. The condition and current status of these tanks are unknown.

ODEQ Environmental Cleanup Site Information System (ECSIS)

The ECSI system includes facilities entered into the Oregon Department of Environmental Quality (ODEQ) database pursuant to the site discovery requirements of ORS 466.560. The list includes facilities where investigation or cleanup has been initiated and facilities suspected of a release of hazardous substances.

There were no DEQ ECSI facilities adjacent to the subject site as of 8/7/2008.

ODEQ Leaking Underground Storage Tank (LUST) List

The ODEQ LUST list identifies facilities that are currently or have been under investigation for leaking underground storage tanks. There is one known Leaking Underground Storage Tank

Appendix 1



Oregon Department of Environmental Quality

Heating Oil Tank

Summary Information

General Site Information

26-00-6330

Site Name: Heating Oil Tank
Address: 11836 SW BREYMAN AVE
 PORTLAND, 97219
County: MULTNOMAH
Site Type: Risk Based Standards
Project Manager N/A - Project Completed.

Basic Incident Information

Received Date: 11/08/2000
Status: CLOSED
Tank Type: Home Heating Oil Tank
File Status: Certification
UST Facility Id:

Assessment Information

Cause of Release:	NOT REPORTED	Source of Release:	TANK	Discovery Method:	SITE ASSESSMENT
Media Effected			Contaminants Released		
>Soil			>Heating Oil		

Management Information

Release Stopped Date: 12/05/2000	Cleanup Start Date: 11/08/2000	Cleanup End Date: 04/04/2000
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Site Documents

Click the link to view the document.

<u>File Name</u>	<u>Category</u>	<u>File Size MB</u>	<u>Upload Date</u>
26-00-6330.pdf	Closure Letter	0.0509	7/22/2008

Oregon Department of Environmental Quality

Headquarters: 811 Sixth Ave., Portland, OR 97204-1390
 phone: 503-229-5696 or toll free in Oregon 800-425-4011
 TTY: 503-229-6993 FAX: 503-229-6124

The Oregon Department of Environmental Quality is a regulatory agency authorized to protect Oregon's environment by the State of Oregon and the Environmental Protection Agency.

DEQ Web site privacy notice



Oregon

John A. Kitzhaber, M.D., Governor

Department of Environmental Quality

Northwest Region

2020 SW Fourth Avenue

Suite 400

Portland, OR 97201-4987

(503) 229-5263 Voice

TTY (503) 229-5471

April 4, 2002

KAREN GERBER
145 FURNACE ST
LAKE OSWEGO OR 97034

Re: GERBER, KAREN
File No.: 26-00-6330

Dear Karen Gerber:

The Department of Environmental Quality has received a report and ARMAC Inc. certification concerning the heating oil underground storage tank (UST) assessment and/or cleanup conducted at 11836 SW BREYMAN AVE, in PORTLAND, Oregon.

ARMAC Inc. was licensed to provide heating oil tank services and has certified that the cleanup has met the Department's requirements. The Department has registered this report and certification and closed its file on the project.

The decision to register the report and certification and to close the Department's file will no longer apply if new or undisclosed facts show that the project does not comply with the rules governing heating oil tank cleanups.

We recommend that you keep a copy of this information with the permanent property records.

Your efforts to comply with Oregon's environmental rules and regulations to ensure that your heating oil tank has been adequately addressed have been appreciated. Proper decommissioning and cleanup helps ensure protection of the environment from future heating oil tank leaks and ensures that the heating oil does not adversely impact human health or the environment. If you have any questions, please feel free to contact me at (503) 229-5474.

Sincerely,

Andree Pollock, Manager
UST Cleanup and Compliance Section

cc: Contractor

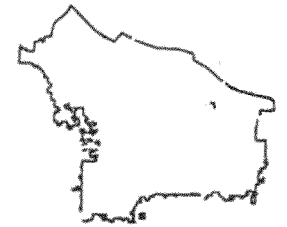
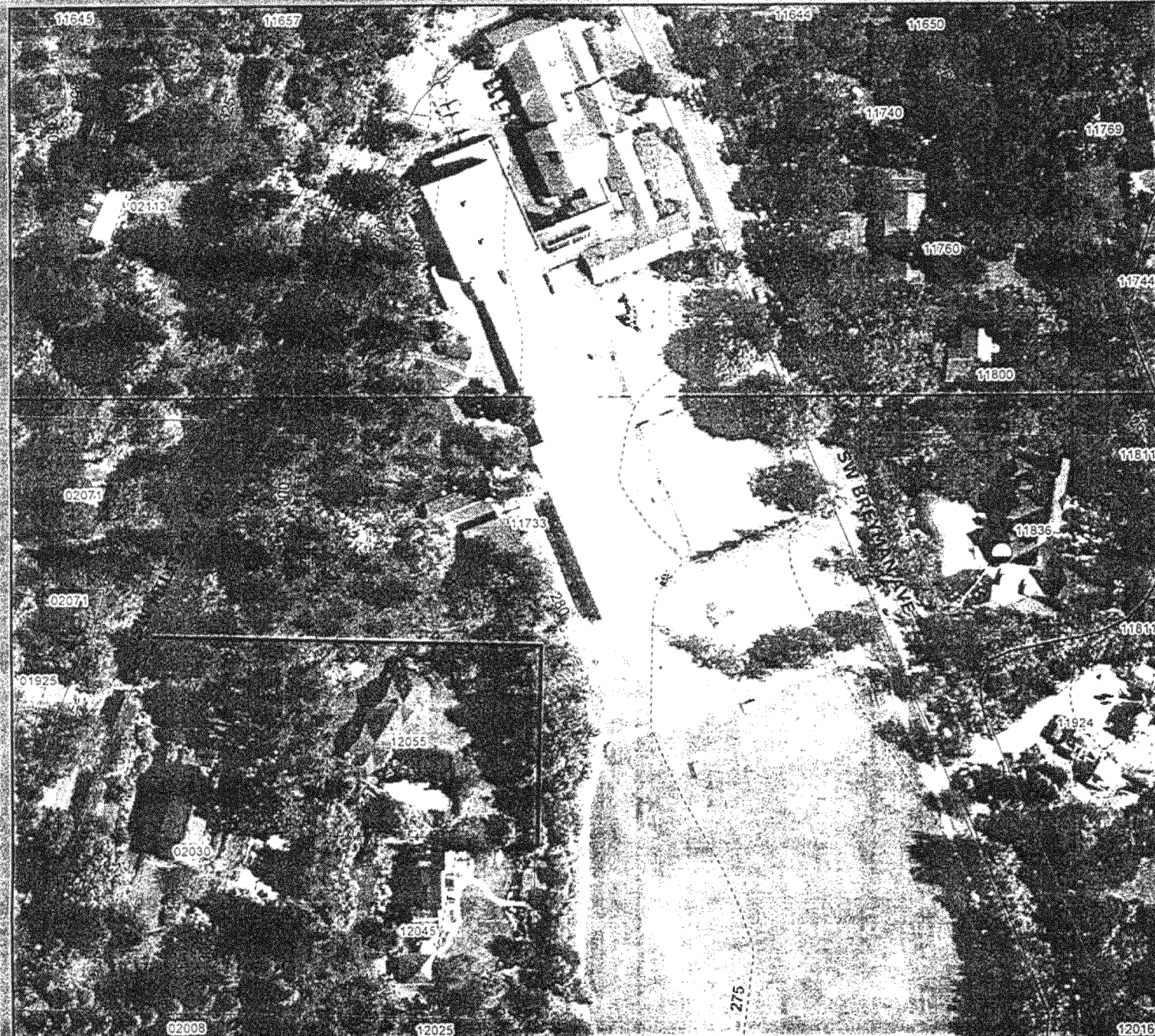


Figure 1

Elk Rock
Sanitary Bypass

BES Project #8378
CSA #926

Map Symbols



Leaking Tanks

5ft Contours

- Project Site

Taxlots

1:1,386

1 inch equals 0.02 mi



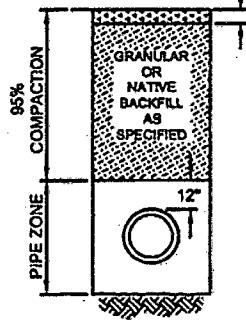
Map Created by *michaelh* Aug 8, 2008



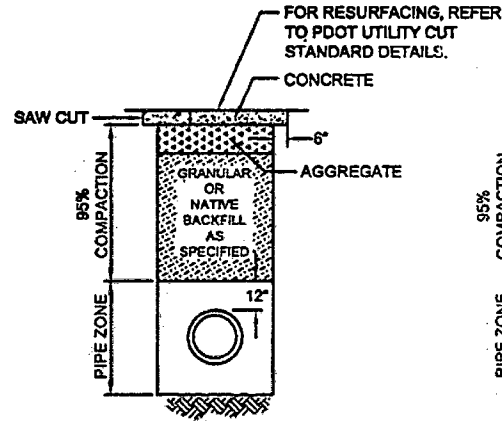
MODELING REPORT

STANDARD DRAWINGS
&
DETAILS

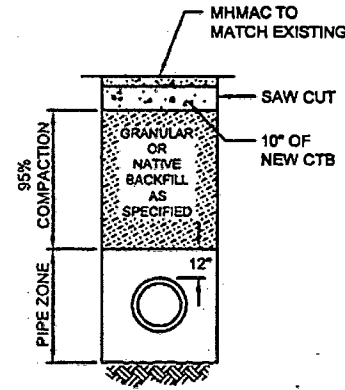
WHEN NOT OTHERWISE SPECIFIED, RESURFACING SHALL CONSIST OF 6" OF 1"-0 AGGREGATE AS DIRECTED.



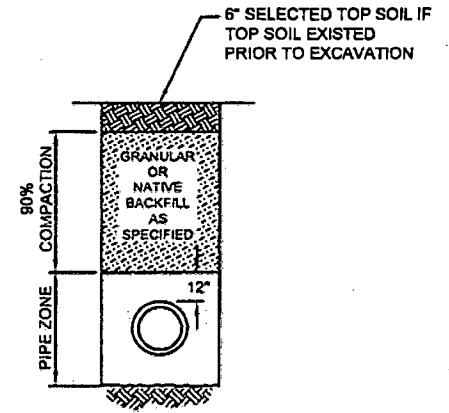
TRAVELED UNIMPROVED STREET



HARD SURFACE (CONCRETE)



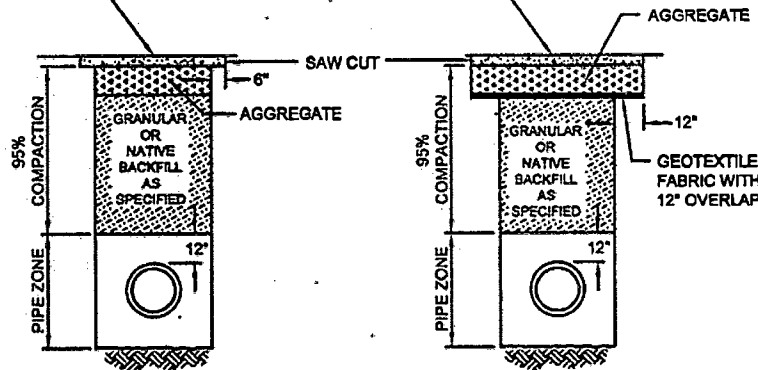
CTB STREET (CEMENT TREATED BASE)



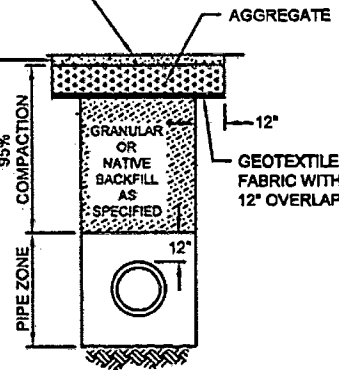
UNIMPROVED AREAS

WHEN NOT OTHERWISE SPECIFIED, RESURFACE TRENCHES WITH:

- **PAVEMENT:** MHMAC EQUAL IN THICKNESS TO EXISTING PAVEMENT, BUT NOT TO EXCEED 6" MAX. OR 2" MIN.
- **BASE:** 1"-0 OR 3/4"-0 AGGREGATE EQUAL IN THICKNESS TO EXISTING BASE, BUT NOT TO EXCEED 12" MAX. OR 6" MIN.



OIL GRAVEL OR ASPHALT CONCRETE SURFACE



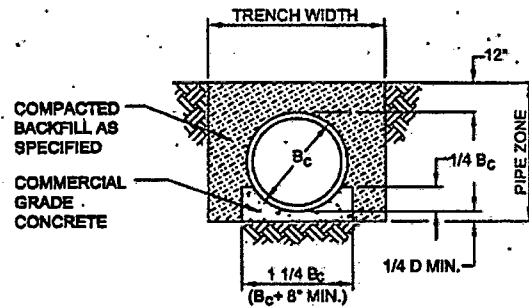
OIL GRAVEL OR ASPHALT CONCRETE SURFACE W/ GEOTEXTILE FABRIC

NOTE:

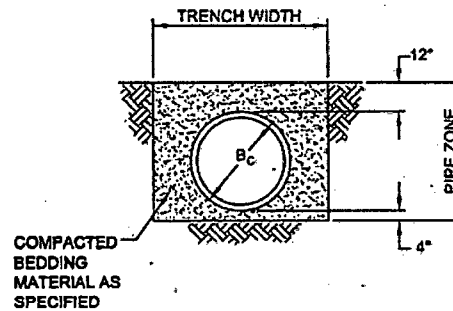
1. FOR PIPE ZONE BEDDING, BACKFILL AND COMPACTION REQUIREMENTS, SEE STANDARD DETAIL NO. P-101.

P-100 SPECIAL DWG 12/21/09 12:19 PM JLM

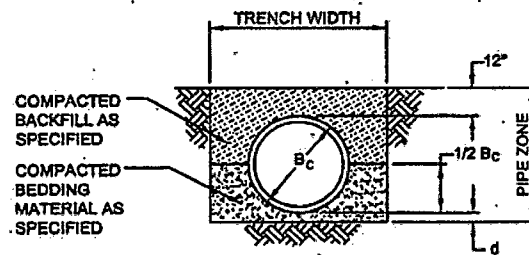
<p>The selection and use of this Standard Detail, while designed in accordance with generally accepted engineering principles and practices, is the sole responsibility of the user.</p> <p><small>Note:</small> All material and workmanship shall be in accordance with the City of Portland Standard Construction Specifications.</p>	<p>Bureau of Environmental Services CITY OF PORTLAND, OREGON</p> <p>Chief Engineer</p>
	<p>Standard Detail Title</p> <p>Typical Trench Sections Backfill and Surfacing</p> <p>Effective Date: 01-01-09</p> <p>Calc. Book No.: N/A</p> <p>Baseline Report Date: N/A</p> <p>Standard Detail No.</p> <p>SPECIAL</p>



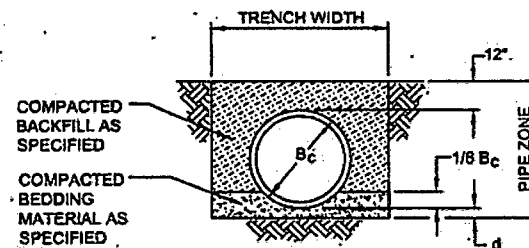
**CLASS A
CONCRETE CRADLE**



**FLEXIBLE PIPE
OR CLASS D BEDDING**



CLASS B BEDDING



CLASS C BEDDING

DEPTH OF BEDDING MATERIAL BELOW PIPE FOR CLASSES B AND C	
D	d (MIN.)
27" & SMALLER	3"
30" TO 60"	4"
66" & LARGER	6"

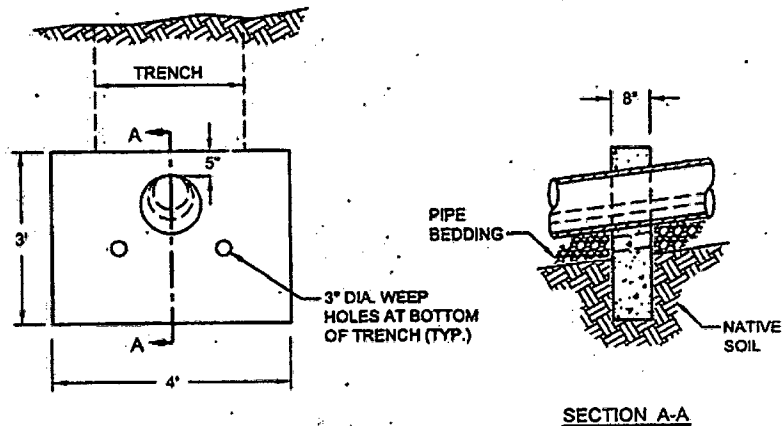
NOTES:

1. FOR ROCK OR OTHER INCOMPRESSIBLE MATERIALS, THE TRENCH SHALL BE OVEREXCAVATED A MINIMUM OF 6" AND REFILLED WITH GRANULAR MATERIAL AS DIRECTED BY THE ENGINEER.
2. FOUNDATION STABILIZATION: WHERE DIRECTED, FOUNDATION STABILIZATION SHALL BE PLACED PRIOR TO PLACEMENT OF PIPE BEDDING.

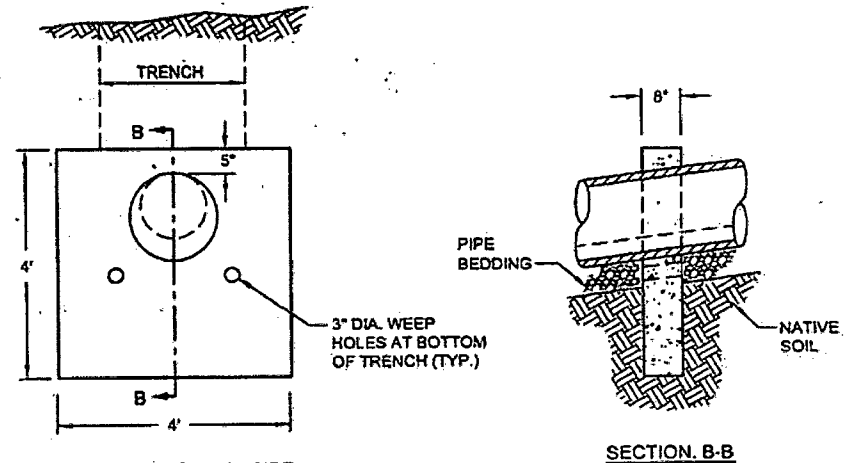
LEGEND:

B_c = OUTSIDE DIAMETER
d = DEPTH OF BEDDING MATERIAL
BELOW PIPE
D = INSIDE DIAMETER

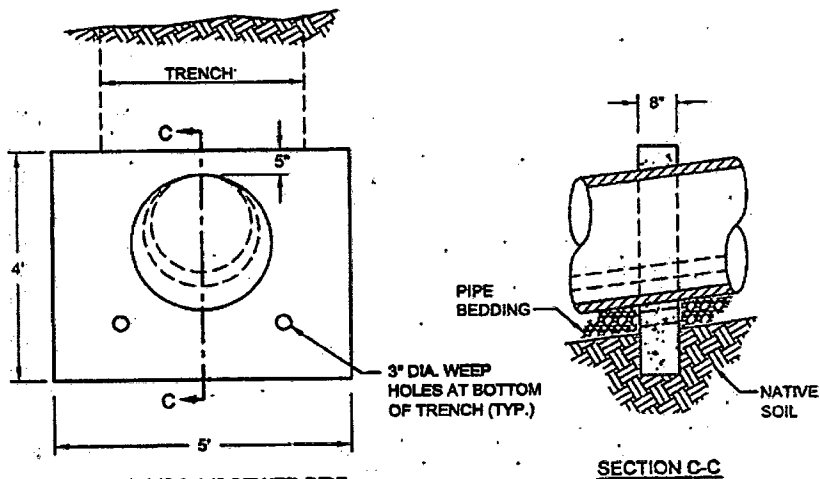
<p>The selection and use of this Standard Detail, while designed in accordance with generally accepted engineering principles and practices, is the sole responsibility of the user.</p>	<p>Bureau of Environmental Services CITY OF PORTLAND, OREGON</p> <p><i>Willie F. Felt</i> Chief Engineer</p>	
	<p>Standard Detail Title</p> <p>Pipe Bedding and Pipe Zone</p>	
<p>Note: All material and workmanship shall be in accordance with the City of Portland Standard Construction Specifications.</p>	<p>Effective Date: 01-01-09</p> <p>Calc. Book No.: N/A</p> <p>Baseline Report Date: N/A</p>	<p>Standard Detail No.</p> <p>P-101</p>



FOR 6", 8" & 10" SEWER PIPE
0.29 CU. YD. CONCRETE EACH



FOR 12" & 15" SEWER PIPE
0.37 CU. YD. CONCRETE EACH



FOR 16", 21" & 24" SEWER PIPE
0.42 CU. YD. CONCRETE EACH

NOTES:

1. ALL CONCRETE TO BE COMMERCIAL GRADE CONCRETE.
2. ANCHOR WALLS TO BE EQUALLY SPACED WITH MAXIMUM DISTANCE BETWEEN WALLS TO BE 21 FT ON SLOPE MEASURE.
3. PLACE WALL IMMEDIATELY BELOW BELL OF PIPE.

The selection and use of this Standard Detail, while designed in accordance with generally accepted engineering principles and practices, is the sole responsibility of the user.

Note:
All material and workmanship shall be in accordance with the City of Portland Standard Construction Specifications.



Bureau of Environmental Services
CITY OF PORTLAND, OREGON

Willa F. H.
Chief Engineer

Standard Detail Title

Concrete Anchor Walls
For Sewer Pipe

Effective Date: 01-01-09

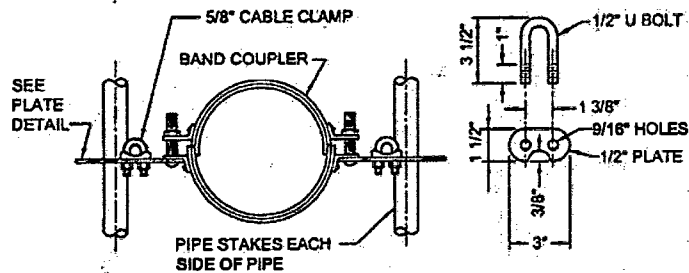
Calc. Book No.: N/A

Baseline Report Date: N/A

Standard Detail No.

P-102

ALTERED FOR ELK ROCK P-104 METAL SLOPE ANCHORS.DWG 12/29/09 12:12 PM
JUNO



ANCHOR ASSEMBLY ALTERNATE "A"
CABLES AND CABLE CLAMPS TO BE USED
WHEN SPECIFIED.

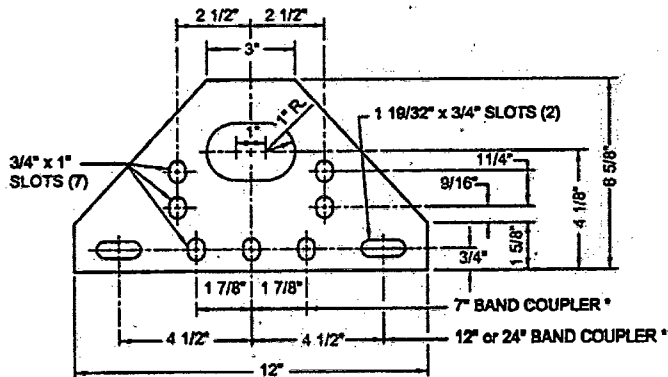
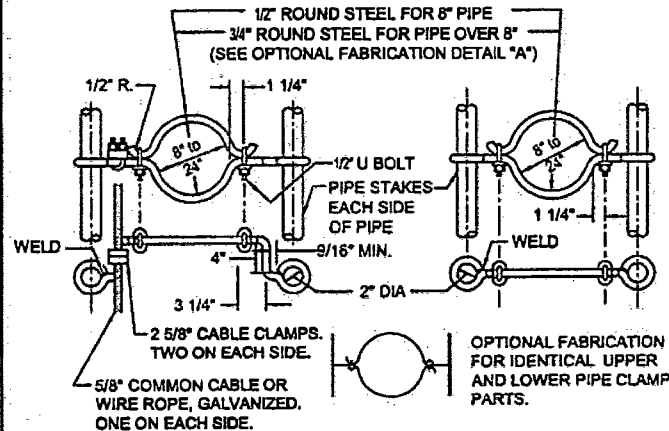


PLATE DETAIL 1A

* LENGTH OF BAND COUPLER
MEASURED PARALLEL TO THE
CENTERLINE OF THE PIPE.

GENERAL NOTES FOR ALL DETAILS:

1. ALL PIPE STAKES AND HARDWARE TO BE GALVANIZED AFTER FABRICATION.
2. EITHER TYPE 1 OR TYPE 2 PIPE STAKES MAY BE USED WITH EITHER ANCHOR ASSEMBLY ALTERNATE AT THE CONTRACTOR'S OPTION.
3. PLACE SLOPE ANCHOR ASSEMBLIES ON 20' MAX. CENTERS ON SLOPES 20% OR GREATER.
4. PLATE MATERIAL TO BE ASTM A36 1/4". GALVANIZE AFTER FABRICATION.



WITH CABLE

WITHOUT CABLE

ANCHOR ASSEMBLY ALTERNATE "B"
CABLES AND CABLE CLAMPS TO BE USED WHEN SPECIFIED.

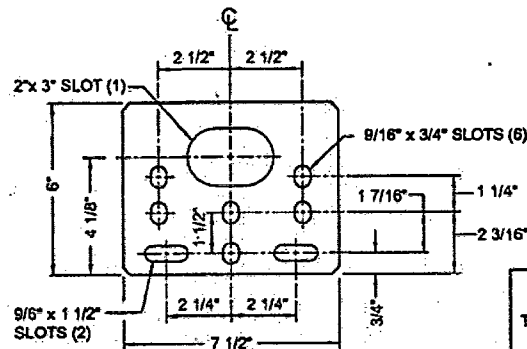
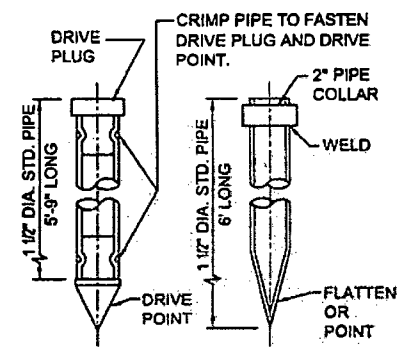


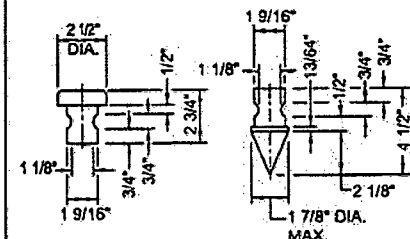
PLATE DETAIL 1B



TYPE II

TYPE I

③ PIPE STAKES



DRIVE PLUG
(CAST IRON)

DRIVE POINT
(CAST IRON)

The selection and use of this Standard Detail, while designed in accordance with generally accepted engineering principles and practices, is the sole responsibility of the user.

Note:
All material and workmanship shall be in accordance with the City of Portland Standard Construction Specifications.



Bureau of Environmental Services
CITY OF PORTLAND, OREGON

Chief Engineer

Standard Detail Title

Metal Slope Anchors

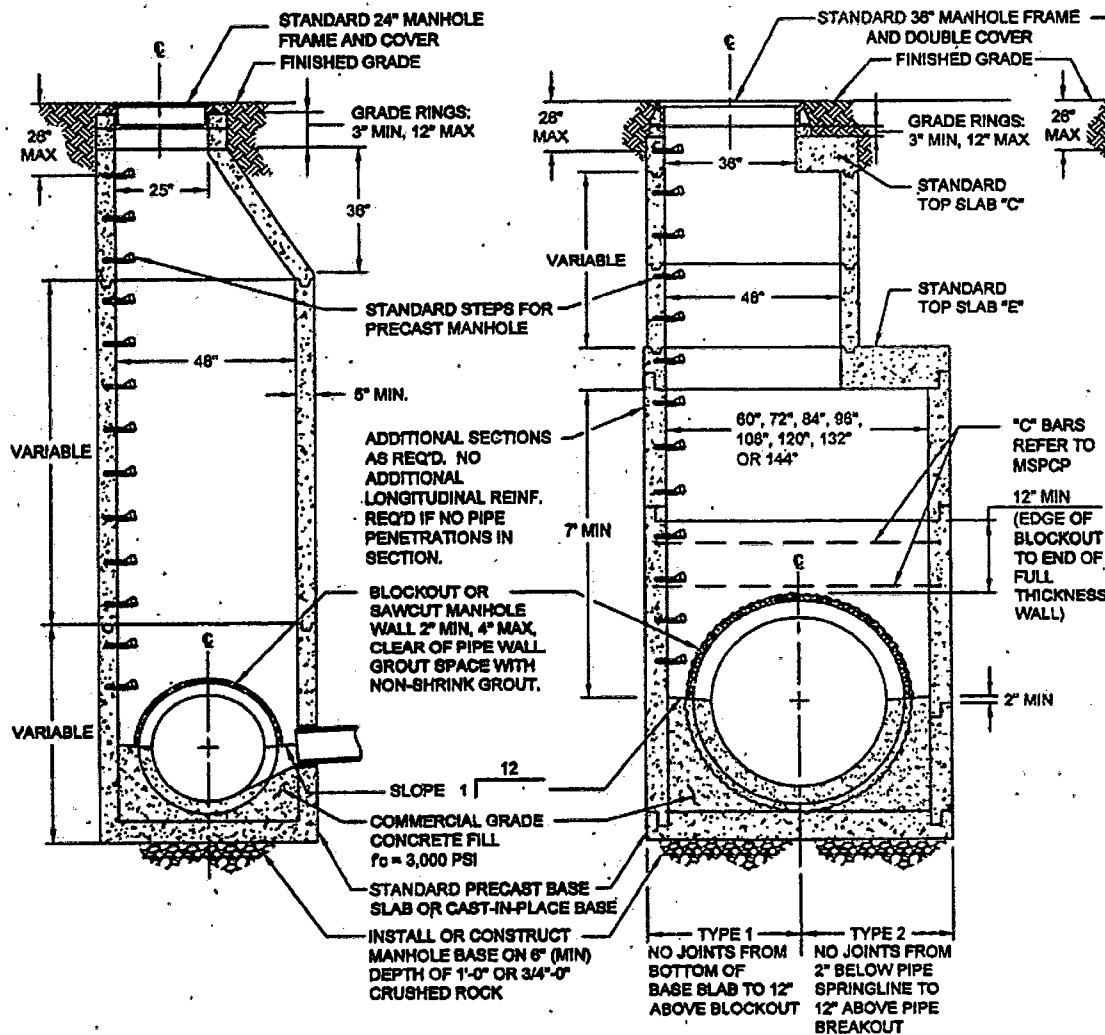
Effective Date: 01-01-09

Calc. Book No.: N/A

Baseline Report Date: N/A

Standard Detail No.

P-104



NOTES:

1. ALL PRECAST CONCRETE SHALL CONFORM TO THE REQUIREMENTS OF THE CITY OF PORTLAND MANUFACTURING STANDARDS FOR PRECAST CONCRETE PRODUCTS (MSPCP), AS REVISED.
2. CAST-IN-PLACE CONCRETE SHALL BE STRUCTURAL CONCRETE HAVING A MINIMUM 28-DAY COMPRESSIVE STRENGTH OF 4,000 PSI.
3. ALL CONNECTING PIPE SHALL HAVE A FLEXIBLE JOINT WITHIN 18" OF OUTSIDE WALL OF MANHOLE OR WITHIN ONE HALF THE DIAMETER IN LENGTH IF THE PIPE IS OVER 36" IN DIAMETER.
4. ALL PRECAST CONCRETE SECTIONS SHALL HAVE KEYED OR BELL & SPIGOT JOINTS AND USE PREFORMED PLASTIC SEALS (MASTIC) OR PREFORMED RUBBER GASKET SEALS ACCORDING TO THE MANUFACTURER'S SPECIFICATIONS.
5. MANHOLE STEPS SHALL BE PLACED A MINIMUM OF 5" FROM PRECAST SECTION JOINT.
6. INLET LEADS SHALL BE CONNECTED 8" BELOW RIM OR 14" ABOVE LOWEST PIPE INVERT (WHICHEVER IS LESS), UNLESS SHOWN OTHERWISE ON THE PLANS. IN ALL CASES INLET LEADS SHALL BE CONNECTED BELOW THE CONE SECTION, A MINIMUM OF 8" CLEAR OF A PRECAST SECTION JOINT AND 12" CLEAR OF JOINT IN BASE SECTION (60"-144" MANHOLES).
7. FORM AND POUR A 4"x4" EXTERIOR CONCRETE COLLAR AROUND PIPE CONNECTIONS TO 60"-144" MANHOLE.
8. WHEN CONNECTING PIPE OR THROUGH PIPE IS LESS THAN 48" DIAMETER, USE STANDARD 24" MANHOLE FRAME AND COVER.

The selection and use of this Standard Drawing, while designed in accordance with generally accepted engineering principles and practices, is the sole responsibility of the user.



Bureau of Environmental Services
CITY OF PORTLAND, OREGON

William J. Ryan
Chief Engineer

Standard Drawing Title

Precast Concrete Manhole

Note:
All material and workmanship shall be in accordance with the City of Portland Standard Construction Specifications.

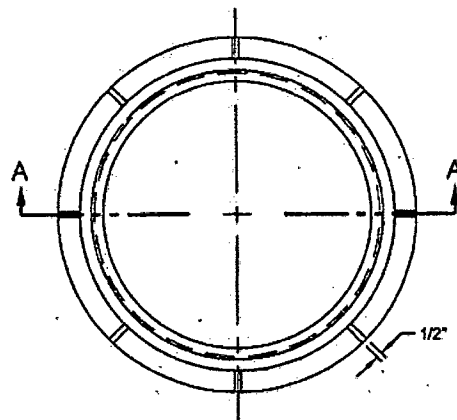
Effective Date: 01-01-09

Calc. Book No.: 001

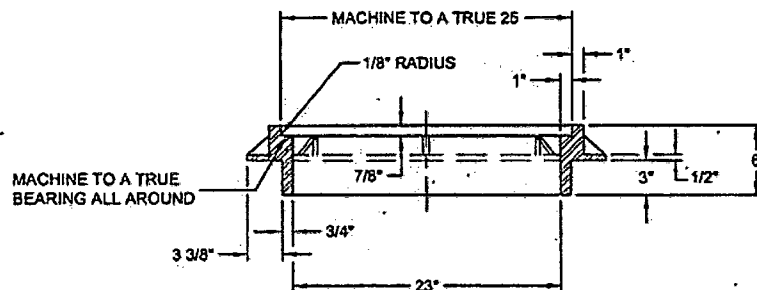
Baseline Report Date: 03-24-09

Standard Drawing No.

P-150




TOP VIEW



SECTION A-A

NOTE: MATERIAL TO BE GRAY CAST IRON ASTM
A-48, CLASS 30 WEIGHT APPROX. 172 LBS.

<p>The selection and use of this Standard Detail, while designed in accordance with generally accepted engineering principles and practices, is the sole responsibility of the user.</p>	<p>Bureau of Environmental Services CITY OF PORTLAND, OREGON <i>Will F. H.</i> Chief Engineer</p>	
<p>Note: All material and workmanship shall be in accordance with the City of Portland Standard Construction Specifications.</p>	<p>Standard Detail Title</p> <p>Manhole Frame - 6 inch Depth</p>	
	<p>Effective Date: 01-01-09</p>	<p>Standard Detail No.</p>
	<p>Calc. Book No.: N/A</p> <p>Baseline Report Date: N/A</p>	<p>P-171</p>

<p>The selection and use of this Standard Detail, while designed in accordance with generally accepted engineering principles and practices, is the sole responsibility of the user.</p>			<p>Bureau of Environmental Services CITY OF PORTLAND, OREGON</p>
	<p>Standard Detail Title</p> <p>36 Inch Manhole Cover</p>		<p><i>Will F. R.</i> Chief Engineer</p>
<p>Note: All material and workmanship shall be in accordance with the City of Portland Standard Construction Specifications.</p>	<p>Effective Date: 01-01-09</p>	<p>Standard Detail No.</p>	<p>P-177</p>
	<p>Calc. Book No.: N/A</p>		
	<p>Baseline Report Date: N/A</p>		

Replaced
3/31 w/ new
version
per Matt

From: RYAN Matthew O
Sent: Tuesday, March 23, 2010 3:41 PM
To: KRAMER Cathey M
Cc: HANSELL Tom J; PEOPLES Kim E; HINDS Patrick J; VINCENT Brian S
Subject: FW: Elk Rock IGA March 18

Cathey, the attached IGA has been reviewed and is approved for submission to the BCC acting as the Dunthorpe Riverdale's Board for its consideration.

To All: Provided this IGA does not allow entry on any of the real property until such time that the District has received the right in writing from all the impacted property owners and interest holders. Thanks.

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

CONFIDENTIALITY: This email transmission may contain confidential and privileged information. The information contained herein is intended for the addressee only. If you are not the addressee, please do not review, disclose, copy or distribute this transmission. If you have received this transmission in error, please contact the sender immediately

From: HANSELL Tom J
Sent: Tuesday, March 23, 2010 12:56 PM
To: RYAN Matthew O
Subject: FW: Elk Rock IGA March 18

Cathey Kramer is asking for an email from you stating you are okay with the IGA. Does that sound familiar?

She is in the process of cleaning up the track changes. She was questioning me on the signature blocks, since it is running concurrently to each elected board. Do you have nay preferences?

Tom

From: HANSELL Tom J
Sent: Friday, March 19, 2010 3:22 PM
To: Terry Hoagland
Cc: PEOPLES Kim E; 'Peterson, Duane'; Kasting, Pete; RYAN Matthew O; 'Hubbard & Associates'; 'Matthew Dalla Corte'; 'SCGAY@stoel.com'
Subject: Elk Rock IGA March 18

Terry, here is the IGA with revisions approved by both the City and County/District. I am hopeful we are nearing closure. Tom

3/24/10

Lynnda -

Please match
these docs with
the Elk Rock APR
& Exhibits.

Thanks, Cathey

BCC Agenda Placement
Route Slip

✓ 1. DCS ADMIN for Director Signature
#455-Yeon Annex/2nd FI (Hard Copies)

✓ 2. Board Clerk - #503/600

(4) ORIGINALS

**After Board Ratification & Execution,
please return all documents to Cathey
Kramer #425/Yeon Shops**

Thank you



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(revised 12/31/09)

Board Clerk Use Only

Meeting Date: 4/01/10
Agenda Item #: R-12
Est. Start Time: 11:00 am
Date Submitted: 3/23/10

Agenda Title: Resolution Approving a Memorial to Lynda Pilger and Gary Tipton Along the Morrison Bridge Pedestrian and Bicycle Path

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

Requested Meeting Date: April 1, 2010
Amount of Time Needed: 5 minutes
Department: Non-Departmental
Division: District 2
Contact(s): Mike Pullen
Phone: 503.988.6804 **Ext.** x86804 **I/O Address:** 503/6/PAO
Presenter(s): Mike Pullen

General Information

1. What action are you requesting from the Board?

Approval of a resolution dedicating a memorial to Gary Tipton and Lynda Pilger along the Morrison Bridge Pedestrian and Bicycle Path.

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.

Gary Tipton and Lynda Pilger were killed in separate accidents that happened on the Morrison Bridge. A memorial plaque will be placed on along the new Morrison Bridge Pedestrian and Bicycle Path to honor their memory.

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

None.

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

None.

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

Family and friends of Lynda Pilger & Gary Tipton were involved in this effort.

Required Signature

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

Date: _____

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 2010-036

Resolution Approving a Memorial to Gary Tipton and Lynda Pilger Along the Morrison Bridge Pedestrian and Bicycle Path

The Multnomah County Board of Commissioners Finds:

- a. In 1997, Gary Tipton was struck and killed on the Morrison Bridge while riding his bicycle.
- b. Gary was born on February 13th, 1953 on Hamilton Air Force Base in California. He moved to Portland in 1980 after graduating from Evergreen State College in Olympia, Washington.
- c. Gary was a musician and composer, producing "Tales of Majesty" in 1991. His loved ones describe him as "a gifted percussionist" who sang and played keyboards.
- d. Gary is survived by his brothers, George of Seaside Oregon and Greg and Jerred of Spokane Washington; his sister, Jackie Schatager of Spokane; Stepmother, Mary of Spokane; and grandmother, Angie Grandinette of Spokane.
- e. In 2004, Lynda Pilger was struck and killed on the Morrison Bridge while walking her dog, Bear.
- f. Lynda was born in Grimbsy, Ontario, Canada in 1964. A graduate of David Douglas High School and Portland Community College, Lynda is remembered by her friends and family as a passionate advocate for animals. At the time of her death, Lynda worked for the Animal Legal Defense Fund.
- g. Friends describe Lynda as a gentle spirit who was brave, hopeful and giving. They describe Lynda's warm smile and how she used it to comfort people, suggesting that forgiveness was preferable to conflict.
- h. Lynda is survived by her parents, Wendall & Thais Pilger and a legion of loving friends who have established a scholarship fund in her name.
- i. A newly opened path for bicyclists and pedestrians on the south side of the Morrison Bridge will improve safety for sidewalk users.

The Multnomah County Board of Commissioners Resolves:

1. In memory of Gary Tipton and Lynda Pilger, the Multnomah County Commissioners approve the creation of a memorial to be placed along the newly opened Morrison Bridge Pedestrian and Bicycle Path.

ADOPTED this 1st day of April, 2010.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Jana McLellan, Interim Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Agnes Sowle, County Attorney

SUBMITTED BY:

Jeff Cogen, Commissioner, District 2



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(revised 12/31/09)

Board Clerk Use Only

Meeting Date: 4/01/10
Agenda Item #: R-13
Est. Start Time: 11:10 am
Date Submitted: 3/25/10

Agenda Title: Resolution Establishing a Task Force to Study the services provided by Multnomah County to veterans, and provide recommendations for improving these services.

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

Requested Meeting Date: 4/01/10 **Amount of Time Needed:** 10 Min
Department: Non-departmental **Division:** District 4
Contact(s): Andrew Olsen
Phone: 503.988.5213 **Ext.** 85213 **I/O Address:**
Presenter(s): Lee Girard with Aging and Disability Services, Diane McKeel

General Information

1. What action are you requesting from the Board?

Establishment of a task force to examine the services provided to veterans by Multnomah 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.

Multnomah County serves hundreds of veterans per year, through many departments outside of Aging and Disability Services. By examining each of our various departments, we hope to be able to improve access and increase visibility for these valuable services.

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

None

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

The group will report back initial findings to the BCC by October 30, 2010

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

There will be representatives from each of the county departments, as well as a volunteer from the the Citizen Involvement Committee, The Oregon Department of Veterans Affairs, and the Veterans Hospital, among others.

Required Signature

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

Diane McKee

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 2010-037

Establishing a Task Force to Study the services provided by Multnomah County to veterans, and provide recommendations for improving these services.

The Multnomah County Board of Commissioners Finds:

- a. More military veterans reside in Multnomah County than any other county in Oregon.
- b. Multnomah County provides direct services to hundreds of veterans each year.
- c. The Board of Multnomah County Commissioners has a deep devotion and commitment to those who have served.
- d. By better understanding the levels and types of assistance that the various departments of Multnomah County provide to veterans, more effective and efficient services can be made available.
- e. Improved access to services and better understanding of how those services are delivered can decrease costs and aid populations more successfully.

The Multnomah County Board of Commissioners Resolves:

1. To establish a Task Force for the purposes of assessing and identifying the services provided to military veterans in Multnomah County. This group will locate barriers and opportunities for change and improvement of services.
2. This Task Force will be comprised of no more than 15 members, representing the various departments of Multnomah County and select community groups and organizations. Commissioner McKeel will approve the final make-up of the Task Force and select a Task Force chair.
3. The Task Force will report its recommendations to the Board by September 30, 2010.

ADOPTED this 1st day of April, 2010.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Jeff Cogen, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

SUBMITTED BY:

Commissioner Diane McKeel



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(revised 12/31/09)

Board Clerk Use Only

Meeting Date: 4/01/10
Agenda Item #: R-14
Est. Start Time: 11:25 am
Date Submitted: 3/25/10

Agenda Title: Proclamation for Farm Workers Week, March 28 – April 3, 2010

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

Requested Meeting Date: April 1, 2010 Amount of Time Needed: 15 minutes
Department: Non-departmental Division: Chair's office
Contact(s): Marissa Madrigal
Phone: 85239 Ext. I/O Address:
Presenter(s):

General Information

1. What action are you requesting from the Board?
To adopt the proclamation for Farm Workers Week, 2010
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.
March 28 through April 3, 2010 has been proclaimed Farm Workers Week. The County wishes to recognize the contributions of farm workers to our state and their rights to fair labor practices, education and freedom from racial or cultural discrimination.
3. Explain the fiscal impact (current year and ongoing).
none
4. Explain any legal and/or policy issues involved.
none
5. Explain any citizen and/or other government participation that has or will take place.
none

Required Signature

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

Date: _____

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. 2010-038

Proclaiming March 28th through April 3rd, 2010 Farm Workers Week in Multnomah County Oregon

The Multnomah County Board of Commissioners Finds:

- a. The citizens of Multnomah County rely on farm workers for their daily sustenance, health and well-being.
- b. Multnomah County supports the principle that all farm workers in Oregon deserve the same workers' rights as all other men and women who bring products to fruition through their labor
- c. Language difference, and racial or cultural discrimination combine to diminish the rights and the well-being of the men and women who grow and harvest our food.
- d. The children of farm workers and many other migrants are frequently excluded from access to higher educational opportunities.
- e. The residents of Multnomah County honor all those who plant, cultivate, harvest and process our agricultural products are also worthy of recognition and gratitude.

The Multnomah County Board of Commissioners Proclaims:

March 28th through April 3rd, 2010 as Farm Workers Week in Multnomah County, Oregon in recognition and celebration of the many contributions of farm workers to the county and our community. We urge all residents of Multnomah County to celebrate the history and recognize the contributions of farm workers to our community, state, and nation.

ADOPTED this 1st day of April, 2010.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Jeff Cogen, Chair

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

By _____
Agnes Sowle, County Attorney

SUBMITTED BY: Jeff Cogen, Commissioner, District 2

April 1, 2010

Adoption of Resolution Creating Veterans Task Force.

I want to begin by thanking Lee Girard from Aging and Disability Services for being here today. Without the support of you and your staff, we would not be able to do this. Thank you for your continued support.

The purpose of this resolution, and the task force that it creates, is to study and identify the services to Veterans provided by Multnomah County. The group, made up of up to 15 people from the various county departments, will assess and identify opportunities and barriers within the departments of Multnomah County, and offer suggestions intended to make services to veterans more efficient and visible to the citizens of our region.

The desire and need for this group does not come in any way from a dissatisfaction with the current veterans service officers and providers in Multnomah County, who I am amazed by every day. They take on enormous amounts of work, and devote themselves to helping those who need them, not because it is their job, but because they truly want to help.

Rather, this group is meant to identify the services that Multnomah County provides to veterans, especially those that receive services through avenues outside of our service officers, be it through interaction with a DCJ Parole Officer, a visit to a county mental health clinic, or streamlined access to services via the county website, *for better access to services.*

We do not yet know everyone who will be represented on the committee, but it is our intention to have a member from each of the county departments as well as a citizen volunteer and a representative from the Oregon Department of Veterans Affairs. This Task Force will develop a set of policy recommendations for the departments and Board of Commissioners to adopt, and will return to the board in a few months to present those proposals.

This month, hundreds of Oregon National Guard members will end their deployments and begin to re-integrate back into their communities.

This

~~Which~~ is why there is no better time to take a look at the services that we have provided and are continuing to provide to these vulnerable populations. I look forward to working with the Task Force to come up with meaningful and insightful suggestions.



Commissioner Jeff Cogen, District 2

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](http://www.co.multnomah.or.us/cc/ds2/district2@co.multnomah.or.us)

MEMORANDUM

TO: Chair Jana McLellan
Commissioner Deborah Kafoury
Commissioner Judy Shiprack
Commissioner Diane McKeel
Clerk of the Board Lynda Grow

FROM: Commissioner Jeff Cogen

DATE: 3/18/2010

RE: Interim Designee

In accordance with Charter Section 4.50(3) and MCC 5.005, I am designating Barbara Willer as interim Commissioner should I leave my office for any reason after March 18, 2010. Ms. Willer is a resident of Multnomah County's District 2 and has served as Chief of Staff to former Chair Ted Wheeler. She is qualified to assume these responsibilities until a new Commissioner is appointed or elected.



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(revised 12/31/09)

Board Clerk Use Only

Meeting Date: 03-30-10
Agenda Item #: E-1
Est. Start Time: 9:00 am
Date Submitted: 03-23-10

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

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

Requested Meeting Date:	March 30, 2010	Amount of Time Needed:	5 minutes
Department:	Non-Departmental	Division:	County Attorney
Contact(s):	Agnes Sowle		
Phone:	503-988-3138	Ext.	83138
I/O Address:	503/500		
Presenter(s):	Agnes Sowle, Jacquie Weber		

General Information

1. What action are you requesting from the Board?

No final decision will be made in the Executive Session.

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

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

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

N/A

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

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

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

N/A

Required Signature

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



Date: 03/23/10

**SUMMARY OF LPSCC'S WORK PLANS &
ACCOMPLISHMENTS IN 2009-10 ¹**
(March 30, 2010)

- **Executive Committee**
 - Increased intergovernmental participation
 - Established directions for FY 2010
 - Strengthened performance measures
 - Formalized LPSCC's relationship with the Juvenile Justice Council
 - *Ongoing oversight of work plans and projects described below; provide a forum to exchange information and perspectives on public safety*
- **Criminal Justice Advisory Committee (CJAC)**
 - *Ongoing operational oversight of the criminal justice system*
 - *Overseeing reintegration of the pretrial supervision system*
 - Established procedures in response to legislation (Measures 51, 52 and 77 and HB 3508)
 - Expedited disposition of cases with out-of-county holds
 - *Consider reviewing misdemeanor sentencing policy*
- **Juvenile Justice Council**
 - *Ongoing oversight of the juvenile justice system*
 - *Examining effectiveness of alternatives to formal adjudication*
 - Oversaw improvements in screening cases
 - Developed responses to Crime Victims United reports
 - *Developing a Juvenile Crime Prevention Plan*
- **Mental Health and Public Safety Committee**
 - *Ongoing oversight and expansion of the Mental Health Court*
 - *Overseeing planning process for a Sub-Acute Mental Health Treatment*
 - *Promoting crisis intervention training for police officers*
 - *Overseeing process to identify problems and solutions at the intersection of the mental health and criminal justice using the GAINS Center's Intercept Model*
- **DSS-J Policy Committee**
 - Developed a Strategic Action Plan for DSS-J (see the Action Plan)
 - *Overseeing changes and improvements in and uses of DSS-J*
 - *Overseeing LPSCC's data reporting and analytical processes*
 - Approved the reorganization of DSS-J's administrative structure
 - Established a partnership with County IT

¹ Ongoing or partially completed tasks of LPSCC's committees, working groups and affiliated organizations appear in italics.)

- *Overseeing the development of a new FTA Report*
- **Public Safety Planning Workgroup**
 - Reviewed the status of all proposals in the County's 2008 Public Safety Plan (see handout)
 - Identified the most feasible, highest priority proposals in the Plan
 - *Overseeing progress in implementing*
 - *a common pretrial data base*
 - *the restoration of adult misdemeanor supervision*
 - *standardized police reports*
 - *support for CJIS (aka RJNet)*
- **Youth and Gang Violence Workgroup**
 - Identified evidenced-based enforcement and intervention strategies in Multnomah County
 - Promoted the coordination of you and gang violence strategies through LPSCC
 - Convened evidence-based "Stop the Violence" Offender Meetings
 - *Determining the cost-effectiveness of inventorying evidence-based prevention services in the County and gaps in those services*
 - *Developing a "geocoding analysis" in partnership with the Public Health Department to identify underlying causes of violence in local communities and to design more effective prevention strategies*
 - *Partnering with the Commission on Children, Families & Communities in investigating impacts of and improvements in school disciplinary processes*
 - *Partnering with the Juvenile Justice Council in coordinating and improving foster care*
- **System and Agency Alignment Workgroup**
 - Initially served as a forum for law enforcement agencies to coordinate or integrate support services
 - Developed a local training program to replacement cuts in state police training
 - *The Executive Committee will be considering the expansion of the membership and work plan of this group*
- **Reentry Council**
 - Reviewed State Dept. of Corrections' prison reentry strategies
 - Identified the target populations for a jail reentry project (women, unsupervised offenders and A& D populations)
 - *Currently reviewing the feasibility of proposals relating to reentry in the 2008 Public Safety Plan*

- *Reviewing proposals developed by a joint MCSO-DCJ workgroup on jail reentry strategies*
- **Human Trafficking Task Force**
 - Collaborated with federal authorities to ensure undocumented aliens can report human trafficking without risk of deportation
 - Held a conference at Reynolds High School to alert parents to human trafficking and engaged in other community education efforts
 - *Supporting establishment of a secure shelter for victims*
 - Promoted and screened a documentary film on the subject
- **Domestic Violence Fatality Review Team**
 - Conducted two domestic violence (DV) fatality reviews in 2009; *planning at least two more in 2010*
 - Based upon its 2009 fatality reviews, the Team made recommendations in the following subject areas:
 - improve responses from individuals and institutions when abuse is suspected
 - enhance the DV system's ability to identify and track high-risk cases
 - improve information for justice and social service professionals to assist them in responding to specific cases
 - identify and fill gaps in the public safety system that limit the ability to respond to DV.

Public Safety Plan Proposals

Updated as of 8-12-09

Proposal	Priority?	Implemented?	Budget Range
Capacity			
Additional Felony and Misdemeanor Disposition Resources	No	Partially	\$100k - 250k
Corrections Health Evaluation and Court Support Program	No	No	\$1 - 2 million
** Corrections Health Transition Planning Program with Court Interface for Acute Diseases and Mental Health Inmates	Yes	No	\$500k - 1 million
Decrease caseload sizes for Adult Felony Supervision	No	No	\$500k - 1 million
Enhanced In-Jail Needs Assessment, Programs & Transition Planning	No	No	\$500k - 1 million
Open Closed Modules at the MCDJ Jail	No	No	\$1 - 2 million
Three Dormitories at the Wapato Jail	No	No	Over \$5 million
Case Processing			
Automate and Enhance the Length of Stay (LOS) Analysis Using DSS-J	No	Yes	Under \$100k
Holds Team	No	No	Under \$100k
Tracking Custody Pretrial Offenders Return to Jail When OSH Determines Capacity to Stand Trial	No	No	Unknown, but likely minimal
Pretrial			
Pretrial Supervision: Kiosk Supervision	No	Will be	\$100k - 250k
** Adult Recog Expanded Interview Program	Yes	No	\$250k - 500k
** Booking-Pretrial-Classification Common Database (Phase 2)	Yes	No	\$250k - 500k
** Booking-Pretrial-Classification-Corrections Health Common Database (Phase 1)	Yes	No	Unknown
Sanctions			
Adult and Juvenile Forest Project	No	No	\$1 - 2 million
** Adult Misdemeanor - Restoration# 50 Adult Misdemeanor - Restoration	Yes	No	\$250k - 500k
Work Release Center	No	No	\$2 - 5 million
Specialty Courts			
** Mental Health Specialty Court	Yes	Partially	Unknown
Community Court	No	No	Unknown
Domestic Violence Specialty Court	No	No	Unknown
Drug Court	No	No	Unknown
Gambling Docket	No	No	Unknown
Restitution Docket and Collection Team	No	No	\$100k - 250k
Technology			
** Dedicated Criminal Justice Systems Research Capacity	Yes	Yes	\$100k - 250k
Wireless Internet Connectivity / Courthouse Wi-fi	No	Yes	Under \$100k
** Video Arraignment / Video Conferencing	Yes	Partially	Under \$100k
** Integrated Criminal Justice Information System (CJIS)	Yes	No	Over \$5 million
Standardized Police Reports	No	No	Under \$100k

** indicates a proposal identified as a short-term or long-term priority in the 2008 Public Safety Plan

Public Safety Plan Proposals

Updated as of 8-12-09

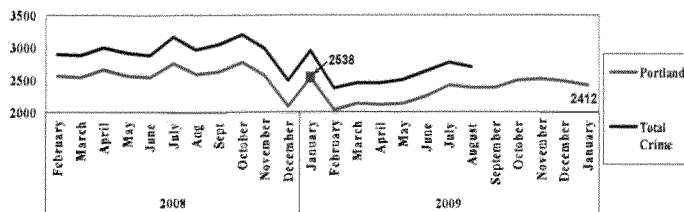
Proposal	Priority?	Implemented?	Budget Range
Transition			
Transition Services Coordination	No	No	\$1 - 2 million
Transition Vocation Team	No	No	\$500k - 1 million
** Transitional Centers (Housing) for Releasing and Homeless Offenders	Yes	No	Over \$5 million
Treatment			
** Continuum of Care Enhancements	Yes	Partially	\$2 - 5 million
** Residential Alcohol and Drug Beds	Yes	No	\$2 - 5 million
Sex Offender Treatment	No	No	\$250k - 500k
Wapato Alcohol and Drug Treatment	No	No	\$1 - 2 million
Workforce Development	No	No	\$100k - 250k
Triage & Mental Health			
** Behavioral Health Triage For Adults	Yes	Will be	\$1 - 2 million
** Secure Mental Health Sub-Acute Facility For Adults	Yes	Will be	\$2 - 5 million
Resource Database and Public Safety Mental Health Training Liaison	No	Unknown	\$250k - 500k
** Mental Health Crisis-Respite Facility for Adults	Yes	No	\$2 - 5 million
Victims			
** Domestic Violence One-Stop Center	Yes	Yes	\$1 - 2 million
Domestic Violence Police – Advocate Teams	No	Yes	\$100k - 250k
Secure website for the sharing of child abuse injury photographs	No	No	\$250k - 500k
Domestic Violence Enhanced Response Team	No	Partially	\$500k - 1 million
Mental Health Services for Children Exposed to Trauma	No	Partially	\$500k - 1 million
Vulnerable Adult Specialist Team-Pilot Forensic Capacity	No	Partially	\$250k - 500k
** Court Affiliated Victim Advocates	Yes	No	\$100k - 250k
Domestic Violence/Sexual Assault Community Prevention	No	No	\$100k - 250k
Improving Public Safety Response to Domestic Violence	No	No	\$100k - 250k
Sexual Assault Response Team Coordinator	No	No	Under \$100k
** Victim Advocates	Yes	No	\$500k - 1 million
Victim Services Program Analyst	No	No	\$100k - 250k
Nurse Family Partnership-nurse home visits	No	No	\$1 - 2 million

** indicates a proposal identified as a short-term or long-term priority in the 2008 Public Safety Plan

SAFETY PRIORITY BRIEF: JANUARY 2010

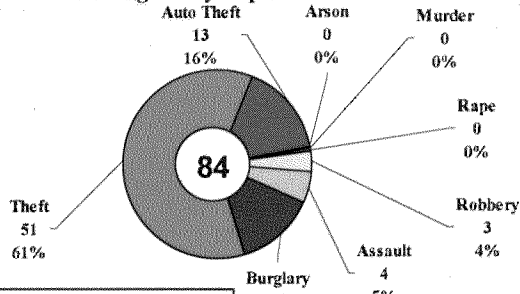
Multnomah County: Reported Index Offenses

Part I Reported Offenses by City
(Highlighting January Months)



* Includes data retrieved from PPD and GPD monthly reports. Source: DSS-J, February 17, 2010. At the time of publication, Gresham Offense data was not available.

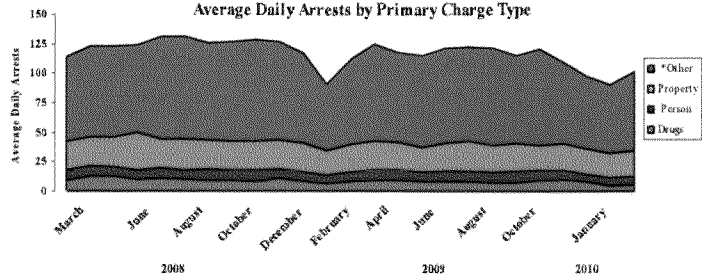
Average Daily Reported Index Offenses



This chart represents Portland Police Bureau data only.

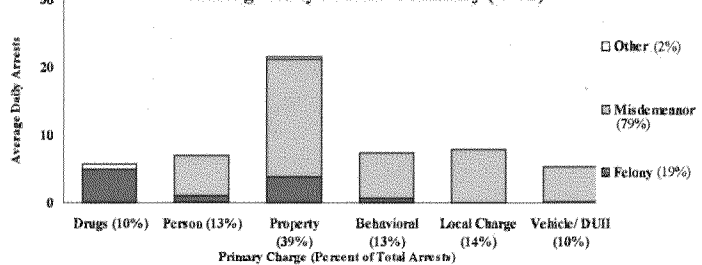
Multnomah County: Portland Arrests

Average Daily Arrests by Primary Charge Type



* Fugitive/warrant charges, behavioral and vehicular arrests and violations of local ordinances. PPB data only. Source: DSS-J, February 17th, 2010.

Average Daily Arrests*: January (n=78)

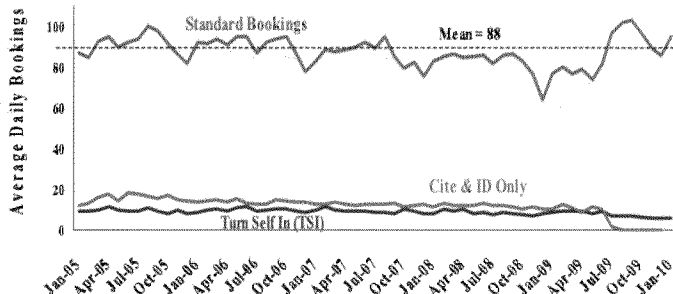


*There were 2410 arrests in January.

From now on, warrants previously categorized as 'other' will be listed under felony arrests.

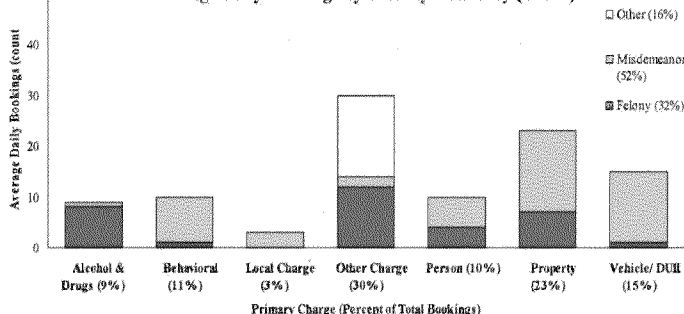
Sheriff: Bookings

Average Daily Bookings by Type



Source: DSS-J, February 19th, 2010.

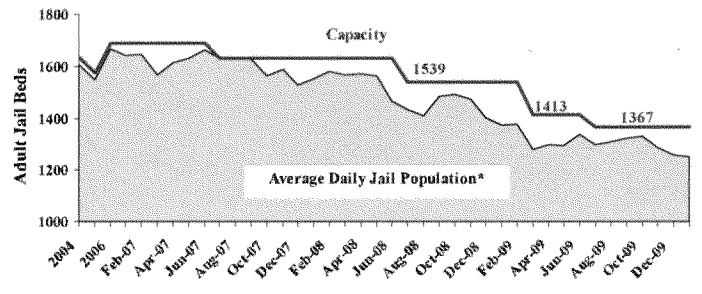
Average Daily Bookings by Severity*: January (n=101)



* Total of 3120 bookings (100.6/day) through 01/31/2010. Corrections Health reported 0 psych-alerts (0/day) for the entire month of January.

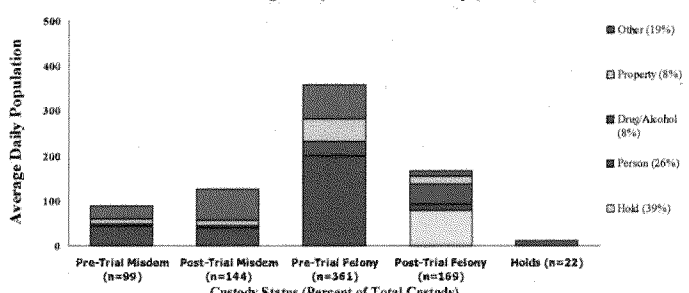
Sheriff: Custody- Adult Jail Beds

Adult Jail Average Daily Population & Availability



*Excludes in-transit custody classifications. The MCSO reported 0 matrix releases for January 2010. Source: DSS-J, February 19th, 2010.

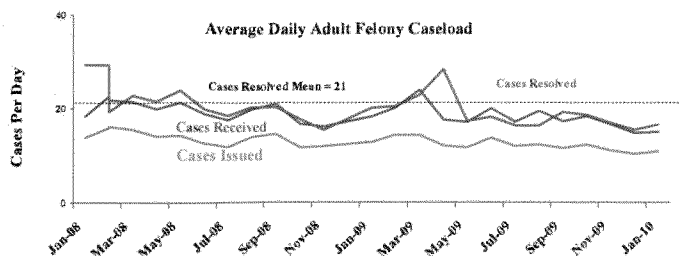
Average Daily Bed Use: January (n=1253)



Average Daily Jail System Capacity=1367. Average Daily Population (ADP)=1253 Range = 1145 to 1289.

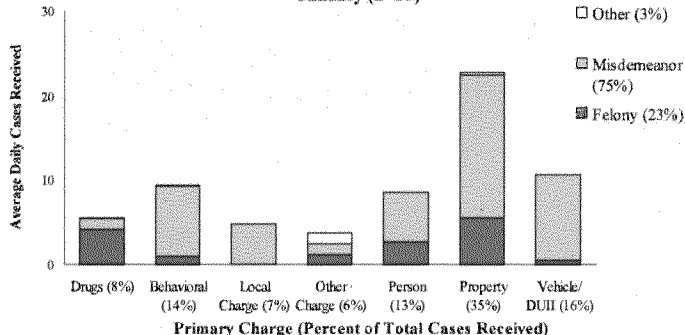
Notes: Reported offenses in Portland have continued to decline since October 2009 and are 5% lower than January 2009. Portland Police arrests have increased for the first time since September 2009, primarily due to an increase in alcohol and drugs arrests. The Adult Jail Beds Utilization Rate has decreased for three months in a row and is currently at 91.4%. Over a similar time period, average length of stay (ALS) in the jails has decreased for the first time in four months and is currently at 14.14 days.

District Attorney: Adult Felony Caseload



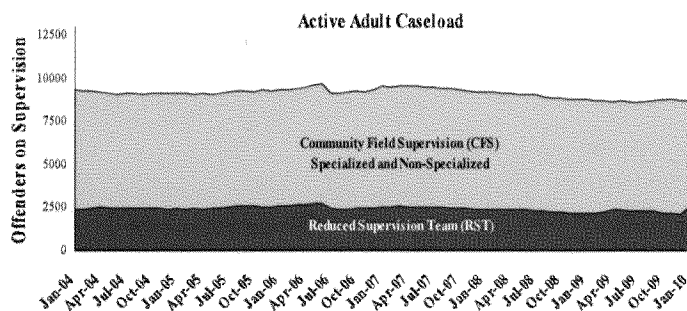
Source: DSS-J, February 19, 2010

Felony and Misdemeanor Average Daily Received Cases*: January (n=15)



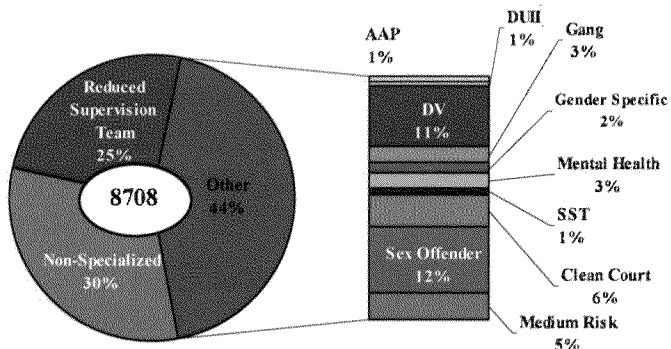
* In January, the DA's Office received 465 felony cases. 516 felony cases were resolved.

Adult Community Supervision: Caseloads



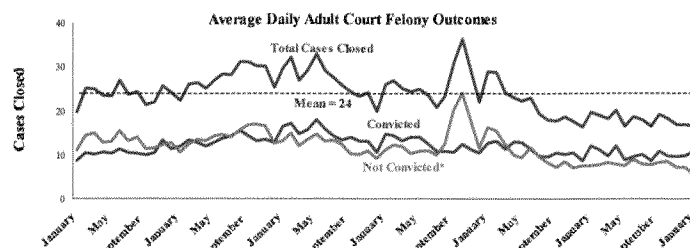
*Source: DCJ Research and Evaluation Unit, February 18th, 2010.

Adult Active Caseload by Type*: January 2010



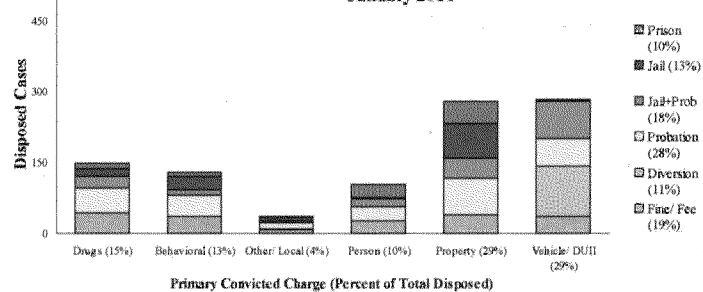
*Less than 1% are "other" cases which have been included as non-specialized. As of December 2009 the Multnomah County Department of Community Justice has reported a new medium risk caseload involving 429 cases.

Court Processes: Sentencing Outcomes



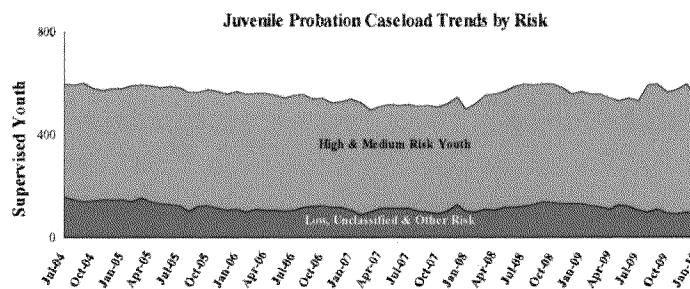
*Includes dismissed cases (typically 'no complainant') and cases found not guilty. Adult felony cases only.
Source: DSS-J, February 18th, 2010.

Felony and Misdemeanor Sentences by Primary Charge*: January 2010



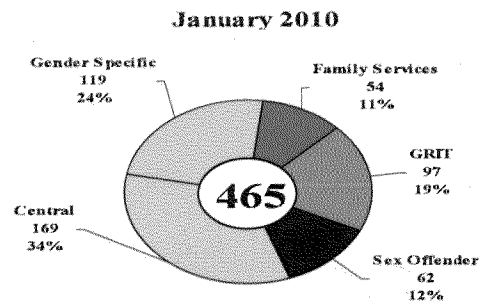
*Primary conviction charge is the most serious charge with a conviction and may differ from the original primary charge. January had 1527 convictions; 22% were felonies.

Juvenile Community Supervision: Caseloads



Source: Department of Community Justice Juvenile Services Division, February 18th, 2010.

Juvenile Justice Caseload by Unit*: January 2010



*The average caseload per counselor was 18.7 for January.

Notes: The DA's office reviewed 18% fewer cases in January 2010 than the same time last year. There has been a corresponding decline in the number of cases issued. Juvenile probation caseloads have decreased for first time in three months.

Questions or Comments? Please contact safetybrief@co.multnomah.or.us

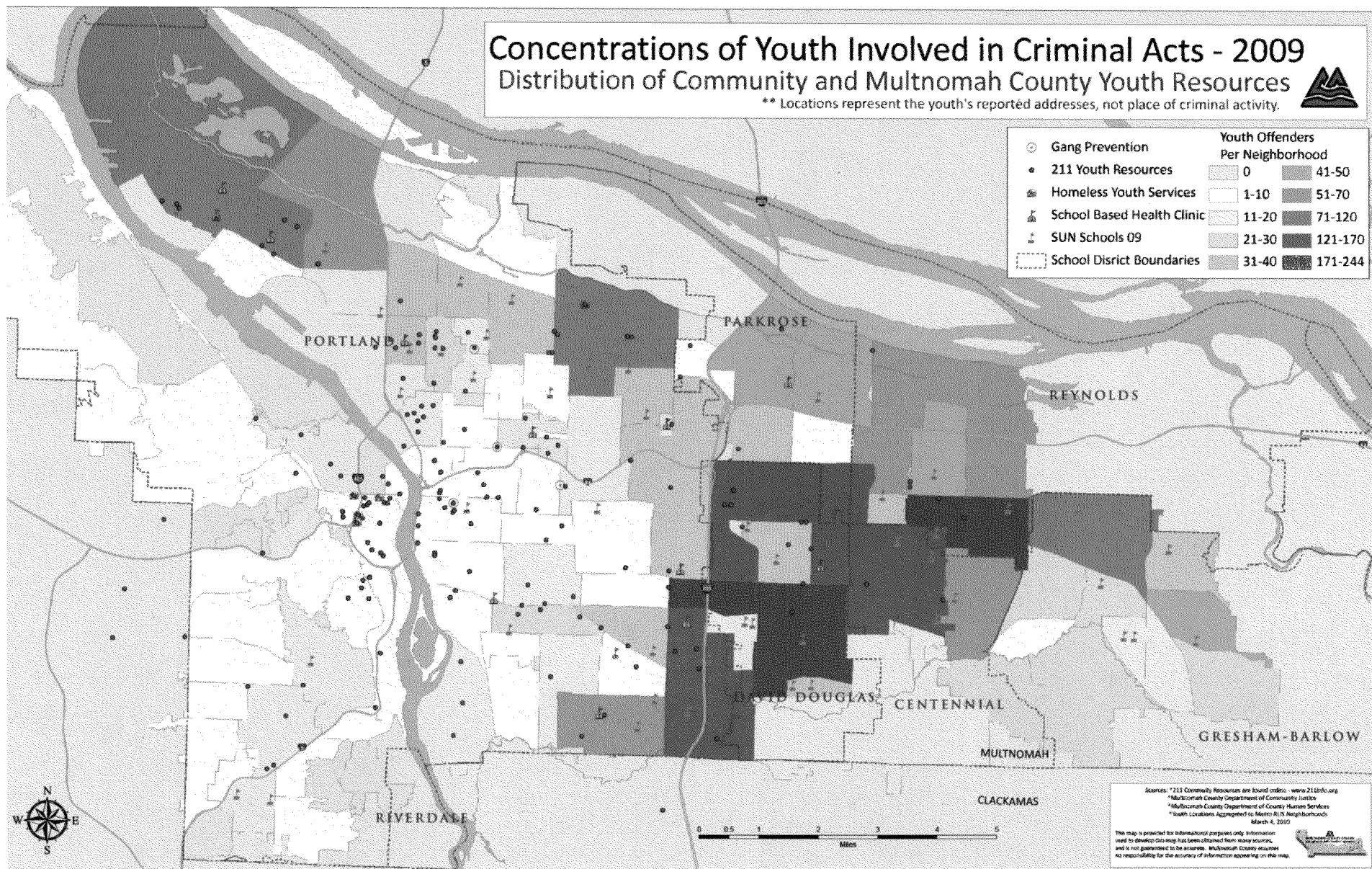
Concentrations of Youth Involved in Criminal Acts - 2009

Distribution of Community and Multnomah County Youth Resources

** Locations represent the youth's reported addresses, not place of criminal activity.



	Youth Offenders Per Neighborhood
○ Gang Prevention	0
• 211 Youth Resources	1-10
☎ Homeless Youth Services	11-20
🏥 School Based Health Clinic	21-30
🎓 SUN Schools 09	31-40
⬜ School District Boundaries	41-50
	51-70
	71-120
	121-170
	171-244



Sources: *211 Community Resources are listed online: www.211info.org
 *Multnomah County Department of Community Services
 *Multnomah County Department of County Human Services
 *Youth Locations Aggregated to Metro AHS Neighborhoods
 March 4, 2009

This map is provided for informational purposes only. Information used to develop this map has been obtained from many sources, and is not guaranteed to be accurate. Multnomah County assumes no responsibility for the accuracy of information appearing on this map.



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Local Public Safety Coordinating Council of Multnomah County

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Workgroups & Committees

[Youth and Gang Violence Workgroup](#)*Chaired by Joanne Fuller, Chief Craig Junginger, and Michael Ware*[Public Safety Plan Workgroup](#)*Chaired by Mike Schrunk and Scott Taylor*[System and Agency Alignment Workgroup](#)*Chaired by Chief Rosie Sizer*[Mental Health Public Safety Subcommittee](#)*Chaired by Judge Julie Frantz and Joanne Fuller*[Juvenile Justice Council](#)*Chaired by Judge Nan Waller*[Criminal Justice Advisory Committee \(CJAC\)](#)*Chaired by Judge Jean Maurer*[DSS-J Policy Committee](#)*Chaired by Commissioner Judy Shprack and Doug Bray*

Affiliated public safety groups

[Reentry Council](#)*Chaired by Scott Taylor and Sheriff Dan Staton*[* Domestic Violence Fatality Review Team](#)*Chaired by Judge Jean Maurer and Commissioner Diane McKeel*[Human Trafficking Task Force](#)*Managed by Deputy Keith Bickford*

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Local Public Safety Coordinating Council of Multnomah County

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Domestic Violence Fatality Review Team

Co-Chaired by Judge Jean Maurer and Commissioners Jeff Cogen (2009) and Diane McKeel (2010)

Formation of a Domestic Violence Fatality Review Team is authorized by the ORS 418.712 through 418.718, with membership governed by those statutes. The Multnomah Fatality Review Team was formed in fall of 2006, and includes professionals from local law enforcement, criminal justice, health, human service, and domestic violence agencies and organizations. Each year, participants select one to three criminal cases in Multnomah County involving a death caused by domestic violence and carefully review the details of the case in order to gain insight into the tragedies and develop recommendations for strategies to avoid similar incidents in the future.

2009 Projects & Accomplishments

The Fatality Review Team conducted two reviews in 2009. While the content of the reviews and the identities of the victims and perpetrators were held in strict confidence by participants, the team developed four sets of specific recommendations for improvements in the response of the public safety system to domestic violence (DV) grouped under the following general proposals:

Improve responses from individuals and institutions when abuse is suspected

- Develop information on public safety planning and make this easily available to a variety of audiences;
- Provide information to students in middle and high schools about relationship safety and the dangers of DV;
- Increase information and screening for youth involved in gangs who are either victims or perpetrators of DV and are in middle or high

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school;

- Improve the knowledge and competence of mental health practitioners to address DV and dating violence and provide safety planning through initial and continuing education and training;
- Develop an initial screening for DCHS to assess DV, mental health, alcohol and drug issues and low cognitive functioning; and
- Develop and maintain capacity for DV training for employees of DCHS and human services providers.

Enhance the ability to identify and track high-risk cases

- Explore additional targeted response to "high danger" cases; and
- Expand jail-based services for both DV victims and perpetrators.

Improve information for justice and social service professionals to assist them in responding to specific cases

- Develop strategies for appropriate responses to DV victims who wish to continue or return to relationships with partners identified as perpetrators.

Identify and fill gaps in the public safety system that limit the ability to respond to DV

- Improve access to housing for DV survivors in order to increase their ability to leave a dangerous situation;
- Expand anti-trafficking and anti-prostitution efforts for at-risk youth;
- Assure services are available for families following a domestic violence homicide, such as grief counseling and follow-up on individual welfare (esp. for minor children); and
- Based on three years of reviews, the DVFR Team recognizes the overarching need to have leadership in our community speak out strongly against DV.

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Data Reports

Select a category in the criminal justice system:

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Corrections Data

Local Data

[Publications and Reports \(MCSO\)](#)

[Emergency Population Release Report \(now combined with Jail Bed Statistics Monthly Report\) \(MCSO\)](#)
Follow link or contact [Neal Hickman](#)

[Frequently Booked Report \(MCSO\)](#)

* [Jail Bed Statistics Monthly Report \(MCSO\)](#)
Follow link or contact [Neal Hickman](#)

[Jail Longevity Report \(DSSJ / MCSO\)](#)
Contact [Gail McKeel](#) to request a copy

[Corrections Health Monthly Facility Statistics](#)
Contact [Darcy Miles](#) to request a copy

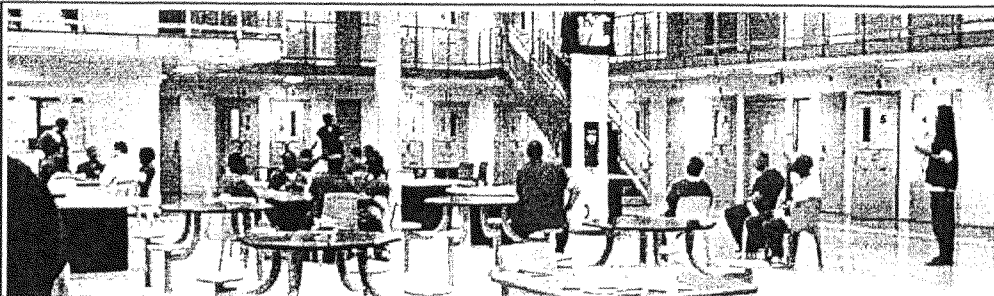
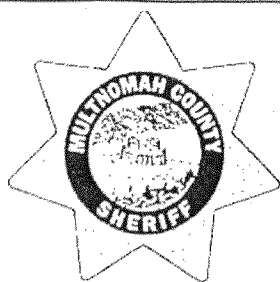
State / Cross-County Data

[Jail Beds, Admissions, Prison Commitments, Total Crime per 1,000 Population \(Oregon Sheriff's Jail Command Council\): 2008 report and past reports](#)

[Research and Statistics \(Oregon Department of Corrections\)](#)
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MULTNOMAH COUNTY SHERIFF'S OFFICE



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MCSO Employee Links

Publications and Reports

Research and Analysis

Director Larry Aab

503-988-4300

Jail Statistics Reports by Month and Year

2010	2009	2008	2007	2006	2005
January	January	January	January	January	January
February	February	February	February	February	February
	March	March	March	March	March
	April	April	April	April	April
	May	May	May	May	May
	June	June	June	June	June
	July	July	July	July	July
	August	August	August	August	August
	September	September	September	September	September
	October	October	October	October	October
	November	November	November	November	November
	December	December		December	December

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2008 Public Safety Plan

In 2007, the Crime & Justice Institute, a nonpartisan consulting, policy analysis, and research agency, worked with Multnomah County to develop a public safety plan designed to "assist decision makers in building and maintaining the most balanced, effective, and cohesive public safety system possible within available resources." The six-month study brought together judges, police officers, prosecutors, parole officers, victims advocates, treatment providers and other public safety experts to identify gaps in the system, generate a list of 53 proposals for improvements to public safety and prioritize investments that are most likely to reduce crime. The study was commissioned by the County Chair and Commissioners and overseen by a core work group made up of policy analysts, managers and subject matter experts.

Below please find information on the current status of those 53 proposals (click [here](#) for a summary) that are being considered by LPSCC's Public Safety Plan workgroup. If you would like to make edits to any of these proposals, please contact [Elizabeth Davies](#), the site's administrator, for information on how you can edit your proposal on the wiki or submit updated information for her to post.

Capacity

- * [Additional Felony and Misdemeanor Disposition](#)

[Resources](#)
[Corrections Health Evaluation and Court Support Program](#)
[Corrections Health Transition Planning Program with Court Interface for Acute Diseases and Mental Health Inmates](#)
[Decrease caseload sizes for Adult Felony Supervision Enhanced In-Jail Needs Assessment, Programs & Transition Planning](#)
[Open Closed Modules at the MCDC Jail](#)
[Three Dormitories at the Wapato Jail](#)

Case Processing

[Automate and Enhance the Length of Stay \(LOS\)](#)

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Additional Felony And Misdemeanor Disposition Resources

This proposal provides additional judicial and district attorney capacity for trials and pleas in the Criminal Procedure Court.

Budget Range: \$100k - 250k

Status: *Partially implemented*

The program could be operational within 2 weeks from hiring staff. The new DDA and Referee would make it possible to an experienced judge and deputy district attorney freed to take on this new assignment – they are doing this work already in other forums which are less efficient. Opening this plea court would create an expedited forum for case disposition that would be used instantly by criminal defense attorneys due to the long waits for docket time to set a plea in other forums which are focused on all aspects of case processing. In, two weeks it would be operating at close to capacity, and would free up time in other programs for backlogged work. If not implemented, cases will age in the system longer – taking up needed jail beds for those in custody, or increasing the possibility of a “failure to appear” and the resulting bench warrant and cycle of arrest, booking and holding for court appearance.



Multnomah County Oregon

Board of Commissioners & Agenda

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BOARD OF COMMISSIONERS

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MARCH 30 & APRIL 1, 2010

BOARD MEETINGS

HIGHLIGHTS

REVISED

9:00 a.m. Tuesday Executive Session

Tuesday Board Policy Discussions

10:00 am: Briefing and Policy Discussion on Local Public Safety Coordinating Council (LPSCC) Fiscal Year 2010 Work Plan and Accomplishments to Date.

11:00 am: Briefing and Policy Discussion on Current Construction Projects, Funding, Capital Facilities Needs Projected in the Next 5-10 Years, and Update on Space Optimization Plan.

9:00 am SWEARING IN CEREMONY

10:00 am Thursday Opportunity for Public Comment on Non-Agenda Matters

10:20 am – R-8 - Acceptance of SW Scholls Ferry Road Conceptual Street Design Plan to Accommodate Bicycle Lanes and Sidewalks and Improved Stormwater Drainage

11:00 am - R-12 Resolution Approving a Memorial to Lynda Pilger and Gary Tipton Along the Morrison Bridge Pedestrian and Bicycle Path.

11:25 am – R-14 Proclamation for Farm Workers Week

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

(Portland & East County)

Thursday, 9:30 AM, (LIVE) Channel 30

Sunday, 11:00 AM Channel 30

(East County Only)

Saturday, 10:00 AM, Channel 29

Tuesday, 8:15 PM, Channel 29

Produced through MetroEast Community Media

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

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

Tuesday, March 30, 2010 - **9:00 am**
Multnomah Building, 6th Floor Commissioners Conference Room 635

EXECUTIVE SESSION

- E-1 The Multnomah County Board of Commissioners will meet in Executive Session pursuant to ORS 192.660(2) (h) to discuss pending litigation. Only representatives of the news media and designated staff are allowed to attend. Representatives of the news media and all other attendees are specifically directed not to disclose information that is the subject of the Executive Session. Final decisions are decided in public Board meetings.
-

Tuesday, March 30, 2010 - **10:00 am**
Multnomah Building, 1st Floor Commissioners Conference Room 100

ROUNDTABLE POLICY DISCUSSIONS

- B-1 Briefing and Policy Discussion on Local Public Safety Coordinating Council (LPSCC) Fiscal Year 2010 Work Plan and Accomplishments to Date. Presenters: Peter Ozanne and Elizabeth Davies (45 minutes)
- B-2 Briefing and Policy Discussion on Current Construction Projects, Funding, Capital Facilities Needs Projected in the Next 5-10 Years, and Update on Space Optimization Plan. Presenters: Bob Thomas and John Lindenthal (1 hour & 15 minutes)

Thursday, April 1, 2010 - 9:00 am
Multnomah Building, Commissioners Board Room 100

SWEARING IN CEREMONY

R-1. RESOLUTION Confirming the Interim Designation for Multnomah County Commissioner District 2, in the Event of a Vacancy (5 minutes)

R-2 Resolution Declaring a Vacancy in the Office of County Chair and Making an Appointment to Fill the Vacancy Followed by Oath of Office Ceremony (10 minutes)

Chair's Opening Remarks (15 minutes)

RECESS UNTIL 10:00 am

COUNTY ATTORNEY'S OFFICE — 9:30 am — TIME CERTAIN

~~R-3 PUBLIC ITAX HEARING and Board Decision of Taxpayers Ray and Laura Paul's Appeal of the Administrator's Final Determination Regarding their 2003-2005 Multnomah County Income Tax (ITAX) Obligations Pursuant to ITAX Administrative Rule 11-614. Jacquie Weber & Mindy Harris (30 minutes allotted)~~

CONSENT AGENDA – 10:00 AM

DEPARTMENT OF HEALTH

C-1 BUDGET MODIFICATION - HD-26 Authorizing One Position Reclassification within the Human Resources Division of the Health Department as Determined by the Class/Comp Unit of Central Human Resources.

DEPARTMENT OF COUNTY HUMAN SERVICES

- C-2 BUDGET MODIFICATION - DCHS-30, Reclassify One (1.00) FTE Data Technician to a Data Analyst in the Mental Health & Addiction Services Division, as Determined by the Class/Comp Unit of Central Human Resources.
- C-3 ORDER Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

SHERIFF'S OFFICE

- C-4 Intergovernmental Revenue Agreement (IGA) 0910069 with the State of Oregon Office of State Fire Marshal for Regional Hazardous Materials Emergency Response Team Services

RETURN TO REGULAR AGENDA

PUBLIC COMMENT - 10:00 am

Opportunity for Public Comment on non-agenda matters. Testimony limited to three minutes per person unless otherwise designated by the presiding officer. This is a time for the Board to hear public testimony, not for Board deliberation. Fill out a yellow speaker form available at the back of the Boardroom and give it to the Board Clerk. Unless otherwise recognized by the presiding officer, testimony is taken in the order the forms are submitted.

COUNTY ATTORNEY – 10:00 am

- R-4 Authorizing Settlement of *Tina Phillips v. Multnomah County, et al*, United States District Court Case No. 10-043 Kl. Presenter: Carlo Calandriello (5 minutes)
- R-5 Authorizing the Settlement of Worker's Compensation Disputed Claims for Doneva Krantz. Presenters: Agnes Sowle, Michelle Cross & Marc Anderson (5 minutes)

COUNTY MANAGEMENT – 10:10 am

- R-6 BUDGET MODIFICATION - Reallocation of Facilities Capital Project Funds FPM-10-08, Animal Services Site Work CP08.10.18 Improvement Project. Presenters: John Lindenthal (5 minutes)

COUNTY HUMAN SERVICES – 10:15 am

- R-7 NOTICE OF INTENT: Aging and Disability Services Division (ADSD) is seeking approval to apply for a Corporation for National and Community Services grant of \$242,874/year for the Foster Grandparent Program. Presenter: Lee Girard (5 minutes)

COMMUNITY SERVICES – 10:20 am

- R-8 Acceptance of SW Scholls Ferry Road Conceptual Street Design Plan to Accommodate Bicycle Lanes and Sidewalks and Improved Stormwater Drainage. Presenters: Karen Schilling, Jane McFarland & Brian Vincent (20 minutes)

- R-9 FIRST READING Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code Revisions to Adopt the Invasive Plant Policy Review and Regulatory Improvement Project Report in Compliance with Metro's Functional Plan. Presenter: Adam Barber (5 minutes)

- R-10 Approve an Intergovernmental Agreement (IGA) to Provide for the Coordinated Regulation and Management of Invasive Plants. Presenter: Adam Barber (5 minutes)

DUNTHORPE RIVERDALE SERVICE DISTRICT - 10:50 am

*(Recess as the Board of County Commissioners and convene as the governing body for **DUNTHORPE RIVERDALE SANITARY SERVICE DISTRICT NO. 1**)*

- R-11 Approve Intergovernmental Agreement (IGA) with the Riverdale School District and the City of Portland for the Construction of the Elk Rock Bypass Sewer Project Bypass Line on Behalf of the Dunthorpe-Riverdale Service District No.1, in Unincorporated Multnomah County. Presenter: Kim Peoples (10 minutes)

*(Adjourn as the governing body for Dunthorpe Riverdale Sanitary Service District No. 1 and reconvene as **BOARD OF COUNTY COMMISSIONERS**)*

NON DEPARTMENTAL – 11:00 am

- R-12 Resolution Approving a Memorial to Lynda Pilger and Gary Tipton Along the Morrison Bridge Pedestrian and Bicycle Path. Presenter: Mike Pullen (10 minutes)

R-13 Resolution Establishing a Task Force to Study the Services Provided by Multnomah County to Veterans, and Provide Recommendations for Improving These Services.

Presenter: Commissioner McKeel and Lee Girard (15 minutes)

R-14 Proclamation for Farm Workers Week. Presenters: Marissa Madrigal and Invited Guests (15 minutes)

ADJOURNMENT – 11:40 am

Thursday, April 1, 2010 - 9:00 am
Multnomah Building, Commissioners Board Room 100

INTERIM CHAIR JANA MCLELLAN CONVENES THE MEETING AT 9:00 A.M. WITH VICE-CHAIR DIANE MCKEEL & COMMISSIONERS DEBORAH KAFOURY, JEFF COGEN AND JUDY SHIPRACK.

GOOD MORNING AND WELCOME. THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS IS BROUGHT TO ORDER.

SWEARING IN CEREMONY

R-1 RESOLUTION Confirming the Interim Designation for Multnomah County Commissioner District 2, in the Event of a Vacancy (5 minutes)

AGNES GIVES EXPLANATION OF PROCESS BEFORE VOTE

DO I HAVE A MOTION TO CONFIRM THE INTERIM DESIGNEE FOR DISTRICT 2?

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS**

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

R-1 IS UNANIMOUSLY APPROVED

R-2 Resolution Declaring a Vacancy in the Office of County Chair and Making an Appointment to Fill the Vacancy (10 minutes)

AGNES GIVES EXPLANATION OF PROCESS BEFORE VOTE

DO I HAVE A MOTION TO DECLARE A VACANCY IN THE OFFICE OF COUNTY CHAIR AND MAKE AN APPOINTMENT TO FILL THE VACANCY?

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS**

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

R-2 IS UNANIMOUSLY APPROVED

JANA'S REMARKS & PASSES GAVEL WHILE ANNOUNCING:

AGNES SOWLE, COUNTY ATTORNEY, WILL ADMINISTER THE OATH OF OFFICE TO CHAIR JEFF COGEN AND COMMISSIONER BARBARA WILLER

COMMISSIONER WILLER'S REMARKS

CHAIR JEFF COGEN'S OPENING REMARKS, FOLLOWED BY:

ON REQUEST OF THE TAXPAYER, THE ITAX HEARING HAS BEEN CANCELLED. WE WILL RECESS UNTIL 10:00 A.M.

AFTER BREAK - CHAIR JEFF COGEN RECONVENES THE MEETING AT 10:00 A.M. WITH VICE-CHAIR DIANE MCKEEL AND COMMISSIONERS DEBORAH KAFOURY, BARBARA WILLER AND JUDY SHIPRACK PRESENT.

WE WILL RECONVENE THE MEETING.

CONSENT AGENDA – 10:00 AM

MAY I HAVE A MOTION ON THE CONSENT CALENDAR?

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF THE CONSENT CALENDAR**

**ALL IN FAVOR, VOTE AYE, OPPOSED ____?
THE MOTION FAILS OR
THE CONSENT CALENDAR IS APPROVED**

DEPARTMENT OF HEALTH

C-1 BUDGET MODIFICATION - HD-26 Authorizing One Position Reclassification within the Human Resources Division of the Health Department as Determined by the Class/Comp Unit of Central Human Resources.

DEPARTMENT OF COUNTY HUMAN SERVICES

C-2 BUDGET MODIFICATION - DCHS-30, Reclassify One (1.00) FTE Data Technician to a Data Analyst in the Mental Health & Addiction Services Division, as Determined by the Class/Comp Unit of Central Human Resources.

C-3 ORDER Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

SHERIFF'S OFFICE

C-4 Intergovernmental Revenue Agreement (IGA) 0910069 with the State of Oregon Office of State Fire Marshal for Regional Hazardous Materials Emergency Response Team Services

RETURN TO REGULAR AGENDA

PUBLIC COMMENT – 10:00 am

Opportunity for Public Comment on non-agenda matters. Testimony limited to three minutes per person unless otherwise designated by the presiding officer. This is a time for the Board to hear public testimony, not for Board deliberation. Fill out a yellow speaker form available at the back of the Boardroom and give it to the Board Clerk. Unless otherwise recognized by the presiding officer, testimony is taken in the order the forms are submitted.

LYNDA WILL LET YOU KNOW IF ANYONE HAS SIGNED UP TO TESTIFY.

COUNTY ATTORNEY – 10:00 am

R-4 Authorizing Settlement of *Tina Phillips v. Multnomah County, et al*,
United States District Court Case No. 10-043 Kl. Presenter: Carlo
Calandriello (5 minutes)

COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF R-4

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

ALL IN FAVOR, VOTE AYE, OPPOSED ____?
THE MOTION FAILS OR
THE PROPOSED SETTLEMENT IS APPROVED

R-5 Authorizing the Settlement of Worker's Compensation Disputed
Claims for Doneva Krantz. Presenters: Agnes Sowle, Michelle Cross
& Marc Anderson (5 minutes)

COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF R-5

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

ALL IN FAVOR, VOTE AYE, OPPOSED ____?
THE MOTION FAILS OR
THE PROPOSED SETTLEMENT IS APPROVED

COUNTY MANAGEMENT – 10:10 am

R-6 BUDGET MODIFICATION - Reallocation of Facilities Capital Project Funds FPM-10-08, Animal Services Site Work CP08.10.18 Improvement Project. Presenters: John Lindenthal (5 minutes)

COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF R-6

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

ALL IN FAVOR, VOTE AYE, OPPOSED ____?
THE MOTION FAILS OR
THE BUDGET MODIFICATION IS APPROVED

COUNTY HUMAN SERVICES – 10:15 am

R-7 NOTICE OF INTENT: Aging and Disability Services Division (ADSD) is seeking approval to apply for a Corporation for National and Community Services grant of \$242,874/year for the Foster Grandparent Program. Presenter: Lee Girard (5 minutes)

COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF R-7

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

ALL IN FAVOR, VOTE AYE, OPPOSED ____?
THE MOTION FAILS OR
THE NOTICE OF INTENT IS APPROVED

COMMUNITY SERVICES – 10:20 am

R-8 Approve Resolution Accepting the of SW Scholls Ferry Road Conceptual Street Design PLAN to Accommodate Bicycle Lanes and Sidewalks and Improved Stormwater Drainage. Presenters: Karen Schilling, Jane McFarland & Brian Vincent (20 minutes)

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF R-8**

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

**ALL IN FAVOR, VOTE AYE, OPPOSED ____?
THE MOTION FAILS OR
THE RESOLUTION IS ADOPTED**

R-9 FIRST READING Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code Revisions to Adopt the Invasive Plant Policy Review and Regulatory Improvement Project Report in Compliance with Metro's Functional Plan. Presenter: Adam Barber (5 minutes)

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF THE FIRST READING**

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

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

**THE MOTION FAILS OR
THE FIRST READING IS APPROVED, THE SECOND
READING IS THURSDAY, APRIL 8, 2010**

R-10 Approve an Intergovernmental Agreement (IGA) to Provide for the Coordinated Regulation and Management of Invasive Plants.
Presenter: Adam Barber (5 minutes)

COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF R-10

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

ALL IN FAVOR, VOTE AYE, OPPOSED ____?
THE MOTION FAILS OR
THE IGA IS APPROVED

DUNTHORPE RIVERDALE SERVICE DISTRICT - 10:50 am

WE WILL RECESS AS THE BOARD OF COUNTY COMMISSIONERS AND CONVENE AS THE GOVERNING BODY FOR DUNTHORPE RIVERDALE SANITARY SERVICE DISTRICT NO. 1

R-11 Approve Intergovernmental Agreement (IGA) with the Riverdale School District and the City of Portland for the Construction of the Elk Rock Bypass Sewer Project Bypass Line on Behalf of the Dunthorpe-Riverdale Service District No.1 in Unincorporated Multnomah County.
Presenter: Matt Ryan & Kim Peoples (10 minutes)

MATT RYAN WILL ADVISE THE BOARD OF CHANGES IN THE IGA AND RECOMMEND TO THE CHAIR THAT THERE NEEDS TO BE A MOTION AND SECOND TO CONSIDER THE REVISED IGA. (HAND OUT) ONCE IT IS SUBSTITUTED, HE WILL BRIEF THE BOARD ON THE CHANGES.

DO I HEAR A MOTION TO APPROVE THE REVISED IGA?
COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS

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

ALL IN FAVOR, VOTE AYE, OPPOSED ____?
THE MOTION FAILS OR
THE REVISED IGA IS APPROVED

**WE NOW ADJOURN AS THE GOVERNING BODY FOR
DUNTHORPE RIVERDALE SANITARY SERVICE DISTRICT
NO. 1 AND RECONVENE AS BOARD OF COUNTY
COMMISSIONERS**

NON DEPARTMENTAL – 11:00 am

R-12 Resolution Approving a Memorial to Lynda Pilger and Gary Tipton
Along the Morrison Bridge Pedestrian and Bicycle Path. Presenter:
Mike Pullen (10 minutes)

COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF R-12

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

ALL IN FAVOR, VOTE AYE, OPPOSED ____?
THE MOTION FAILS OR
THE RESOLUTION IS ADOPTED

R-13 Resolution Establishing a Task Force to Study the Services Provided
by Multnomah County to Veterans, and Provide Recommendations
for Improving These Services.
Presenter: Commissioner McKeel and Lee Girard (15 minutes)

COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF R-13

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

ALL IN FAVOR, VOTE AYE, OPPOSED ____?
THE MOTION FAILS OR
THE RESOLUTION IS ADOPTED

R-14 Proclamation for Farm Workers Week. Presenters: Marissa Madrigal
and Invited Guests (15 minutes)

COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF R-14

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

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

THE MOTION FAILS OR
THE PROCLAMATION IS ADOPTED

ADJOURNMENT – 11:40 am

Thursday, April 1, 2010 - 9:00 am
Multnomah Building, Commissioners Board Room 100

INTERIM CHAIR JANA MCLELLAN CONVENES THE MEETING AT 9:00 A.M. WITH VICE-CHAIR DIANE MCKEEL & COMMISSIONERS DEBORAH KAFOURY, JEFF COGEN AND JUDY SHIPRACK.

GOOD MORNING AND WELCOME. THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS IS BROUGHT TO ORDER.

SWEARING IN CEREMONY

R-1 RESOLUTION Confirming the Interim Designation for Multnomah County Commissioner District 2, in the Event of a Vacancy (5 minutes)

DO I HAVE A MOTION TO CONFIRM THE INTERIM DESIGNEE FOR DISTRICT 2?

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS**

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

R-1 IS UNANIMOUSLY APPROVED

AGNES GIVES EXPLANATION OF PROCESS

R-2 Resolution Declaring a Vacancy in the Office of County Chair and Making an Appointment to Fill the Vacancy (10 minutes)

DO I HAVE A MOTION TO DECLARE A VACANCY IN THE OFFICE OF COUNTY CHAIR AND MAKE AN APPOINTMENT TO FILL THE VACANCY?

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS**

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

R-2 IS UNANIMOUSLY APPROVED

AGNES GIVES EXPLANATION OF PROCESS

*Barbara
Thanked
everyone
spoke to her
experience*

✓ JANA'S REMARKS & PASSES GAVEL WHILE ANNOUNCING:

AGNES SOWLE, COUNTY ATTORNEY, WILL ADMINISTER THE OATH OF OFFICE TO CHAIR JEFF COGEN AND COMMISSIONER BARBARA WILLER

✓ COMMISSIONER WILLER'S REMARKS

CHAIR JEFF COGEN'S OPENING REMARKS, FOLLOWED BY:

ON REQUEST OF THE TAXPAYER, THE ITAX HEARING HAS BEEN CANCELLED. WE WILL RECESS UNTIL 10:00 A.M.

*Focus in
Prevention
Compassion
Sustainability
Econ Dev &
Sustainability*

AFTER BREAK - CHAIR JEFF COGEN RECONVENES THE MEETING AT 10:00 A.M. WITH VICE-CHAIR DIANE MCKEEL AND COMMISSIONERS DEBORAH KAFOURY, BARBARA WILLER AND JUDY SHIPRACK PRESENT.

WE WILL RECONVENE THE MEETING.

CONSENT AGENDA – 10:00 AM

MAY I HAVE A MOTION ON THE CONSENT CALENDAR?

COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF THE CONSENT CALENDAR

ALL IN FAVOR, VOTE AYE, OPPOSED ____?
THE MOTION FAILS OR
THE CONSENT CALENDAR IS APPROVED



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(Revised 12/31/09)

Board Clerk Use Only

Meeting Date: 03/30/2010
Agenda Item #: PD-2
Est. Start Time: 10:45 AM
Date Submitted: 02/08/2010

Agenda Title: Briefing and Policy Discussion on Current Construction Projects, Funding, Capital Facilities Needs Projected in the Next 5-10 Years, and Update on Space Optimization Plan

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

Requested Meeting Date: March 30, 2010
Amount of Time Needed: 1 hour, 15 minutes
Department: Non-Departmental
Division: Commission District 1
Contact(s): Beckie Lee, Jana McLellan
Phone: 503-988-6796 Ext. 86796
I/O Address: 503/6th
Presenter(s): Bob Thomas, John Lindenthal

General Information

1. What action are you requesting from the Board?

No action required.

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.

Board briefing and discussion on current construction projects, funding, facilities needs projected in the next 5-10 years, and update on space optimization plan.

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

None.

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

None.

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

None.

Required Signature

Elected Official or
Department/
Agency Director:

Deborah Koffing

Date: 02/05/2010

Multnomah County 2010 Facilities Capital Improvement Program Briefing

March 30, 2010

Multnomah County Board of Commissioners

1. FY 2010 Capital Projects
2. Funding
3. 5 to 10 Year Capital Need
4. Space Optimization Update

Facilities Capital Mission

- *Extend the life of County buildings, optimize the performance of building systems, and create accessible, functional, and energy efficient facilities that meet County program needs.*

Capital Focus

- Reduce long term facilities cost to the County
- Prioritize projects to sustain and upgrade building infrastructure and equipment
- Improve functionality and usefulness for programs
- Increase flexibility of space
- Achieve a sustainable balance between facility maintenance and funding

Definitions

- Tier I Asset Preservation (AP)
 - Retain good building for long term use
 - Provide scheduled maintenance from Asset Preservation Fund 2509
- Tier II Capital Improvement Program (CIP)
 - Retain and improve fair buildings needing capital improvement
 - Schedule improvements to bring up to Tier 1 status from Capital Improvement Fund 2507
 - If not being upgraded, do only emergency repairs or system/component replacements
- Tier III Capital Improvement Program (CIP)
 - Maintain functionality
 - Minimal capital investment

Fund 2507 CIP Projects	FY 2010 Adopted
Court House	\$ 948,300
Justice Center	\$ 2,310,400
McCoy	\$ 1,850,000
Mead	\$ 957,500
Lincoln	\$ 10,600
Hansen	\$ 504,000
Inverness Jail	\$ 855,500
Library Administration	\$ 25,000
Inverness Jail Laundry	\$ 149,300
Walnut Park	\$ 212,600
Animal Services	\$ 321,000
Kelly Building	\$ 2,445,000
Yeon Shops	\$ 106,900
Skyline Road Shop	\$ 48,000
Wikman Building	\$ 3,000
Central Office	\$ 18,000
Central Library	\$ 177,924
Title Wave	\$ 144,100
Small Energy Projects	\$ 50,000
Building Safety Emergency Repair	\$ 500,000
FLS Fire Life Safety	\$ 175,000
RACC	\$ 50,000
A&E Consultation for CIP	\$ 150,000
Building Disposition Summary	\$ 403,000
Emergency Expenditures	\$ 33,000
Total Routine Projects	\$ 12,448,124
Deferred Maintenance and Energy Bond Projects	\$ 12,000,000
New downtown courthouse	\$ 15,700,000
East County Justice Center(ECJC)	\$ 4,880,000
Total Non Routine Projects	\$ 32,580,000
Grand Total FY10 Fund 2507	\$ 45,028,124

Fund 2509 AP Projects	FY 2010 Adopted
Juvenile Justice	\$ 438,000
North Portland Health	\$ 11,000
Elections	\$ 98,000
Southeast Health	\$ 292,000
Mid-County Health	\$ 200,000
MCE	\$ 74,000
GCC MDT Bldg	\$ 180,000
GCC Service Bldg	\$ 163,000
Yeon Annex	\$ 12,000
TMB	\$ 788,000
TMB Garage	\$ 414,000
Central Library	\$ 405,000
Gregory Heights Library	\$ 40,000
Midland Library	\$ 97,000
North Portland Library	\$ 15,000
Space Optimization	\$ 387,000
ADA-American Disabilities Act	\$ 50,000
Interior Finishes	\$ 100,000
Small Energy Projects	\$ 50,000
Capital Repair	\$ 175,000
RACC	\$ 30,000
A&E Consultation for AP	\$ 100,000
Emergency Expenditures	\$ 86,806
Unappropriated Balance	\$ 450,000
Grand Total FY10 Fund 2509	\$ 4,655,806

FY 2010 Adopted Projects

March 30, 2010

Multnomah County Adopted FY 2010 Financial and Budget Policies

An Asset Preservation Fee (and Capital Improvement Fee) shall be assessed on tenants within all Tier I (and Tier 2 and 3 for CIP Fund) buildings. This fee is established to be \$2.55 / rentable square foot in the initial year and shall be adjusted in future years to reflect the facilities' needs and County funding capacity.

It is the goal of the Board to fund the County's capital needs at approximately 2% of the cost of County buildings. (Two percent is equivalent to depreciating the facilities over a 50-year period.) While the County currently funds facilities at a rate equivalent to approximately 1% of the cost of County buildings, and does not have the capacity to fund facilities at the policy rate, the Board will consider this goal when establishing the rate in future years.

10 Year Projected Capital Revenue & Estimated Deferred Maintenance

FY	Capital Rate per sq ft *	Total Capital Revenue per year	Estimated Total Deferred Maintenance
2011	\$2.75	\$6.2 M	\$21.3 M
2012	\$2.95	\$6.6 M	\$14.7 M
2013	\$3.20	\$7.1 M	\$11.8 M
2014	\$3.45	\$7.7 M	\$7.3 M
2015	\$3.75	\$8.3 M	\$6.6 M
2016	\$4.05	\$9.1 M	\$3.9 M
2017	\$4.35	\$9.7 M	\$16.8 M
2018	\$4.70	\$10.5 M	\$22.1 M
2019	\$5.05	\$11.3 M	\$16.2 M
2020	\$5.45	\$12.1 M	\$21.3 M

* 8% Annual increase per 2005 Adopted Facilities Strategic Plan

Space Optimization Update

Multnomah Building Project (2nd, 3rd and 4th floors)

- Programs consolidated: IT, DCJ, Tax Title, MCSO, HR
>40% space efficiency with new 120° layout
Current: 102 work stations
After: 151 work stations
- Net annual operating savings from Kelly Bldg: \$110 K
- Total project cost *estimate*: \$980 K

Countywide vacancy rate is 3.3%

- Yeon/Vance Campus has the largest vacancy –
working on future options
 - Yeon Fuel Tank Repairs
 - Overall Site Assessment

Upcoming FY 2011 Budget Worksession

Late May:

Annual FY 2011 Capital Budget Worksession

- Finance report on County debt and financing
- Facilities 5 Year Capital Program
- Seismic Liability

✓

**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: 4/1/10

SUBJECT: Scholls Ferry Road Design

AGENDA NUMBER OR TOPIC: R-8

FOR: ☒ AGAINST: ☐ THE ABOVE AGENDA ITEM

NAME: Ed Abrahamson

ADDRESS: 2217 NE 12th Ave

CITY/STATE/ZIP: Portland OR 97212

PHONE: DAYS: 503.287.0098 EVES: _____

EMAIL: edabramson@gmail.com FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1159

Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Code Revision to Strengthen Invasive Plant Management in Compliance with Metro's Functional Plan

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners (Board) adopted Resolution A in 1983 which directed the County services towards rural services rather than urban.
- b. In 1996, Metro adopted the Functional Plan for the region, mandating that jurisdictions comply with the goals and policies adopted by the Metro Council.
- c. In 1998, the County and the City of Portland (City) amended the Urban Planning Area Agreement to include an agreement that the City would provide planning services to achieve compliance with the Functional Plan for those areas outside the City limits, but within the Urban Growth Boundary and Portland's Urban Services Boundary.
- d. It is impracticable to have the County Planning Commission conduct hearings and make recommendations on land use legislative actions pursuant to MCC 37.0710, within unincorporated areas inside the Urban Growth Boundary for which the City provides urban planning and permitting services. The Board intends to exempt these areas from the requirements of MCC 37.0710, and will instead consider the recommendations of the Portland Planning Commission and City Council when legislative matters for these areas are brought before the Board for action as required by intergovernmental agreement (County Contract #4600002792) (IGA).
- e. On March 4, 2010 the Board amended County land use codes, plans and maps to adopt the City's land use codes, plans and map amendments in compliance with Metro's Functional Plan by Ordinance 1157.
- f. Since the adoption of Ordinance 1157, the City's Planning Commission recommended land use code, plan and map amendments to the City Council through duly noticed public hearings.
- g. The City notified affected County property owners as required by the IGA.
- h. The City Council adopted the *Invasive Plant Policy Review and Regulatory Improvement Project report* and code amendments set out in Section 1 below and attached as Exhibits 1 & 2. The IGA requires that the County adopt these amendments for the City planning and zoning administration within the affected areas.
- i. This matter was noticed on the April 1, 2010, Board Meeting Agenda.
- j. City Code Title 29 is not part of the Portland Zoning Code and is not required to go through the legislative process required in MCC 37.0710 and is adopted by the Board through this ordinance.
- k. The City Council has authorized the *Intergovernmental Agreement to Provide for the Coordinated Regulation and Management of Invasive Plants* between the City of Portland and Multnomah County as shown in Appendix F of Planning Commission Recommended Report to City Council.

Multnomah County Ordains as follows:

Section 1. The County code is amended to include the City code amendments, attached as Exhibits 1-3, effective on the same date as the respective Portland ordinance:

Exhibit No.	Description	Date
1	Ordinance to strengthen invasive plant management (PDX Ord. #183534) (effective July 1, 2010, except Section 33.430.140.L and Section 33.465.150.G that are effective July 1, 2011)	2/10/2010
2	<i>Invasive Plant Policy Review and Regulatory Improvement Project: Planning Commission Recommended Report to City Council (Recommended Report)</i>	1/15/20109

Section 2. MCC Chapter 11.10, § 11.10.350 is amended as follows:

11.10.350 Replacement of portions of Community Plans with City of Portland Comprehensive Plans, Zoning Maps, and Codes.

(A) As of January 1, 2002, the County Comprehensive Framework Plan, and Community Plans, Rural Area Plans, Sectional Zoning Maps, and Multnomah County Zoning Code Chapters are amended to include:

(1) City of Portland Zoning Code, titles 10, 17.38.060, 24.50, 24.70, 32, 33 and 34, to include the 'Code Maintenance 2001' update effective September 7, 2001 and the additional 'Code Maintenance 2001' update as attached

(2) City of Portland Zoning Code amendments relating to the transfer of administration from the County to the City for unincorporated urban areas within Portland's Urban Services Boundary

(3) The Portland Comprehensive Plan

(4) The Portland Comprehensive Plan Maps (with the understanding that the Comprehensive Plan will be amended to include all Multnomah County-Portland unincorporated areas)

(5) The Outer SE and SW Community Plans

(6) The Guilds Lake Industrial Sanctuary Plan

(7) The proposed Metro Design Type Boundary Maps

(8) The proposed County-City Street Classification Conversion Chart

(9) The amended zoning maps attached.

(B) Those portions of unincorporated Community Plans that lie within the City of Portland Urban Services Boundary are repealed and replaced by the respective City of Portland Comprehensive Plan and Community Plans.

(C) Land use codes and zoning maps implementing the County Community Plans are also replaced for those urban areas by the City of Portland Zoning Code titles 10, 17.38.060, 24.50, 24.70, 32, 33 and 34 and maps adopted by reference in those Ordinances.

(D) As of July 1, 2010, the Multnomah County Code is amended to include City of Portland Code Title 29, Property Maintenance Regulations.

Section 3. In accordance with ORS 215.427(3), the changes resulting from Section 1 of this ordinance shall not apply to any decision on an application that is submitted before the applicable effective date of this ordinance and that is made complete prior to the applicable effective date of this ordinance or within 180 days of the initial submission of the application.

Section 4. In accordance with ORS 92.040(2), for any subdivisions for which the initial application is submitted before the applicable effective date of this ordinance, the subdivision application and any subsequent application for construction shall be governed by the County's land use regulations in effect as of the date the subdivision application is first submitted.

Section 5. Any future amendments to the legislative matters listed in Section 1 above, are exempt from the requirements of MCC 37.0710. The Board acknowledges, authorizes and agrees that the Portland Planning Commission will act instead of the Multnomah Planning Commission in the subject unincorporated areas using the City's own procedures, to include notice to and participation by County citizens. The Board will consider the recommendations of the Portland Planning Commission when legislative matters for County unincorporated areas are before the Board for action.

Section 6. The County Chair is authorized and directed to sign the *Intergovernmental Agreement to Provide for the Coordinated Regulation and Management of Invasive Plants* in a form substantially as set forth in Appendix F of the Recommended Report (Exhibit 2).

FIRST READING: _____ April 1, 2010

SECOND READING AND ADOPTION: _____ April 8, 2010

BOARD OF COUNTY COMMISSIONERS,
FOR MULTNOMAH COUNTY, OREGON

Jeff Cogen, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Sandra N. Duffy, Assistant County Attorney

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

EXHIBIT LIST FOR ORDINANCE

1. Ordinance to strengthen invasive plant management (**PDX Ord. #183534**) (effective July 1, 2010, except Section 33.430.140.L and Section 33.465.150.G that are effective July 1, 2011)
2. *Invasive Plant Policy Review and Regulatory Improvement Project: Planning Commission Recommended Report to City Council (January 15, 2010)*

Prior to adoption, this information is available electronically or for viewing at the Multnomah County Board of Commissioners and Agenda website (www.co.multnomah.or.us/cc/WeeklyAgendaPacket/). To obtain the adopted ordinance and exhibits electronically, please contact the Board Clerk at 503-988-3277. These documents may also be purchased on CD-Rom from the Land Use and Transportation Program. Contact the Planning Program at 503-988-3043 for further information.

GROW Lynda

From: DAVIES Elizabeth
Sent: Tuesday, March 30, 2010 3:31 PM
To: GROW Lynda
Subject: RE: i don't imagine

Hahaha, if only! Yep, CANS.

From: GROW Lynda
Sent: Tuesday, March 30, 2010 3:30 PM
To: DAVIES Elizabeth
Subject: i don't imagine

That the "CANNES" project is quite the right spelling, is it? After all, we're not in Hollywood! Is it CANS???

*Title of
support
help person*

*Brufing
3-30-2010*

BRIEFING
3/30/2010

TOM
BOOY
ACKNOWLEDGE
MATT OKEERE
CANINES
PROJECT

MARCH, 2010 BOARD ROOM & CONFERENCE ROOM RESERVATION SCHEDULE

MULTNOMAH BUILDING #100 & 112

For Reservations call: Phone (503) 988-3277 or 85274

Or e-mail: Lynda Grow @ lynda.grow@co.multnomah.or.us

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
<u>MARCH 1</u> 5:30 p.m. to 9:30 p.m. Land Use Planning Meeting, 30 folks, Kathy Fisher @ 26771 and/or Karen Schilling @ 83043	<u>MARCH 2</u> 7:30 a.m. to 9:00 a.m. LPSCC Exec Comm Mtg., Elizabeth Davis @ 85002 in Room 315 9:30 a.m. to 12:00 p.m. Roundtable Board Policy Discussion Lynda Grow @ 88327	<u>MARCH 3</u>	<u>MARCH 4</u> 9:30 a.m. to 12:00 p.m. Regular Board Meeting Lynda Grow @ 83277 <u>12:00 pm to 1:30 pm</u> Board Values Session, Hector Roche @ 85772, Room 635 4:00 p.m. to 9:00 p.m. Citizen Involvement Executive Comm. and Chair Ted Wheeler Sponsored Public Budget Forum - Creating a Safe Community, 100 folks, Kathleen Todd @ 22438	<u>MARCH 5</u> 8:00 a.m. to 11:30 a.m. SUN Service System Coordinating Council, 20 folks, Lori Kenney @ 24198

GROW Lynda

From: SOWLE Agnes
Sent: Thursday, March 25, 2010 12:01 PM
To: GROW Lynda
Subject: Agendas

Once Jeff takes office, you might want to check with Marissa and him and ask them if they want to continue putting the "Board Comment" item on the end of the agendas. Ted started that and at first, they did use the item to discuss things. But it has gotten so that they never do. Seems silly to keep it on the agenda when they don't use it.

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

3/25/2010

GROW Lynda

From: SOWLE Agnes
Sent: Tuesday, March 23, 2010 2:02 PM
To: GROW Lynda; KINOSHITA Carol
Subject: RE: final final!

Cogen doesn't have to resign -- # 2 is the Board appointing him to be the Chair -- he can then resign Dist 2, accept the chair and be sworn in -- all in one.

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

From: GROW Lynda
Sent: Tuesday, March 23, 2010 2:01 PM
To: KINOSHITA Carol
Cc: SOWLE Agnes
Subject: RE: final final!

So are you saying that it will happen in this order:

- 1- confirm interim designation and THEN
- 2- Comm Cogen resigns? Followed by:
- 3- Board approves selection of Cogen as Chair
- 4- Jeff takes Oath of Office

Lynda Grow, Assistant Board Clerk
(503) 988-5274
lynda.grow@co.multnomah.or.us

From: KINOSHITA Carol
Sent: Tuesday, March 23, 2010 10:26 AM
To: GROW Lynda
Subject: final final!
Importance: High

We're back to just "Chair" -- thanx!

Carol

From: KINOSHITA Carol
Sent: Tuesday, March 23, 2010 10:11 AM
To: GROW Lynda
Subject: Corrected Final

Here's the item with the corrected resolution (for "interim chair"). Thanx!

3/24/2010

GROW Lynda

From: SOWLE Agnes
Sent: Thursday, March 25, 2010 5:54 AM
To: GROW Lynda
Subject: RE: so....would the first part of the agenda look like this???

*Script
Language*

No. R1 and R2 should be reversed. Don't need to number the oath and opening remarks. See below. Remove the underlined. I realize this may seem backwards, but once Jeff is confirmed as Chair he has no authority to change his interim designee for District 2. For your script, immediately following R-2 I would have Jeff accept and resign district 2, Jana should then say time to do the oath of office for him – then pass the gavel. When she does so, she may make some remarks – then Jeff can make his remarks. He should then call for the oath of office for Barbara and she can be seated.

From: GROW Lynda
Sent: Wed 3/24/2010 2:41 PM
To: SOWLE Agnes
Subject: so....would the first part of the agenda look like this???

SWEARING IN CEREMONY

- R-2 Resolution Declaring a Vacancy in the Office of County Chair and Making an Appointment to Fill the Vacancy Followed by Oath of Office Ceremony (10 minutes)
- R-1 RESOLUTION Confirming the Interim Designation for Multnomah County Commissioner District 2, in the Event of a Vacancy (5 minutes)
- R-3 OATH OF OFFICE CEREMONY (5 minutes)
- R-4 CHAIR'S OPENING REMARKS (10 minutes)

Do we give Jana a chance to say something first?? Seems kind of cold....

Lynda J. Grow, Interim Board Clerk
 Multnomah county Commissioners
 501 SE Hawthorne Blvd., Ste. 600
 Portland, OR 97214-3587
 (503) 988-5274 or 988-3277
 Fax: (503) 988-3013
Lynda.Grow@co.multnomah.or.us
<http://www.co.multnomah.or.us/cc/index.shtml>

GROW Lynda

From: ISLEY Sheila L
Sent: Wednesday, March 17, 2010 8:24 AM
To: RINEHART Tom; MADRIGAL Marissa D
Cc: GROW Lynda; SCHILLING Karen C; BARBER Adam T
Subject: FW: BCC item for 4/1/10 Resolution Amending Land Use Code
Attachments: APR_ORD_Invasive_Plant_Project.doc; ORD_PDX_Invasive Plant.doc;
PDX_Ordinance_183534.pdf; NFA O-A for Invasive Plant IGA.pdf

Please find attached the electronic documents for the April 1 BCC agenda for your review and approval. Cecilia has signed the hard copy which is being forward to Lynda. The Planning Commission report is not attached for the file is too large. We will send this report to Lynda on a disk.

Respectfully,

Sheila

x85881

From: FARMER Stuart L
Sent: Monday, March 15, 2010 4:01 PM
To: ISLEY Sheila L
Subject: BCC item for 4/1/10 (2 of 2)

OK here is the Ordinance packet. The report is too large to email so I will send a disk.

Stuart

Administrative Services Officer
Multnomah County Land Use and Transportation Program
(503) 988-5276 Fax (503) 988-3389

Please consider the environment before printing this e-mail 

GROW Lynda

From: LYNCH Brad B [brad.lynch@mcsso.us]
Sent: Monday, March 22, 2010 9:02 AM
To: GROW Lynda
Cc: MOORE Timothy A; GATES Jason D; YANTIS Wanda
Subject: Agenda Placement Request - Oregon State Fire Marshal IGA
Attachments: RHMERT APR 0910069.doc; RHMERT CAF 0910069.doc; RHMERT Agreement 0910069.pdf

Good morning. Attached are copies of the APR, CAF, and IGA with the State of Oregon Fire Marshal for regional hazardous materials emergency response team services. I'll bring the documents up later this morning.

Thank you, Brad

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@mcsso.us

<http://www.mcsso.us/>

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 2010-033

Order Denying Appeal of Ray and Laura Paul of ITAX Administrator's Final Determination

*Hearing
Cancelled
Mon. 4/29/2010
Per Jacqueline
Weber*

The Multnomah County Board of Commissioners Finds:

- a. Ray and Laura Paul timely filed a Notice of Appeal from the Administrator's Final Letter of Determination of their 2003, 2004, 2005 Multnomah County Income Tax.
- b. Appellants challenge the County's imposition of the Multnomah County Income Tax (ITAX) as unlawfully applied to them as they maintained at least two homes during the tax years, living for a greater fraction of each year outside Multnomah County, in Newport, Oregon. The ITAX was approved by the voters as an income tax on taxable income under Oregon law. The evidence submitted to the Board established that the Appellants were registered to vote in Multnomah County and did vote in Multnomah County from 1997 through 2009. In order to vote as a Multnomah County resident, a signed declaration must be made that the voter is domiciled in Multnomah County. Appellants also maintain the Multnomah County address as their legal address for purposes of their Oregon Driver's licenses. Oregon law states that once a domicile is established, it is not lost until all of the following happen: the resident intends to abandon the old domicile, the resident intends to acquire a new specific domicile and the resident is physically present in the new domicile.
- c. The County's decision to apply the tax to the taxpayers as full year residents for each tax year was appropriate, because taxpayers did not establish a domicile as defined by Oregon law outside of Multnomah County during any of the three tax years.
- d. The imposition of the ITAX on Appellants is lawful.

The Multnomah County Board of Commissioners Orders:

1. Ray and Laura Paul's Appeal of the Administrator's Determination of their 2003, 2004, 2005 Multnomah County Income Tax liability is denied.

ADOPTED this 1st day of April, 2010.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Jeff Cogen, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Jacqueline A. Weber, Assistant County Attorney

SUBMITTED BY:
Agnes Sowle, Multnomah County Attorney

4/1

GROW Lynda

From: PULLEN Mike J
Sent: Wednesday, March 24, 2010 10:50 AM
To: #DCS LUT-BRIDGE; #ALL CHAIR'S OFFICE; #ALL DISTRICT 1; #ALL DISTRICT 2; #ALL DISTRICT 3; #ALL DISTRICT 4; 'April S. Siebenaler'; 'holtzreport@juno.com'; 'Basil.R.CHRISTOPHER@odot.state.or.us'; 'Doughlis@teleport.com'; 'gwka@deainc.com'; 'kool8@peoplepc.com'; 'cheneyloon@aol.com'; 'gnikooc2003@yahoo.com'; 'Matt.pico@gmail.com'; 'ALDANA Tye L'; 'kellett.Bob@gmail.com'; 'carolynlloydneighbor@hotmail.com'; 'dcary3133@hotmail.com'; 'hansongi@ohsu.edu'; 'roger.averbeck@gmail.com'; 'deansusan@gmail.com'; CANNON Ian B; ELLIOTT Gerald T; HANSELL Tom J; HENRICHSEN Jon P; ISLEY Sheila L; JOHNSON Cecilia; MCFARLAND Jane; PEOPLES Kim E; PULLEN Mike J; SCHILLING Karen C; VINCENT Brian S; WOLF Jill A
Cc: #ALL PAO STAFF
Subject: Dedication event for new Morrison Bridge Path

The new bicycle and pedestrian path across the Morrison Bridge is opening soon. On **Tuesday, March 30 at 12:30 pm** we will hold a brief event to dedicate the path, which will offer a much improved river crossing for bicyclists and pedestrians. Please join us if you can. The event will begin at the west entrance to the path at SW Naito Parkway and SW Morrison St. (Location "5" on this [map](#)). After remarks by Commissioners Cogen and Kafoury, the Last Regiment Drum Corps will lead a procession on the new path across the river to SE Water Ave. The event should last about 30 minutes. An email invitation will be sent out tomorrow. Let me know if you have any questions and hope to see you at the event.

Michael Pullen
Multnomah County Public Affairs Office
W: 503-988-6804 C: 503-209-4111
mike.j.pullen@co.multnomah.or.us
Visit our newsroom:
<http://www.co.multnomah.or.us>
On Twitter: [SellwoodBridge](#), [MultCoBridges](#), [MultCoRoads](#)

GROW Lynda

From: KRAMER Cathey M
Sent: Wednesday, March 24, 2010 10:46 AM
To: GROW Lynda
Cc: HANSELL Tom J
Subject: Elk Rock Bypass CAF and IGA
Attachments: Dunthorpe_Riverdale_Portland_Elk_Rock_IGA 3-24-10.doc;
CAF_Elk_Rock_Bypass_Proj_IGA.pdf

Good morning, Lynda. As we discussed on the telephone this morning, attached are the Elk Rock Bypass IGA and the CAF files. The CAF has been initialed and signed by the Department. Please print three (3) originals of the IGA for execution by the Chair on 4-1. You have already received the APR form and exhibits for this IGA item.

Thank you.

Cathey Kramer, Program Coordinator
Multnomah County Department of Community Services
Land Use & Transportation Program
x22589

3/24/2010

GROW Lynda

From: SOWLE Agnes
Sent: Tuesday, March 16, 2010 3:46 PM
To: GROW Lynda
Cc: MADRIGAL Marissa D
Subject: RE: April 1st

At this point I am not exactly sure about the order, but I think Jeff is going to want the first order to be changing his interim designee and the second, his appointment. We will then go ahead and swear him in and he will take over as chair and the meeting will progress. He may want his designee sworn in then too. I am copying Marissa because I believe she and Jeff will be the ones who figure out the process.

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

From: GROW Lynda
Sent: Tuesday, March 16, 2010 2:45 PM
To: SOWLE Agnes
Subject: April 1st

Agnes: Do you know whether Comm. Cogen be sworn in ON April 1st? If so, will it be before or after the board meeting, or a special ceremony, or ?? I wasn't sure who to ask.

The Moss Adams folks want to use the board room @ 1:30 pm plus the agenda is filling up quickly so I thought I better try to anticipate. I asked Cara to find another room as a back up for her Moss Adams group, but if I need to block a specific time, I would appreciate hearing from someone.

Lynda Grow, Assistant Board Clerk
Multnomah County Commissioners
501 SE Hawthorne Blvd., Ste. 600
Portland, Oregon 97214-3587
Phone: (503) 988-5274
Fax: (503) 988-3013
lynda.grow@co.multnomah.or.us

GROW Lynda

From: WADDELL Mike D
Sent: Thursday, March 18, 2010 12:35 PM
To: GROW Lynda
Subject: RE: RE APRIL 1ST: Budmod DCM - 20 Capital Budget Reallocation Animal Svs

Lynda, I was in too much of a rush and sent you the wrong version. I will try to recover the last email and send another. If anyone on your floor asks the question, I wanted you to know the reason why. Thanks again and sorry for the confusion—I was too hasty trying to meet the deadline in between meetings... I owe you. mdw

From: GROW Lynda
Sent: Thursday, March 18, 2010 12:04 PM
To: WADDELL Mike D
Subject: RE APRIL 1ST: Budmod DCM - 20 Capital Budget Reallocation Animal Svs

Ok, I have you on the calendar.

Lynda Grow, Assistant Board Clerk
(503) 988-5274
lynda.grow@co.multnomah.or.us

From: WADDELL Mike D
Sent: Thursday, March 18, 2010 11:31 AM
To: GROW Lynda; MADRIGAL Marissa D; RINEHART Tom
Cc: THOMAS Bob C; LINDENTHAL John A; PROFFITT Alan D; YAGER Chris D; NEBURKA Julie Z
Subject: Budmod DCM - 20 Capital Budget Reallocation Animal Svs

Hello Lynda, Please see attached budmod DCM-20 proposed for the April 1 board meeting. This is a Facilities budmod which is essentially budget neutral; it reallocates \$250,000 capital funding to the Animal Svs site improvement project from the Kelly Building fire suppression project (due to be vacated in the near future).

I realize that Tom's last day is today so I am also including Marissa. I also understand that April 1st will be the day that the new Chair is sworn in so please confirm that the board agenda will allow for this budmod to be presented on the proposed date. We are asking for only 5 minutes. If you have any questions, please let me know.
Thanks—mdw

Mike Waddell
Business Services Manager
(503) 988-4283 | Fax: (503) 988-3292 | I/O: 503/5
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**OregonLive.com**

Everything Oregon

Barbara Willer chief contender to finish Multnomah Commissioner Jeff Cogen's term

By Nikole Hannah-Jones, The Oregonian

March 17, 2010, 4:20PM

Barbara Willer, Ted Wheeler's former chief of staff, is the chief contender to take over Commissioner Jeff Cogen's district 2 seat when he becomes Multnomah County chairman April 1.

"I like her a lot," Cogen said. "I am working with the other board members to see if they agree."

The Board of Commissioners will vote in Cogen to finish out Wheeler's term April 1 and Cogen said he hopes it will also select the person to fill his empty seat the same day. Wheeler resigned last week after being named state treasurer.

Willer narrowly lost a bid as county commissioner to Lisa Naito in 1998. She worked for the county as a social worker and also founded the Portland Schools Alliance. She left Wheeler's office to pursue a master of divinity.

--Nikole Hannah-Jones

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The Oregonian

Barbara Willer

GROW Lynda

From: MILECHMAN Althea M

Sent: Monday, March 22, 2010 11:11 AM

To: #ALL CHAIR'S OFFICE; #ALL DISTRICT 1; #ALL DISTRICT 2; #ALL DISTRICT 3; #ALL DISTRICT 4; #ALL AUDITORS; #ALL PAO STAFF

Subject: April 1 Board meeting will finalize Chair and Commissioner appointments

NEWS RELEASE

Release: March 22, 2010

Contact: Althea Milechman, Public Affairs Office, 503-988-6805

April 1 Board meeting will finalize Chair and Commissioner appointments

The Multnomah County Board of Commissioners will vote to finalize Chair and Commissioner appointments at their April 1, 2010 board meeting. Commissioner Jeff Cogen will ask the Board to approve Barbara Willer as his designee for District 2 Commissioner, followed by his appointment to fill the remaining term as Chair. Holders of both offices will be sworn in immediately following Board approval.

###

Althea Milechman | Multnomah County Public Affairs Office | 503-988-6805 | Visit our newsroom | <http://twitter.com/multco>

GROW Lynda

From: ISLEY Sheila L
Sent: Wednesday, March 17, 2010 8:24 AM
To: RINEHART Tom; MADRIGAL Marissa D
Cc: GROW Lynda; SCHILLING Karen C; BARBER Adam T
Subject: FW: BCC item for 4/1/10 Resolution Amending Land Use Code
Attachments: APR_ORD_Invasive_Plant_Project.doc; ORD_PDX_Invasive Plant.doc;
PDX_Ordinance_183534.pdf; NFA O-A for Invasive Plant IGA.pdf

Please find attached the electronic documents for the April 1 BCC agenda for your review and approval. Cecilia has signed the hard copy which is being forward to Lynda. The Planning Commission report is not attached for the file is too large. We will send this report to Lynda on a disk.

Respectfully,

Sheila

x85881

From: FARMER Stuart L
Sent: Monday, March 15, 2010 4:01 PM
To: ISLEY Sheila L
Subject: BCC item for 4/1/10 (2 of 2)

OK here is the Ordinance packet. The report is too large to email so I will send a disk.

Stuart

Administrative Services Officer
Multnomah County Land Use and Transportation Program
(503) 988-5276 Fax (503) 988-3389

Please consider the environment before printing this e-mail 

GROW Lynda

From: ISLEY Sheila L
Sent: Wednesday, March 17, 2010 8:21 AM
To: RINEHART Tom; MADRIGAL Marissa D
Cc: GROW Lynda; SCHILLING Karen C; BARBER Adam T
Subject: FW: BCC Packet for 4/1/10 IGA Invasive Plants
Attachments: APR_RES_Invasive_Plants.doc; RES_Invasive_Plant_IGA.doc;
CAF_Invasive_Plants_4710000338_3-3-10.doc; IGAInvasivePlant3-8-10.doc

Please find attached the electronic documents for the April 1 BCC agenda for your review and approval. Cecilia has signed the hard copy which is being forward to Lynda.

Respectfully,

Sheila

x85881

3/23/2010

From: BOGSTAD Deborah L
Sent: Wednesday, January 06, 2010 4:46 PM
To: RINEHART Tom
Cc: GROW Lynda
Subject: FW: ITAX Appeal Hearing

See Satish's message below. We have had a few of these ITAX Appeal Hearings since Chair Wheeler and Commissioner Cogen have been on the Board, but none of the other Commissioners. (The ITAX was for the 2003, 2004 and 2005 tax years.)

The hearing is to be scheduled during a Thursday Board meeting and takes around 15 minutes or so. Staff will be asking to come to Board Staff and explain the process. We have a script that Chair Wheeler follows during the hearing. County Attorney prepares an ORDER reflecting the Board's decision.

Deb Bogstad, Board Clerk
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Portland, Oregon 97214-3587
☎ (503) 988-3277
📠 (503) 988-3013
✉ deborah.l.bogstad@co.multnomah.or.us
<http://www.co.multnomah.or.us/cc/index.shtml>



Please consider the environment before printing this e-mail

From: NATH Satish
Sent: Wednesday, January 06, 2010 4:34 PM
To: BOGSTAD Deborah L
Cc: HARRIS Mindy L; WEBER Jacquie A; WIREN Corie
Subject:

Hi Deb

Attached is a statement to Board of County Commissioners informing them that taxpayers Ray and Laura Paul are appealing their ITAX obligations. Following the county code and the ITAX Administrative Procedures, we have taken the prescribed steps when an appeal has been entered, and the next step in this case is for the appellants to continue their appeal to the Board in a public meeting. Please forward this information to the commissioners and let us know of the scheduled hearing date.

Since we have three new commissioners, we would also be happy to meet with the commissioners to provide our ITAX process and taxpayer information before the hearing.

Please let me know if you have questions.

Thanks
Satish

4/1

GROW Lynda

From: SOWLE Agnes
Sent: Tuesday, March 16, 2010 2:46 PM
To: GROW Lynda
Cc: MADRIGAL Marissa D
Subject: RE: April 1st



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

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Lynda Grow, Assistant Board Clerk
Multnomah County Commissioners
501 SE Hawthorne Blvd., Ste. 600
Portland, Oregon 97214-3587
 Phone: (503) 988-5274
 Fax: (503) 988-3013
lynda.grow@co.multnomah.or.us

4/1

GROW Lynda

From: ISLEY Sheila L
Sent: Wednesday, March 17, 2010 7:24 AM
To: RINEHART Tom; MADRIGAL Marissa D
Cc: GROW Lynda; SCHILLING Karen C; BARBER Adam T
Subject: FW: BCC item for 4/1/10 Resolution Amending Land Use Code
Attachments: APR_ORD_Invasive_Plant_Project.doc; ORD_PDX_Invasive Plant.doc;
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Stuart

Administrative Services Officer
Multnomah County Land Use and Transportation Program
(503) 988-5276 Fax (503) 988-3389

Please consider the environment before printing this e-mail



3/17/2010

4/1

GROW Lynda

From: BUSBY Shannon
Sent: Thursday, March 18, 2010 3:00 PM
To: GROW Lynda
Cc: MADRIGAL Marissa D
Subject: RE: Submitting Bud Mod HD-10-26 Request April 1st

Yes.

Thanks.

Shannon Busby
Sr. Budget Analyst
Multnomah County Budget Office
503-988-3312 x26744

No paper was wasted in the creation of this email but a number of electrons were severely inconvenienced.

From: GROW Lynda
Sent: Thursday, March 18, 2010 2:58 PM
To: BUSBY Shannon; MADRIGAL Marissa D
Cc: GROW Lynda
Subject: RE: Submitting Bud Mod HD-10-26 Request April 1st

Tom is leaving us, so I'm forwarding this to the new Chief of Staff, who begins her new role on Monday, March 22nd. Her name is Marissa Madrigal, and you probably already know her as CoS for District 2. I can't commit to the date just yet, I have to get Jana and Marissa to look at what we have so far, to see if there is any more room, or whether we want to extend the meeting. May I get back to you on that point?

Lynda Grow, Assistant Board Clerk
(503) 988-5274
lynda.grow@co.multnomah.or.us

From: BUSBY Shannon
Sent: Thursday, March 18, 2010 1:38 PM
To: RINEHART Tom
Cc: GROW Lynda; STOLL Robert R; ISAAC Leah; LEAR Wendy R; WALKER Lester A
Subject: FW: Submitting Bud Mod HD-10-26

Hi Tom,

Attached is a budget modification from HD for placement on the Board agenda. If possible, the department would like it place on the agenda for Apr. 11

3/19/2010

Thanks.

Shannon Busby
Sr. Budget Analyst
Multnomah County Budget Office
503-988-3312 x26744

No paper was wasted in the creation of this email but a number of electrons were severely inconvenienced.

From: PICKTHORNE Linda K
Sent: Thursday, March 11, 2010 5:03 PM
To: BUSBY Shannon
Cc: JOHNSON KaRin R; STOLL Robert R; ISAAC Leah; FULLER-POE Kathleen
Subject: Submitting Bud Mod HD-10-26

Shannon, please submit Bud Mod HD-10-26 to Tom Rinehart (with cc: Lynda Grow) for placement on the **April 1 Board consent calendar**.
This Bud Mod has no added FTE.

Agenda Title:	BUDGET MODIFICATION - HD-26 authorizing one position re-classification within the Human Resources Division of the Health Department as determined by the Class/Comp Unit of Central Human Resources.
--------------------------------	---

Linda K. Pickthorne, Management Assistant
Multnomah County Health Department
426 SW Stark, 8th Floor
Portland, Oregon 97204
Interoffice: 160/8
(503) 988-6837 (my desk)
(503) 988-3676 (fax)
(503) 849-7445 (blackberry)



Public Health
Protect. Promote. Prevent.

4/1

GROW Lynda

From: LEE Beckie
Sent: Friday, March 19, 2010 8:03 AM
To: SOWLE Agnes; GROW Lynda
Subject: RE: APR for April 1st - with attachments

That's right – thank you!

Beckie Lee
Chief of Staff
Office of Commissioner Deborah Kafoury
(503) 988-6796
beckie.lee@co.multnomah.or.us
<http://www.multco.us/portal/site/ds1>

From: SOWLE Agnes
Sent: Friday, March 19, 2010 7:01 AM
To: LEE Beckie; GROW Lynda
Subject: RE: APR for April 1st - with attachments

Actually the SECOND item – the first will be Jeff's change of designee to Barbara – He cannot do that after he becomes chair. The first item will be the confirmation of his change to interim.

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

From: LEE Beckie
Sent: Thursday, March 18, 2010 5:03 PM
To: GROW Lynda
Cc: SOWLE Agnes
Subject: APR for April 1st - with attachments

Lynda,

Attached are the APR and Resolution for April 1st declaring a vacancy and appointing Jeff Cogen County Chair. I believe the intent is that this be the first item on the agenda on April 1st. The APR is coming from the other four Commissioners. I've put Deborah's electronic signature in here but I do not have the other ones. Could you please add the signatures and let me know if you need anything else to get this on the agenda for the April 1st meeting?

Thanks!

Beckie Lee
Chief of Staff
Office of Commissioner Deborah Kafoury
(503) 988-6796
beckie.lee@co.multnomah.or.us
<http://www.multco.us/portal/site/ds1>

3/19/2010

4/1

GROW Lynda

From: BOGSTAD Deborah L
Sent: Monday, January 25, 2010 4:34 PM
To: NATH Satish; RINEHART Tom
Cc: GROW Lynda
Subject: RE: ITAX Appeal Hearing

*Have the
owner
been
contacted?*

The Hearing is scheduled for 9:30 AM, Thursday, April 1, 2010.

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



Please consider the environment before printing this e-mail

From: BOGSTAD Deborah L
Sent: Wednesday, January 06, 2010 4:46 PM
To: RINEHART Tom
Cc: GROW Lynda
Subject: FW: ITAX Appeal Hearing

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<http://www.co.multnomah.or.us/cc/index.shtml>



Please consider the environment before printing this e-mail

From: NATH Satish

2/25/2010

*April 1st
Pending***GROW Lynda**

From: BOGSTAD Deborah L
Sent: Wednesday, January 06, 2010 4:46 PM
To: RINEHART Tom
Cc: GROW Lynda
Subject: FW: ITAX Appeal Hearing
Attachments: Ray & Laura Paul.pdf

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Since we have three new commissioners, we would also be happy to meet with the commissioners to provide our ITAX process and taxpayer information before the hearing.

Please let me know if you have questions.

Thanks
Satish

2/25/2010

Sent: Wednesday, January 06, 2010 4:34 PM
To: BOGSTAD Deborah L
Cc: HARRIS Mindy L; WEBER Jacquie A; WIREN Corie
Subject:

Hi Deb

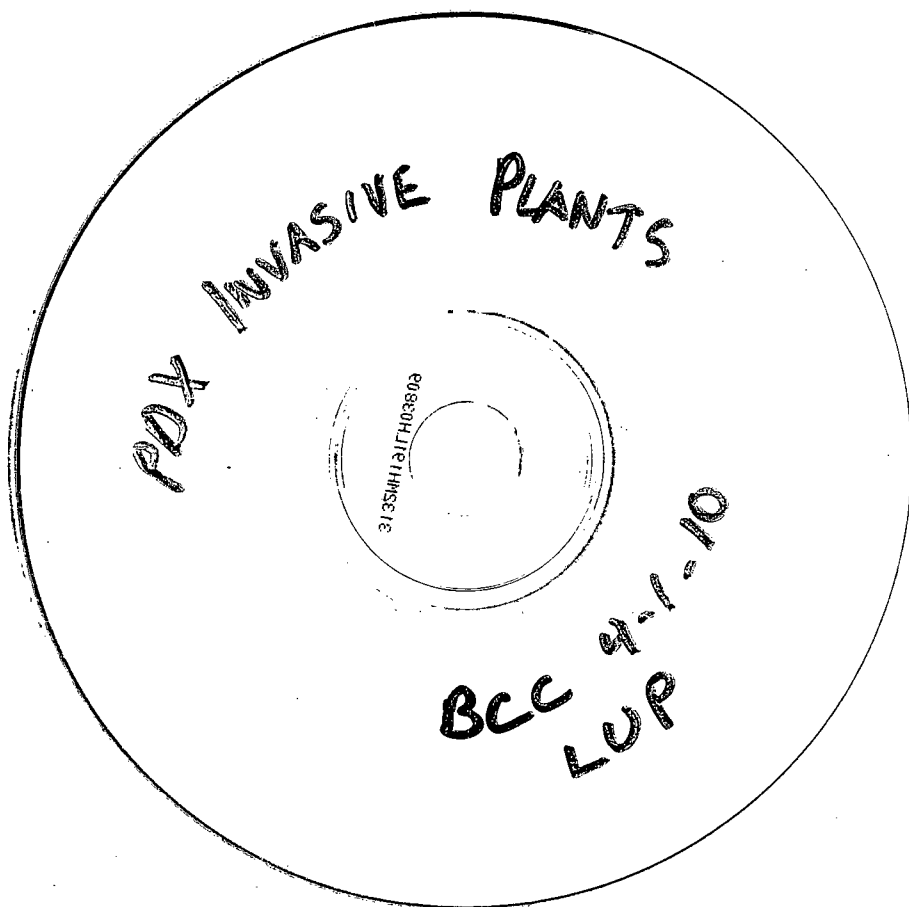
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Thanks
Satish

2/25/2010



PDX INVASIVE PLANTS

313541131FH0380a

BCC 9-1-10
LUP