

# **ANNOTATED MINUTES**

Tuesday, March 12, 1996 - 9:30 AM  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland

## **PLANNING ITEM - CANCELLED**

- P-1      **HV 23-95**    De Novo Hearing, with Testimony Limited to 20 Minutes Per Side, Regarding Appeal of Hearings Officer Decision DENYING Approval of Two Lot Area Variances to Allow Two Adjacent Substandard and Developed Single Family Lots to be Considered as Two Separate Buildable Lots at 11411 and 11437 SW MILITARY ROAD.

***APPEAL WITHDRAWN, HEARING CANCELLED.***

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Tuesday, March 12, 1996 - 11:00 AM  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland

## **PUBLIC HEARING**

*Chair Beverly Stein convened the meeting at 11:05 a.m., with Vice-Chair Dan Saltzman, Commissioners Sharron Kelley, Gary Hansen and Tanya Collier present.*

***COMMISSIONER KELLEY AND BOARD GREETED  
SAM BARLOW HIGH SCHOOL GUESTS JENNIFER  
DEEDER AND MICHELLE FENSKE.***

- PH-1      PUBLIC HEARING and Consideration of an ORDER of the Board of County Commissioners of Multnomah County, Oregon, Calling a Measure Election [May 21, 1996] to Submit the Question of Contracting General Obligation Bonded Indebtedness to Finance Certain Library Facilities, Land and Equipment
- PH-2      PUBLIC HEARING and Consideration of an ORDER of the Board of County Commissioners of Multnomah County, Oregon, Calling a Measure Election [May 21, 1996] to Submit the Question of Contracting General Obligation Bonded Indebtedness to Finance Certain Public Safety Facilities and Equipment, to Obtain Permanent Financing on Other Such Facilities, and to Provide for the Acquisition of Land for Such Facilities

**MARCEL BENDSHADLER TESTIMONY IN  
OPPOSITION TO INTERVENTION WITHOUT  
INVESTIGATION BY STATE SERVICES FOR  
FAMILIES AND CHILDREN IN ALLEGED CHILD  
ABUSE CASES.**

**COMMISSIONER COLLIER MOVED AND  
COMMISSIONER KELLEY SECONDED, APPROVAL  
OF PH-1. DAVE BOYER RESPONSE TO QUESTION  
OF COMMISSIONER COLLIER. ORDER 96-37  
UNANIMOUSLY APPROVED. (MEASURE 26-44).**

**COMMISSIONER COLLIER MOVED AND  
COMMISSIONER SALTZMAN SECONDED,  
APPROVAL OF PH-2. CHAIR STEIN EXPLANATION  
OF PROPOSED SUBSTITUTE ORDER AND NON-  
SUBSTANTIVE AMENDMENTS. FOLLOWING  
BOARD DISCUSSION AND COUNSEL LARRY  
KRESSEL RESPONSE TO QUESTION OF CHAIR  
STEIN, COMMISSIONER SALTZMAN MOVED,  
SECONDED BY COMMISSIONER KELLEY,  
APPROVAL OF SUBSTITUTE ORDER AND NON-  
SUBSTANTIVE AMENDMENTS. SUBSTITUTE  
ORDER OF THE BOARD OF COUNTY  
COMMISSIONERS OF MULTNOMAH COUNTY,  
OREGON CALLING A MEASURE ELECTION TO  
SUBMIT TO THE ELECTORS OF THE COUNTY THE  
QUESTION OF CONTRACTING GENERAL  
OBLIGATION BONDED INDEBTEDNESS TO  
FINANCE CERTAIN PUBLIC SAFETY FACILITIES  
AND EQUIPMENT, TO OBTAIN PERMANENT  
FINANCING ON OTHER SUCH FACILITIES, AND  
TO PROVIDE FOR THE ACQUISITION OF LAND  
FOR SUCH FACILITIES IN AN AMOUNT NOT TO  
EXCEED \$79,700,000, UNANIMOUSLY APPROVED.  
UPON MOTION OF COMMISSIONER KELLEY,  
SECONDED BY COMMISSIONER SALTZMAN, IT  
WAS UNANIMOUSLY APPROVED THAT EXHIBIT A,  
SUMMARY, FIRST BULLET, BE AMENDED TO  
READ: "ENDING UNSUPERVISED EARLY  
RELEASE OF PRISONERS BY CONSTRUCTING,  
EXPANDING JAILS, ACQUIRING LAND;". UPON  
MOTION OF COMMISSIONER KELLEY, SECONDED  
BY COMMISSIONER SALTZMAN, IT WAS  
UNANIMOUSLY APPROVED THAT EXHIBIT A,**

**SUMMARY, FOURTH BULLET, BE AMENDED TO READ: "RESTRUCTURING COMPUTER SYSTEMS OF POLICE, CORRECTIONS, PROSECUTORS, COURTS FOR TIGHTER CRIMINAL TRACKING."; AND EXHIBIT A, SUMMARY, BE AMENDED TO ADD PLURAL TO STATEMENT: "BONDS USED FOR:" ORDER 96-38 UNANIMOUSLY APPROVED, AS AMENDED. (MEASURE 26-45).**

*There being no further business, the meeting was adjourned at 11:16 a.m.*

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Thursday, March 14, 1996 - 10:00 AM  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland

### **REGULAR MEETING**

*Chair Beverly Stein convened the meeting at 10:05 a.m., with Vice-Chair Dan Saltzman, Commissioners Sharron Kelley and Tanya Collier present, and Commissioner Gary Hansen excused.*

**CHAIR STEIN INFORMED OF A CHANGE IN THE SCHEDULE, IN THAT THE EXECUTIVE SESSION WILL IMMEDIATELY FOLLOW REGULAR MEETING PRIOR TO BOARD BRIEFING.**

### **CONSENT CALENDAR**

**UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER COLLIER, THE CONSENT CALENDAR (ITEMS C-1 THROUGH C-2) WAS UNANIMOUSLY APPROVED.**

### **DEPARTMENT OF COMMUNITY AND FAMILY SERVICES**

- C-1 Intergovernmental Revenue Agreement 104746 with the Regional Drug Initiative, Funding County Personnel and Motor Pool Costs for the Period January 1, 1996 through June 30, 1996
- C-2 Intergovernmental Revenue Agreement 104756 with the City of Portland, Transferring \$150,669 of PILOT Funds for Direct Client Assistance for Low Income and Homeless People

## **REGULAR AGENDA**

### **PUBLIC COMMENT**

- R-1            Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

***NO ONE WISHED TO COMMENT.***

### **NON-DEPARTMENTAL**

- R-2            Budget Modification NOND 9 Requesting \$39,018 from General Fund Contingency to the Portland/Multnomah Commission on Aging for Transition of PMCoA to a Private Non-Profit Corporation

***COMMISSIONER KELLEY MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF R-2. ESTILL DEITZ AND MARILYN MOR EXPLANATION AND TESTIMONY IN SUPPORT. BOARD COMMENTS IN SUPPORT OF EFFORTS OF BECKY WEHRLI AND PMCoA. BUDGET MODIFICATION UNANIMOUSLY APPROVED.***

- R-3            Second Reading and Adoption of an ORDINANCE Amending Multnomah County Code Chapter 5.50.050 (Transient Lodging Tax) to Allow Certain Tax Receipts to be Used to Finance Construction of a New Hall at the Expo Center

***ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF SECOND READING AND ADOPTION. TOM CROPPER TESTIMONY IN OPPOSITION TO TRANSFER OF REVENUE TO METRO. UPON MOTION OF COMMISSIONER COLLIER, SECONDED BY COMMISSIONER KELLEY, IT WAS UNANIMOUSLY APPROVED TO ADD THE FOLLOWING SECTION: "THIS ORDINANCE SHALL TAKE EFFECT (1) 30 DAYS AFTER IT IS SIGNED BY THE MULTNOMAH COUNTY CHAIR AND (2) UPON APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS AND THE METRO COUNCIL OF AN AGREEMENT***

**TRANSFERRING EXPO TO METRO." ORDINANCE  
845 UNANIMOUSLY APPROVED, AS AMENDED.**

**DEPARTMENT OF SUPPORT SERVICES**

R-4 First Reading of an ORDINANCE Amending Ordinance No. 822, in Order to Add and Delete Exempt Pay Ranges and Titles

**ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER COLLIER MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF FIRST READING. SUSAN AYERS EXPLANATION. NO ONE WISHED TO TESTIFY. FIRST READING UNANIMOUSLY APPROVED. SECOND READING THURSDAY, MARCH 21, 1996.**

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

R-5 First Reading of an ORDINANCE Amending MCC 11.15 to Relocate the Grading and Erosion Control Provisions of MCC 11.15.6700 to Title 9 of the Multnomah County Code, Building and Specialty Code Section

**ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER COLLIER MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF FIRST READING. KATHY BUSSE EXPLANATION OF HOW STAFF IS ADDRESSING PLANNING COMMISSION RECOMMENDATIONS THAT PLANNING STAFF PERFORM SITE INSPECTIONS PRIOR TO ISSUANCE OF GEC PERMITS; NOTIFICATION OF ADJOINING PROPERTY OWNERS THAT AN APPLICATION HAS BEEN RECEIVED; AND EXPEDITE COMPLETION OF RURAL AREA PLANS SCOTT BARRIE TESTIMONY IN SUPPORT OF ORDINANCE. MS. BUSSE RESPONSE TO BOARD QUESTIONS AND DISCUSSION. BOARD COMMENTS. FIRST READING UNANIMOUSLY APPROVED. SECOND READING THURSDAY, MARCH 21, 1996.**

**COMMISSIONER COLLIER ACKNOWLEDGED PROMOTION OF MCTV PRODUCER TODD LOGGAN AND INTRODUCED REPLACEMENT CHRIS STEELE.**

*The regular meeting was adjourned at 10:35 a.m. and the executive session convened at 10:37 a.m.*

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Thursday, March 14, 1996 - 11:15 AM  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland

**EXECUTIVE SESSION**

- E-1      The Multnomah County Board of Commissioners Will Meet in Executive Session to Discuss a Specific Possible Real Property Transaction Pursuant to ORS 192.660(1)(e). Presented by Commissioner Tanya Collier and County Counsel Laurence Kressel.

***EXECUTIVE SESSION HELD.***

*The executive session was adjourned at 10:50 a.m. and the briefing convened at 10:51 a.m. with Chair Stein, Commissioners Kelley and Saltzman present.*

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Thursday, March 14, 1996 - 10:30 AM  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland

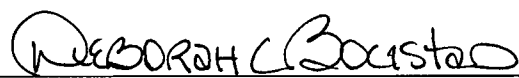
**BOARD BRIEFING**

- B-1      Annual Report Regarding Citizens Grand Jury on Corrections. Presented by Michael Schrunk, Dan Noelle and Russell Ratto.

***MICHAEL SCHRUNK, RUSS RATTO, DAN NOELLE  
AND TIM MOORE PRESENTATION AND RESPONSE  
TO BOARD QUESTIONS AND DISCUSSION.***

*There being no further business, the meeting was adjourned at 11:20 a.m.*

OFFICE OF THE BOARD CLERK  
FOR MULTNOMAH COUNTY, OREGON

  
\_\_\_\_\_  
Deborah L. Bogstad



## MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK  
SUITE 1510, PORTLAND BUILDING  
1120 SW FIFTH AVENUE  
PORTLAND, OREGON 97204  
CLERK'S OFFICE • 248-3277 • 248-5222  
FAX • (503) 248-5262

BOARD OF COUNTY COMMISSIONERS		
BEVERLY STEIN •	CHAIR	•248-3308
DAN SALTZMAN •	DISTRICT 1	• 248-5220
GARY HANSEN •	DISTRICT 2	•248-5219
TANYA COLLIER •	DISTRICT 3	•248-5217
SHARRON KELLEY •	DISTRICT 4	•248-5213

# AGENDA

## MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

### FOR THE WEEK OF

**MARCH 11, 1996 - MARCH 15, 1996**

*Tuesday, March 12, 1996 - 11:00 AM - Public Hearing.....Page 2*

**Thursday, March 14, 1996 - 10:00 AM - Regular Meeting.....Page 3**

*Thursday, March 14, 1996 - 10:30 AM - Board Briefing.....Page 4*

*Thursday Meetings of the Multnomah County Board of Commissioners are \*cablecast\* live and taped and can be seen by Cable subscribers in Multnomah County at the following times:*

*Thursday, 10:00 AM, (LIVE) Channel 30*

*Friday, 10:00 PM, Channel 30*

*Sunday, 1:00 PM, Channel 30*

*\*Produced through Multnomah Community Television\**

**INDIVIDUALS WITH DISABILITIES MAY CALL THE OFFICE OF THE BOARD CLERK AT 248-3277 OR 248-5222, OR MULTNOMAH COUNTY TDD PHONE 248-5040, FOR INFORMATION ON AVAILABLE SERVICES AND ACCESSIBILITY.**

**AN EQUAL OPPORTUNITY EMPLOYER**

*Tuesday, March 12, 1996 - 9:30 AM  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland*

**PLANNING ITEM - CANCELED**

- P-1      HV 23-95    De Novo Hearing, with Testimony Limited to 20 Minutes Per Side, Regarding Appeal of Hearings Officer Decision DENYING Approval of Two Lot Area Variances to Allow Two Adjacent Substandard and Developed Single Family Lots to be Considered as Two Separate Buildable Lots at 11411 and 11437 SW MILITARY ROAD.*

**PLEASE NOTE, APPELLANT HAS WITHDRAWN HIS APPEAL - THE HEARING IS THEREFORE CANCELED.**

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*Tuesday, March 12, 1996 - 11:00 AM  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland*

**PUBLIC HEARING**

- PH-1      PUBLIC HEARING and Consideration of an ORDER of the Board of County Commissioners of Multnomah County, Oregon, Calling a Measure Election [May 21, 1996] to Submit the Question of Contracting General Obligation Bonded Indebtedness to Finance Certain Library Facilities, Land and Equipment*
- PH-2      PUBLIC HEARING and Consideration of an ORDER of the Board of County Commissioners of Multnomah County, Oregon, Calling a Measure Election [May 21, 1996] to Submit the Question of Contracting General Obligation Bonded Indebtedness to Finance Certain Public Safety Facilities and Equipment, to Obtain Permanent Financing on Other Such Facilities, and to Provide for the Acquisition of Land for Such Facilities*



Thursday, March 14, 1996 - **10:00 AM**  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland

**REGULAR MEETING**

**CONSENT CALENDAR**

**DEPARTMENT OF COMMUNITY AND FAMILY SERVICES**

- C-1      *Intergovernmental Revenue Agreement 104746 with the Regional Drug Initiative, Funding County Personnel and Motor Pool Costs for the Period January 1, 1996 through June 30, 1996*
- C-2      *Intergovernmental Revenue Agreement 104756 with the City of Portland, Transferring \$150,669 of PILOT Funds for Direct Client Assistance for Low Income and Homeless People*

**REGULAR AGENDA**

**PUBLIC COMMENT**

- R-1      *Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.*

**NON-DEPARTMENTAL**

- R-2      *Budget Modification NOND 9 Requesting \$39,018 from General Fund Contingency to the Portland/Multnomah Commission on Aging for Transition of PMCoA to a Private Non-Profit Corporation*
- R-3      *Second Reading and Adoption of an ORDINANCE Amending Multnomah County Code Chapter 5.50.050 (Transient Lodging Tax) to Allow Certain Tax Receipts to be Used to Finance Construction of a New Hall at the Expo Center*

**DEPARTMENT OF SUPPORT SERVICES**

- R-4      *First Reading of an ORDINANCE Amending Ordinance No. 822, in Order to Add and Delete Exempt Pay Ranges and Titles*

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

R-5      *First Reading of an ORDINANCE Amending MCC 11.15 to Relocate the Grading and Erosion Control Provisions of MCC 11.15.6700 to Title 9 of the Multnomah County Code, Building and Specialty Code Section*

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*Thursday, March 14, 1996 - 10:30 AM  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland*

**BOARD BRIEFING**

B-1      *Annual Report Regarding Citizens Grand Jury on Corrections. Presented by Michael Schrunk, Dan Noelle and Russell Ratto. 45 MINUTES REQUESTED.*

**MULTNOMAH COUNTY**  
**BOARD OF**  
**COMMISSIONERS**  
  
**SUPPLEMENTAL AGENDA**

*Thursday, March 14, 1996 - 11:15 AM  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland*

**EXECUTIVE SESSION**

- E-1      The Multnomah County Board of Commissioners Will Meet in Executive Session to Discuss a Specific Possible Real Property Transaction Pursuant to ORS 192.660(1)(e). Presented by Commissioner Tanya Collier and County Counsel Laurence Kressel. 45 MINUTES REQUESTED*

*3/14/96*

GARY HANSEN  
Multnomah County Commissioner  
District 2



1120 S.W. Fifth Avenue, Suite 1500  
Portland, Oregon 97204  
(503) 248-5219

## M E M O R A N D U M

TO: Chair, Beverly Stein  
Office of the Board Clerk  
Commissioner Tanya Collier  
Commissioner Sharron Kelley  
Commissioner Dan Saltzman

FROM: Juana Arredondo

DATE: March 13, 1996

RE: Gary's absence from the Board Meeting

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Gary will not be able to attend the Board Planning meeting on thursday March 14. He is having a family medical emergency.

BOARD OF  
COUNTY COMMISSIONERS  
96 MAR 14 AM 9:07  
MULTNOMAH COUNTY  
OREGON

MEETING DATE: MAR 14 1996

AGENDA NO: C-4

(Above space for Board Clerk's Use Only)

**AGENDA PLACEMENT FORM**

**SUBJECT: Ratification of a Revenue Agreement with Regional Drug Initiative (RDI)**

**BOARD BRIEFING**

Date Requested: \_\_\_\_\_  
Amount of Time Needed: \_\_\_\_\_

**REGULAR BRIEFING**

Date Requested: \_\_\_\_\_  
Amount of Time Needed: Consent

DEPARTMENT: Community and Family Services

DIVISION: \_\_\_\_\_

CONTACT: Lorenzo Poe/ Norma Jaeger

TELEPHONE: 248-3691

BLDG/ROOM: B166/7th

PERSON(S) MAKING PRESENTATION: Lorenzo Poe/ Norma Jaeger

**ACTION REQUESTED:**

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

**SUGGESTED TITLE**

**Ratification of a 6-month \$405,767 renewal revenue agreement between the Multnomah County Department of Community and Family Services and the Regional Drug Initiative (RDI), to pay for staff and motor pool expenses.**

3/18/96 ORIGINALS to Cilla Thuermer

**SIGNATURES REQUIRED:**

ELECTED OFFICIAL: \_\_\_\_\_

OR

DEPARTMENT MANAGER: Lorenzo Poe

**ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES**

*Any Questions: Call the Office of the Board Clerk 248-3277/248-5222*

S:\ADMIN\CEU\CONTRACT\RDIREV96.AGN

BOARD OF  
COUNTY COMMISSIONERS  
96 FEB 29 PM 6:36  
MULTNOMAH COUNTY  
OREGON



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES  
421 SW SIXTH AVENUE, SUITE 700  
PORTLAND, OREGON 97204  
PHONE (503) 248-3691  
FAX (503) 248-3379  
TDD (503) 248-3598

BOARD OF COUNTY COMMISSIONERS  
BEVERLY STEIN • CHAIR OF THE BOARD  
DAN SALTZMAN • DISTRICT 1 COMMISSIONER  
GARY HANSEN • DISTRICT 2 COMMISSIONER  
TANYA COLLIER • DISTRICT 3 COMMISSIONER  
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

TO: Board of County Commissioners

FROM: Lorenzo Poe, Director *Lorenzo Poe mcs*  
Department of Community and Family Services

DATE: February 16, 1996

SUBJECT: Intergovernmental Revenue Agreement with Regional Drug Initiative (RDI)

**I. Recommendation/Action Requested:** The Department of Community and Family Services recommends Board of County Commissioner approval of a continuing Intergovernmental Revenue Agreement with Regional Drug Initiative (RDI) for the period January 1, 1996 through June 30, 1996.

**II. Background/Analysis:** The Department of Community and Family Services (DCFS) Alcohol and Drug Program Office is renewing a revenue agreement with Regional Drug Initiative (RDI) in which both agencies agree to participate in this multi-agency effort by working together to continue the implementation and operation of programs to combat drug abuse in Multnomah County. The RDI provides the funds to reimburse County for staff and motor pool costs for the six month period.

**III. Financial Impact:** The agreement attached provides \$405,767 in revenue for the County. This is a five year federal Community Partnership grant from the Office of Substance Abuse and Prevention (OSAP) which is subject to renewal every six months.

**IV. Legal Issues:** N/A

**V. Controversial Issues:** N/A

**VI. Link to Current County Policies:** This agreement is in keeping with the County's desire to improve the quality of life for the residents of Multnomah County.

**VII. Citizen Participation:** The Regional Drug Initiative Task Force is comprised of a cross section of persons from the public and private sector.

**VIII. Other Government Participation:** The Portland Public School District, Multnomah County School Districts, City of Gresham Police Department, City of Portland Police Department, Multnomah County Sheriffs Office, the City of Portland and Clackamas County are all participants in and supporters of the goals of this agreement.

# MULTNOMAH COUNTY CONTRACT APPROVAL FORM

(See Administrative Procedures CON-1)

Contract # 104746  
Amendment # \_\_\_\_\_

CLASS I	CLASS II	CLASS III
<input type="checkbox"/> Professional Services under \$15,000	<input type="checkbox"/> Professional Services over \$15,000 (RFP, Exemption) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue	<input type="checkbox"/> Intergovernmental Agreement <input checked="" type="checkbox"/> Intergovernmental Revenue Agreement  <b>APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</b> AGENDA # <u>C-1</u> DATE <u>3/14/96</u> <u>DEB BOGSTAD</u> BOARD CLERK

Department: Community & Family Services

Division: \_\_\_\_\_

Date: February 16, 1996

Administrative Contact: Cilla Murray

Phone: 248-3691 X6296

Bldg/Room: 166/700

Description of Contract:

## Renewal of 6-month revenue agreement funding County personnel and motor pool costs

RFP/BID #:

Date of RFP/BID: \_\_\_\_\_

Exemption Expiration Date: \_\_\_\_\_

ORS/AR # \_\_\_\_\_

Contractor is ☐ MBE ☐ WBE ☐ QRF

<b>Contractor Name:</b> <b>REGIONAL DRUG INITIATIVE</b> <b>Mailing Address:</b> <b>522 SW 5TH SUITE 1310</b> <b>PORTLAND OR 97204</b> <b>Employer ID# or SS#:</b> _____ <b>Effective Date:</b> <b>January 1, 1996</b> <b>Termination Date:</b> <b>June 30, 1996</b> <b>Original Contract Amount:</b> \$ _____ <b>Total Amt of Previous Amendments:</b> \$ _____ <b>Amount of Amendment:</b> \$ _____ <b>Total Amount of Agreement:</b> <b>\$405,767</b>	<b>Remittance Address (if different)</b> _____  <b>Payment Schedule</b> _____ <b>Terms</b> _____ <input type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Due on Receipt <input checked="" type="checkbox"/> Monthly \$ <u>Per Invoice</u> <input type="checkbox"/> Net 30 <input type="checkbox"/> Other \$ _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Requirements contract - Requisition Required Purchase Order No. _____ <input type="checkbox"/> Requirements Not to Exceed \$ _____ Encumber: Yes <input type="checkbox"/> No <input type="checkbox"/>
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### REQUIRED SIGNATURES:

Department Manager: Lorenzo Pae mbs Date: 2/23/96  
Purchasing Director: \_\_\_\_\_ Date: \_\_\_\_\_  
(Class II Contracts Only) Katie Gault  
County Counsel: \_\_\_\_\_ Date: 2/25/96  
County Chair/Sheriff: Delaney/Don Date: 3/14/96  
Contract Administration: \_\_\_\_\_ Date: \_\_\_\_\_  
(Class I, Class II Contracts Only)

VENDOR CODE <b>RE7229B</b> (REV127)				VENDOR NAME				TOTAL AMOUNT: \$			
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/ REV SRC	SUB OBJ	REPT CATEG	LGFS DESCRIP	AMOUNT	INC DEC IND
01.	156	010	1100			2102		9102		\$405,767	

If additional space is needed, attach separate page. Write contract # on top of page.

## AGREEMENT

An agreement between the Regional Drug Initiative ("RDI") and Multnomah County ("County" or "Contractor") to provide staff assistance to the Regional Drug Initiative.

### RECITALS:

1. The Regional Drug Initiative, a legal entity formed by intergovernmental Agreement, pursuant to ORS 190.010(5), (RDI) seeks to continue an effort with Multnomah County to implement programs and services to combat drug abuse in Multnomah County.
2. The County (Contractor) seeks to enter into an agreement with RDI to delineate the means by which the County will be reimbursed for personnel and motor pool costs for RDI staff.
3. The period of the contract is from January 1, 1996 through June 30, 1996.

### AGREED:

#### I. Scope of Services

The County (Contractor) will provide staffing to perform the duties as outlined in the attached job descriptions.

#### II. Compensation and Method of Payment

The County (Contractor) will be compensated by RDI for personnel and motor pool costs incurred. Payment to the County for eligible expenses will be made not more frequently than monthly upon submission of a statement of expenditures from the County. Supporting documentation of actual expenditures must be included in these submissions. Total compensation to the County for the period of January 1, 1996 through June 30, 1996, shall not exceed \$405,767. Personnel costs shall be for the following positions:

Program Administrator	1.00 FTE
Community Liaisons (4)	4.00 FTE
Senior Office Assistant	1.00 FTE
Program Development Specialist	.80 FTE
Office Assistant II	.50 FTE
Program Development Specialist (3)	3.00 FTE
Lead Program Development Specialist	1.00 FTE
Office Assistant II	1.00 FTE
Office Assistant II	.50 FTE
Office Assistant I	.25 FTE

Estimated motor pool costs are \$1,200.



### III. Project Manager

The RDI Project Manager shall be Carol Stone or such other person as shall be designated in writing by the RDI Chair, Charles A. Moose.

The Project Manager is authorized to approve work and billings hereunder, to give notices referred to herein, to terminate this Agreement as provided herein, and to carry out any other RDI actions referred herein.

### IV. General Contract Provisions

- A. **TERMINATION FOR CAUSE.** If, through any cause, the Contractor shall fail to fulfill in timely and proper manner his/her obligations under this Agreement, or if the Contractor shall violate any of the covenants, agreements or stipulations of this Agreement, RDI shall have the right to terminate this Agreement by giving written notice to the Contractor of such termination and specifying the effective date thereof at least 30 days before the effective date of such termination. In such event, all finished or unfinished documents, data, studies, and reports prepared by the Contractor under this Agreement shall, at the option of RDI, become the property of RDI and the Contractor shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents.

Notwithstanding the above, the Contractor shall not be relieved of liability to RDI for damage sustained by RDI by virtue of any breach of the Agreement by the Contractor, and RDI may withhold any payments to the Contractor for the purpose of setoff until such time as the exact amount of damages due RDI from the Contractor is determined.

- B. **TERMINATION FOR CONVENIENCE.** RDI and Contractor may terminate this Agreement at any time by mutual written agreement. If the Agreement is terminated by RDI as provided herein, the Contractor will be paid an amount which bears the same ratio to the total compensation as the services actually performed bear to the total services of the Contract by this Agreement less payments of compensation previously made.

- C. **REMEDIES.** In the event of termination under Section A hereof by RDI due to a breach by the Contractor, then RDI may complete the work either itself or by agreement with another contractor, or by a combination thereof. In the event the cost of completing the work exceeds the amount actually paid to the Contractor hereunder plus the remaining unpaid balance of the compensation provided herein, then the Contractor shall pay to RDI the amount of excess.

The remedies provided to RDI under Section A and C hereof for a breach by the Contractor shall not be exclusive. RDI also shall be entitled to any other equitable and legal remedies that are available.

In the event of breach of this Agreement by RDI, then the Contractor's remedy shall be limited to termination of the Agreement and receipt of payment as provided in Section B hereof.

- D. **CHANGES.** RDI may, from time to time, request changes in the scope of services or terms and conditions hereunder. Such changes, including any increase or decrease in the amount of the Contractor's compensation, shall be incorporated in written amendments to this Agreement. Any change that increases the amount of compensation payable to the Contract must be approved by the RDI Task Force.
- E. **MAINTENANCE OF RECORDS.** The Contractor shall maintain records on a current basis to support its billings to RDI. RDI or its authorized representative shall have the authority to inspect, audit, and copy on reasonable notice and from time to time any records of the Contractor regarding its billings or its work hereunder. The Contractor shall retain these records for inspection, audit, and copying for three years from the date of completion or termination of this Agreement.
- F. **AUDIT OF PAYMENTS.** RDI, either directly or through a designated representative, may audit the records of the Contractor at any time during the three-year period established by Section E above.

If an audit discloses that payments to the Contractor were in excess of the amount to which the Contractor was entitled, the Contractor shall repay the amount of the excess to RDI.

- G. **INDEMNIFICATION.** The Contractor shall hold harmless, defend, and indemnify RDI and RDI's officers, agents and employees against all claims, demands, actions, and suits (including all attorney fees and costs) brought against any of them arising from the Agreement. Contractors indemnification obligation is subject to, and within the limits of, the Oregon Tort Claims Act, ORS 30.260 through 30.300.
- H. **LIABILITY INSURANCE.** The Contractor shall maintain public liability and property damage insurance that protects the Contractor and RDI actions, and suits for damage to property or personal injury, including insurance shall provide coverage for not less than \$200,000 for personal injury to each person, \$500,000 for each occurrence involving property damages; or a single limit policy of not less than \$500,000 covering all claims per occurrence. The insurance shall be without prejudice to coverage otherwise existing and shall name as additional insured RDI and its officers, agents, and employees. The insurance shall provide that it shall not terminate or be canceled without 30 days' written notice first being given to RDI Project Manager. Notwithstanding the naming of additional insureds, the insurance shall protect each insured in the same manner as though a separate policy has been issued to each, but nothing herein shall operate to increase the insurer's liability as set forth elsewhere in the policy beyond the amount or amounts for which the insurer would have been liable if only one person or interest had been named as insured. The coverage must apply as to claims between insureds on the policy. The limits of the insurance shall be subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the term of this Agreement.

The Contractor shall maintain on file with RDI a certificate of insurance certifying the coverage required under this section. Failure to maintain liability insurance shall be cause for immediate termination of this agreement by RDI.

In lieu of filing the certificate of insurance required herein, Contractor shall furnish a declaration that Contractor is self-insured for public liability and property damage for a minimum of the amounts set forth in 30.270.

- I. **WORKER'S COMPENSATION INSURANCE.** The Contractor shall obtain workers' compensation insurance coverage for all of its workers, employees and subcontractors either as a carrier-insured employer or a self-insured employer, as provided by Chapter 656 of the Oregon Revised Statutes, before this Agreement is executed. A certification of insurance, or copy thereof, shall be attached to this Agreement, and shall be incorporated herein and made a term and part of this Agreement. The Contractor further agrees to maintain workers' compensation insurance coverage for the duration of this Agreement.

In the event the Contractor's workers' compensation insurance coverage expires during the term of this Agreement, the Contractor agrees to timely renew its insurance, either as a carrier-insured employer or a self-insured employer as provided by Chapter 656 of the Oregon Revised Statutes, before its expiration, and the Contractor agrees to provide RDI such further certification of worker's compensation insurance as renewals of said insurance occur. In lieu of filing the certificate of insurance required herein, Contractor shall furnish a declaration that Contractor is self-insured for public liability and property damage for a minimum of the amounts set forth in 30.270.

- J. **SUBCONTRACTING AND ASSIGNMENT.** The Contractor shall not subcontract its work under this Agreement, in whole or in part, without the written approval of RDI. The Contractor shall require any approved subcontractor to agree, as to the portion subcontracted, to fulfill all obligations of the Contractor as specified in this Agreement. Notwithstanding RDI approval of a subcontractor, the Contractor shall remain obligated for full performance hereunder, and RDI shall incur no obligation other than its obligations to the Contractor hereunder. The Contractor agrees that if subcontractors are employed in the performance of this Agreement, the Contractor and its subcontractors are subject to the requirements and sanctions of ORS Chapter 656, Worker's Compensation. The Contractor shall not assign this Agreement in whole or in part or any right or obligation hereunder, without prior written approval of RDI.

- K. **INDEPENDENT CONTRACTOR STATUS.** The Contractor is engaged as an independent contractor and will be responsible for any federal, state, or local taxes and fees applicable to payments hereunder.

The Contractor and its subcontractors and employees are not employees of RDI and are not eligible for any benefits through RDI, including without limitation federal social security, health benefits, workers' compensation, unemployment compensation, and retirement benefits.

- L. **REPORTING REQUIREMENTS.** No RDI officer or employee, during his or her tenure of for one year thereafter, shall have any interest, direct, or indirect in this Agreement or the proceeds thereof.

No RDI officer or employees who participate in the award of this Agreement shall be employed by the Contractor during the period of the Agreement.

- N. **CONTRACT ADMINISTRATION.** The Contractor will comply with the provisions of the OMB Circular A-128, particularly regarding cash depositories, program income, standards for financial management systems, property management, procurement standards and audit requirement. The Contractor is required to submit two copies of their audit in conformance with A-128 no later than 30 days after its completion.

Additionally, the Contractor, shall comply with the provision of OMB Circular A-87, Cost Principles for State and Local Governments.

- O. **OREGON LAW AND FORUM.** This Agreement shall be construed according to the law of the State of Oregon.

Any litigation between RDI and the Contractor arising under this Agreement or out of work performed under this Agreement shall occur, if in the state courts, in the Multnomah County court having jurisdiction thereof, and if in the federal courts, in the United States District Court for the State of Oregon.

- P. **AVAILABILITY OF FUNDS.** It is understood by all parties to this Agreement that the funds used to pay for services provided herein are provided by RDI solely through the RDI Trust Fund. In the event that funding is reduced, recaptured, or otherwise made unavailable to the city, RDI reserves the right to terminate the Agreement as provided under Section B hereof, or change the scope of services as provided under section D hereof.

- Q. **COMPLIANCE WITH LAWS.** In connection with its activities under this Agreement, the Contractor shall comply with all applicable federal, state, and local laws and regulations.

V. Period of Agreement

This agreement shall be in effect for the period starting January 1, 1996 and ending June 30, 1996.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1996.

In witness whereof, the parties hereto have caused this Agreement to be executed by their authorized officers.

REGIONAL DRUG INITIATIVE:

MULTNOMAH COUNTY, OREGON:

By \_\_\_\_\_  
Chief Charles A. Moose, Ph.D.,  
RDI Chair

By Norma Jaeger  
Norma Jaeger  
Operations Manager

By \_\_\_\_\_  
John Trachtenberg Date  
RDI Vice Chair

By Lorenzo T. Poe, Jr. 2/13/96  
Lorenzo T. Poe, Jr. Date  
Director  
Children and Family Services Department

By Beverly Stein Date 3/14/96  
Beverly Stein  
Multnomah County Chair

REVIEWED:

Laurence Kressel, County  
Counsel for Multnomah County, Oregon

By Katie Gaetjens 2/29/96  
Katie Gaetjens Date

APPROVED MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # C-1 DATE 3/14/96  
DEB BOGSTAD  
BOARD CLERK

MEETING DATE: MAR 14 1996  
AGENDA NO: C-2  
ESTIMATED START TIME: 10:00am

(Above space for Board Clerk's Use Only)

**AGENDA PLACEMENT FORM**

**SUBJECT: Ratification of Renewal Intergovernmental Revenue Agreement from City of Portland, for PILOT Funds**

**BOARD BRIEFING**

Date Requested: \_\_\_\_\_  
Requested By: \_\_\_\_\_  
Amount of Time Needed: \_\_\_\_\_

**REGULAR MEETING**

Date Requested: \_\_\_\_\_  
Amount of Time Needed: consent

DEPARTMENT: Community and Family Services

DIVISION: \_\_\_\_\_

CONTACT: Lorenzo Poe/Rey España

TELEPHONE: 248-3691

BLDG/ROOM: B166/7th

PERSON(S) MAKING PRESENTATION: Lorenzo Poe/Rey España

**ACTION REQUESTED:**

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

**SUGGESTED AGENDA TITLE**

Ratification of a renewal intergovernmental revenue contract between City of Portland Bureau of Housing and Community Development and Department of Community and Family Services, transferring \$150,669 of PILOT funds to the County for direct client assistance for low income and homeless people.

3/18/96 ORIGINALS TO CILLA MURRAY

**SIGNATURES REQUIRED:**

ELECTED OFFICIAL: \_\_\_\_\_

OR

DEPARTMENT MANAGER: Lorenzo Poe

**ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES**

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

BOARD OF  
COUNTY COMMISSIONERS  
96 FEB 29 PM 6:36  
MULTNOMAH COUNTY  
OREGON



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES  
421 SW SIXTH AVENUE, SUITE 700  
PORTLAND, OREGON 97204  
PHONE (503) 248-3691  
FAX (503) 248-3379  
TDD (503) 248-3598

BOARD OF COUNTY COMMISSIONERS  
BEVERLY STEIN • CHAIR OF THE BOARD  
DAN SALTZMAN • DISTRICT 1 COMMISSIONER  
GARY HANSEN • DISTRICT 2 COMMISSIONER  
TANYA COLLIER • DISTRICT 3 COMMISSIONER  
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

TO: Board of County Commissioners

FROM: Lorenzo Poe, Director *Lorenzo Poe mis*  
Department of Community and Family Services

DATE: February 16, 1996

SUBJECT: Revenue Contract Renewal from City of Portland - PILOT Funds

**I. Recommendation/Action Requested:** The Department of Community and Family Services recommends Board of County Commissioner approval of a renewal revenue contract from the City of Portland, for PILOT funds, for the period July 1, 1995 through June 30, 1996. It was received for processing on February 15, 1996.

**II. Background/Analysis:** The Department of Community and Family Services has received a renewal revenue contract from the City of Portland, Bureau of Housing and Community Development, transferring \$150,669 of PILOT funds to the County to purchase direct client assistance for low income and homeless people in Multnomah County. This is an annual funding agreement based on a multi-year intergovernmental agreement.

**III. Financial Impact:** The revenue contract is for \$150,669. The funds are included in the FY 1995-96 County Budget.

**IV. Legal Issues:** none

**V. Controversial Issues:** none

**VI. Link to Current County Policies:** This agreement reflects intergovernmental cooperation and support for low income families to achieve self-sufficiency.

**VII. Citizen Participation:** PILOT funds are under the purview of the Community Action Commission and the Housing and Community Development Commission.

**VIII. Other Government Participation:** The contract reflects a long-standing agreement among the Housing Authority of Portland, Portland Public Schools, City of Portland, and Multnomah County to distribute payments in lieu of taxes (PILOT) from Housing Authority residents to the school district and Multnomah County. The County share is used for direct client assistance, as indicated in the authorizing intergovernmental agreement.

# MULTNOMAH COUNTY CONTRACT APPROVAL FORM

(See Administrative Procedures CON-1)

Contract # **104756**

Prior-Approved Contract Boilerplate: Attached; xxx Not Attached

Amendment # \_\_\_\_\_

CLASS I	CLASS II	CLASS III
<input type="checkbox"/> Professional Services under \$25,000	<input type="checkbox"/> Professional Services over \$25,000 (RFP, Exemption) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue	<input type="checkbox"/> Intergovernmental Agreement <input checked="" type="checkbox"/> Intergovernmental Revenue Agreement  <div style="text-align: center;"> <b>APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</b>                      AGENDA # <u>C-2</u> DATE <u>3/14/96</u>  <u>DEB BOGSTAD</u>  <b>BOARD CLERK</b> </div>

Department: Community & Family Services

Division: \_\_\_\_\_

Date: February 16, 1996

Administrative Contact: Cilla Murray

Phone: 248-3691 ext 6296

Bldg/Room 166/7th

Description of Contract:

## Revenue renewal agreement funding client assistance for homeless people through PILOT revenue

RFP/BID #: \_\_\_\_\_ Date of RFP/BID: \_\_\_\_\_ Exemption Expiration Date: \_\_\_\_\_  
 ORS/AR # \_\_\_\_\_ Contractor is ☐ MBE ☐ WBE ☐ QRF

Contractor Name : <b>City of Portland, Bureau of Housing and Community Development</b>  Mailing Address: <b>808 SW 3rd, Suite 600 Portland, OR 97204</b>  Phone: <b>(503) 823-2375</b>  Employer ID# or SS#: <b>N/A</b>  Effective Date: <b>July 1, 1995</b>  Termination Date: <b>June 30, 1996</b>  Original Contract Amount: \$ _____ Total Amt of Previous Amendments: \$ _____ Amount of Amendment: \$ _____ Total Amount of Agreement: \$ <b>150,669</b>	Remittance Address (if different) _____  <table style="width: 100%;"> <tr> <th style="text-align: left;">Payment Schedule</th> <th style="text-align: left;">Terms</th> </tr> <tr> <td><input type="checkbox"/> Lump Sum \$ _____</td> <td><input type="checkbox"/> Due on Receipt</td> </tr> <tr> <td><input checked="" type="checkbox"/> Monthly \$ <u>Per Invoice</u></td> <td><input type="checkbox"/> Net 30</td> </tr> <tr> <td><input type="checkbox"/> Other \$ _____</td> <td><input type="checkbox"/> Other</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Requirements contract - Requisition Required</td> </tr> <tr> <td colspan="2">Purchase Order No. _____</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Requirements Not to Exceed \$ _____</td> </tr> <tr> <td colspan="2">Encumber: Yes <input type="checkbox"/> No <input type="checkbox"/></td> </tr> </table>	Payment Schedule	Terms	<input type="checkbox"/> Lump Sum \$ _____	<input type="checkbox"/> Due on Receipt	<input checked="" type="checkbox"/> Monthly \$ <u>Per Invoice</u>	<input type="checkbox"/> Net 30	<input type="checkbox"/> Other \$ _____	<input type="checkbox"/> Other	<input type="checkbox"/> Requirements contract - Requisition Required		Purchase Order No. _____		<input type="checkbox"/> Requirements Not to Exceed \$ _____		Encumber: Yes <input type="checkbox"/> No <input type="checkbox"/>	
Payment Schedule	Terms																
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Purchase Order No. _____																	
<input type="checkbox"/> Requirements Not to Exceed \$ _____																	
Encumber: Yes <input type="checkbox"/> No <input type="checkbox"/>																	

**REQUIRED SIGNATURES:**

Department Manager: *Salvatore Poe* Date: 2/23/96

Purchasing Director: \_\_\_\_\_ Date: \_\_\_\_\_

(Class II Contracts Only)

County Counsel: *Katie Gault* Date: 2/29/96

County Chair/Sheriff: *Willie Ray* Date: 3/14/96

Contract Administration: \_\_\_\_\_ Date: \_\_\_\_\_

(Class I, Class II Contracts Only)

VENDOR CODE				VENDOR NAME				TOTAL AMOUNT: \$			
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/REV SRC	SUB OBJ	REPT CATEG	LGFS DESCRIP	AMOUNT	Inc/Dec Ind.
	156	010	1250			2795		9216	City of Portland PILOT	\$150,669	

If additional space is needed, attach separate page. Write contract # on top of page.



**AGREEMENT NO.**

An Agreement between the City of Portland (City) and Multnomah County, Community and Family Services Division (County) for \$150,669 to provide direct client assistance (i.e., deposits, rent or mortgage assistance, moving assistance, bus tickets) linked with transitional and permanent housing for low-income residents of Multnomah County.

**RECITALS:**

- A. Federal and State statutes permit the Housing Authority of Portland (HAP) to make payments in lieu of taxes (PILOT) to local taxing jurisdictions.
- B. HAP allocates funds to make PILOT disbursements from a portion of the rents collected from the tenants of specific HAP-owned properties.
- C. The City, the County and the District entered into an intergovernmental agreement on May 10, 1993 defining the distribution formula for PILOT funds.
- D. This intergovernmental agreement designates the City as the agent for the receipt and disbursement of PILOT funds pursuant to the IGA.
- E. On June 2, 1993, HAP transferred \$1,157,886.97 in PILOT funds to the City.
- F. After other disbursement requirements, the intergovernmental agreement directed the City to disburse the residual PILOT funds to "housing and housing-related activities in a manner to be determined by the HCDC [Housing and Community Development Commission] and approved by the City and County."
- G. Except as otherwise provided for in the intergovernmental agreement, the HCDC further recommends that pending changes in circumstances, all future PILOT revenues be used to fund direct client assistance linked with housing for low-income residents of Multnomah County.
- H. In the spring of 1995, BHCD received \$284,200 in PILOT funds; \$50,000 was allocated to the Portland Public School District, \$83,581 had been spent in the FY94-95 for direct client assistance, and \$150,669 is for direct client assistance for FY95-96.
- I. It is anticipated that in the spring of 1996, after the city has received new PILOT funds, the City will disburse additional funds to Multnomah County for direct client

assistance.

AGREED:

I. Scope of Services

The County will provide the following services:

- A. Direct client assistance (deposits, rent or mortgage assistance, moving assistance, transportation assistance, etc.) linked with transitional or permanent housing which leads to or removes barriers to housing stabilization.
- B. PILOT funds may not be used for agency staff, shelter, or transitional housing, except that PILOT funds allocated to providers of domestic violence services may be used to support agency staff placing clients in transitional or permanent housing.

II. Compensation and Method of Payment

The County will be compensated for the above described services by the City of Portland through the Bureau of Housing and Community Development.

- A. Payments to the County will be made upon submission of a statement of expenditures to the City.
- B. The City and County agree that the total compensation under this agreement shall not exceed ONE HUNDRED AND FIFTY THOUSAND SIX HUNDRED AND SIXTY NINE THOUSAND DOLLARS (\$150,669).

III. Project Manager

- A. The City Project Manager shall be Rachael Silverman, or such other person as shall be designated in writing by the Director of the Bureau of Housing and Community Development.
- B. The City Project Manager is authorized to approve work and billings hereunder, to give notices referred to herein, to terminate this agreement as provided herein, and to carry out all other actions referred to herein.

IV. Reporting Requirements

The County will prepare and submit the following quarterly and yearly reports to the Bureau of Housing and Community Development within 30 days of the end of each quarterly reporting period:

- A. A quarterly report that includes quarterly and year-to-date expenditures by service provider, use, and benefitted clients.
- B. A yearly report that, in addition to the quarterly information, identifies client ethnicity, follow-up data on benefitted clients, and an evaluation of program performance.

V. Program Objectives and Outcome Objectives

A. Program Objectives

- 1. 313 families with children will receive rent assistance.
- 2. 290 single individuals will receive rent assistance.

B. Outcome Objectives

- 1. 30% of families will remain in stable housing six months after receiving rent assistance.
- 2. 60% of single individuals will remain in stable housing six months after receiving rent assistance.

VI. Maintenance of Records

The County is to maintain fiscal and billing related records as required under General Contract Provisions.

VII. General Contract Provisions

- A. TERMINATION FOR CAUSE. If, through any cause, the County shall fail to fulfill in timely and proper manner its obligations under this Contract, or if the County shall violate any of the covenants, agreements, or stipulations of this Contract, the City shall have the right to terminate this Contract by giving written notice to the County of such termination and specifying the effective date thereof at least 30 days before the effective date of such termination. In such event, all finished or unfinished documents, data, studies, and reports prepared by the County under this Contract shall, at the option of the City, become the property of the City and the County shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents.

Notwithstanding the above, the County shall not be

relieved of liability to the City for damages sustained by the City by virtue of any breach of the Contract by the County, and the City may withhold any payments to the County for the purpose of setoff until such time as the exact amount of damages due the City from the County is determined.

- B. **TERMINATION FOR CONVENIENCE.** The City and County may terminate this Contract at any time by mutual written agreement. If the Contract is terminated by the City as provided herein, the County will be paid an amount which bears the same ratio to the total compensation as the services actually performed bear to the total services of the County covered by this Contract less payments of compensation previously made.

The City, on thirty (30) days written notice to the County, may terminate this Agreement for any reason deemed appropriate at its sole discretion.

- C. **REMEDIES.** In the event of termination under Section A hereof by the City due to a breach by the County, then the City may complete the work either itself or by agreement with another contractor, or by a combination thereof. In the event the cost of completing the work exceeds the amount actually paid to the County hereunder plus the remaining unpaid balance of the compensation provided herein, then the County shall pay to the City the amount of excess.

The remedies provided to the City and County under sections A and C hereof for a breach shall not be exclusive. The City and County also shall be entitled to any other equitable and legal remedies that are available.

In the event of termination under Section A, the City shall provide the County an opportunity for an administrative appeal.

- D. **CHANGES.** The City or County may request changes in the scope of the services or terms and conditions hereunder. Such changes, including any increase or decrease in the amount of the County's compensation, shall be incorporated in written amendments to this Contract executed by the City and County. Any change that increases the amount of compensation payable to the County must be approved by ordinance of the City Council. Other changes may be approved by the Director of the Bureau of Housing & Community Development.
- E. **NON-DISCRIMINATION.** In carrying out activities under

this contract, the County shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, age, handicap, familial status or national origin. The County shall take affirmative actions to insure that applicants for employment are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, age, handicap, familial status or national origin. Such action shall include but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The County shall post in conspicuous places, available to employees and applicants for employment, notices provided by the City setting for the provisions of this nondiscrimination clause. The County shall state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin. The County shall incorporate the foregoing requirements of this paragraph in all of its contracts for work funded under this contract, except contracts governed by Section 104 of Executive Order 11246.

- F. ACCESS TO RECORDS. The City, or their duly authorized representatives, shall have access to any books, general organizational and administrative information, documents, papers, and records of the County which are directly pertinent to this contract, for the purpose of making audit examination, excerpts, and transcriptions. All required records must be maintained by the County for three years after the City makes final payment and all other pending matters are closed.
- G. MAINTENANCE OF RECORDS. The County shall maintain records on a current basis to support its billings to the City. The City or its authorized representative shall have the authority to inspect, audit, and copy on reasonable notice and from time to time any records of the County regarding its billings or its work hereunder. The County shall retain these records for inspection, audit, and copying for 3 years from the date of completion or termination of this contract.
- H. AUDIT OF PAYMENTS. The City, either directly or through a designated representative, may audit the records of the County at any time during the 3 year period established by Section G above.

If an audit discloses that payments to the County were

in excess of the amount to which the County was entitled, then the County shall repay the amount of the excess to the City.

I. INDEMNIFICATION. To the extent permitted by the Oregon Tort Claim Act and the Oregon Constitution, Multnomah County shall hold harmless, defend, and indemnify the City and the City's officers, agents, and employees against all claims, demands, actions, and suits (including all attorney fees and costs) brought against any of them arising from the County's work or any subcontractor's work under this contract.

J. WORKERS' COMPENSATION INSURANCE.

1. Multnomah County, 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. A certificate of insurance, or copy thereof, shall be attached to this Agreement as Exhibit A, if applicable, and shall be incorporated herein and made a term and part of this Agreement. The County further agrees to maintain workers' compensation insurance coverage for the duration of this Agreement. If a current certificate is on file with the City in compliance with previous a contract, a duplicate is not necessary. In compliance with this paragraph, the County is self-insured for Workers' Compensation.
2. In the event the County's workers' compensation insurance coverage is due to expire during the term of this Agreement, the County agrees to timely renew its insurance, either as a carrier-insured employer or a self-insured employer as provided by Chapter 656 of the Oregon Revised Statutes, before its expiration, and the County agrees to provide the City of Portland such further certification of workers' compensation insurance a renewals of said insurance occur.
3. The County agrees to accurately complete the City of Portland's Questionnaire for Workers' Compensation Insurance and Qualification as an Independent Contractor prior to commencing work under this Agreement. Questionnaire is attached to this Agreement as Exhibit B and shall remain attached to this Agreement and become a part thereof as if fully copied herein. Any

misrepresentation of information on the Questionnaire by the County shall constitute a breach pursuant to this subsection, City may terminate this Agreement immediately and the notice requirement contained in the subsection entitled, TERMINATION FOR CAUSE, hereof shall not apply.

- K. **LIABILITY INSURANCE.** Multnomah County is self-insured as provided by Oregon law.
- L. **SUBCONTRACTING AND ASSIGNMENT.** The County shall not subcontract its work under this contract, in whole or in part, without the written approval of the City. The County shall require any approved subcontractor to agree, as to the portion subcontracted, to fulfill all obligations of the Contract as specified in this contract. Notwithstanding City approval of a subcontractor, the County shall remain obligated for full performance hereunder, and the City shall incur no obligation other than its obligations to the County hereunder. The County agrees that if subcontractors are employed in the performance of this contract, the County and its subcontractors are subject to the requirements and sanctions of ORS Chapter 656, Workers' Compensation. The County shall not assign this contract in whole or in part or any right or obligation hereunder, without prior written approval of the City. Subcontractors shall be responsible for adhering to all regulations cited within this contract.
- M. **INDEPENDENT CONTRACTOR STATUS.** The County is engaged as an independent contractor and will be responsible for any federal, state, or local taxes and fees applicable to payments hereunder.
- The County and its subcontractors and employees are not employees of the City and are not eligible for any benefits through the City, including without limitation, federal social security, health benefits, workers' compensation, unemployment compensation, and retirement benefits.
- N. **REPORTING REQUIREMENTS.** The County shall report on its activities in a format and by such times as prescribed by the City.
- O. **CONFLICTS OF INTEREST.** No City officer or employee, during his or her tenure or for one year thereafter, shall have any interest, direct or indirect, in this contact or the proceeds thereof.

No City officer or employees who participated in the award of this contract shall be employed by Multnomah County during the period of the contract.

- P. OREGON LAW AND FORUM. This contract shall be construed according to the law of the State of Oregon.

Any litigation between the City and the County arising under this contract or out of work performed under this contract shall occur, if in the state courts, in the County court having jurisdiction thereof, and if in the federal courts, in the United States District Court for the State of Oregon.

- Q. COMPLIANCE WITH LAWS. In connection with its activities under this contract, the County shall comply with all applicable federal, state, and local laws and regulations.

In the event that the County provides goods or services to the City in the aggregate in excess of \$2,500.00 per fiscal year, the County agrees it has certified with the City's Equal Employment Opportunity certification process.

- R. MONITORING. The City, through the Bureau of Housing & Community Development shall monitor at least once each year that portion of the County's project funded with the City's General Funds. Such monitoring shall ensure that the operation of the project conforms to the provisions of this contract.

#### VIII. Period of Agreement

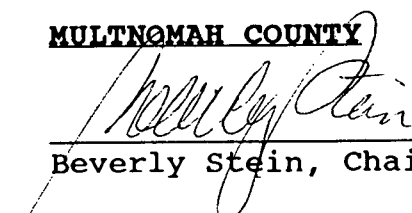
The terms of this Agreement shall be effective as of July 1, 1995. The Agreement shall terminate as of June 30, 1996.

Dated this \_\_\_\_\_ of \_\_\_\_\_, 1996.

CITY OF PORTLAND

MULTNOMAH COUNTY

\_\_\_\_\_  
Comm. Gretchen Miller Kafoury

  
Beverly Stein, Chair

APPROVED AS TO FORM:

\_\_\_\_\_  
Jeffrey L. Rogers,  
City Attorney

 2/29/96  
Laurence Kressel,  
County Counsel



#1

**PLEASE PRINT LEGIBLY!**

**MEETING DATE** 3/14/96

**NAME** Estill Deitz  
**ADDRESS** PM Co A  
**STREET**

**CITY** \_\_\_\_\_ **ZIP** \_\_\_\_\_

**I WISH TO SPEAK ON AGENDA ITEM NO.** R-2  
**SUPPORT** \_\_\_\_\_ **OPPOSE** \_\_\_\_\_  
**SUBMIT TO BOARD CLERK**

#2

**PLEASE PRINT LEGIBLY!**

**MEETING DATE** 3/14/96

**NAME** MARILYN MOR

**ADDRESS** S.A.F.E FOUNDATION  
**STREET**

**CITY** \_\_\_\_\_ **ZIP** \_\_\_\_\_

**I WISH TO SPEAK ON AGENDA ITEM NO.** R-2

**SUPPORT** \_\_\_\_\_ **OPPOSE** \_\_\_\_\_

**SUBMIT TO BOARD CLERK** \_\_\_\_\_

## BUDGET MODIFICATION NO.

NOND # 9

(For Clerk's Use) Meeting Date

MAR 14 1996

Agenda No.

R-2

## 1. REQUEST FOR PLACEMENT ON THE AGENDA FOR

(Date)

DEPARTMENT Non-DepartmentalDIVISION Portland/Multnomah Commission on AgingCONTACT Becky WehrliTELEPHONE 823-5279\*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD Becky Wehrli, Director; Estill Deitz, Chair

## SUGGESTED

AGENDA TITLE (to assist in preparing a description for the printed agenda)

Transition of PMCoA to a private non-profit

(Estimated Time Needed on the Agenda)

## 2. DESCRIPTION OF MODIFICATION (Explain the changes this Bud Mod makes. What budget does it increase? What do the changes accomplish? Where does the money come from? What budget is reduced? Attach additional information if you need more space.)

☐ PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET

This budget modification increases the general fund allocation to the Portland/Multnomah Commission on Aging from \$78,299 to \$117,317, an increase of \$39,018. The increase will fund limited term staff to manage technical aspects of the transition, expert consultation in the areas of legal, financial, and personnel, moving expenses, and supplies and equipment.

## 3. REVENUE IMPACT (Explain revenues being changed and the reason for the change)

N/A

## 4. CONTINGENCY STATUS (to be completed by Finance/Budget)

General Contingency before this modification (as of \_\_\_\_\_) \$ \_\_\_\_\_  
(Specify Fund) (Date)

After this modification \$139,018

Originated By \_\_\_\_\_ Date \_\_\_\_\_

Becky Wehrli 2/15/96

Budget Analyst \_\_\_\_\_ Date \_\_\_\_\_

Ching Hui 2/29/96

Board Approval \_\_\_\_\_

DEBORAH L. BOSTON

Department Manager \_\_\_\_\_

Don Sullivan

Personnel Analyst \_\_\_\_\_

Date \_\_\_\_\_

3/5/96

Date \_\_\_\_\_

Date \_\_\_\_\_

3/14/96

EXPENDITURE  
TRANSACTION EB [ ]

GM [ ]

TRANSACTION DATE \_\_\_\_\_

ACCOUNTING PERIOD \_\_\_\_\_

BUDGET FY \_\_\_\_\_

Document Number	Action	Fund	Agency	Organi- zation	Activity	Reporting Category	Object	Current Amount	Revised Amount	Change Increase (Decrease)	Sub- Total	Description
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TOTAL EXPENDITURE CHANGE

TOTAL EXPENDITURE CHANGE

REVENUE  
TRANSACTION RB [ ]

GM [ ]

TRANSACTION DATE \_\_\_\_\_

ACCOUNTING PERIOD \_\_\_\_\_

BUDGET FY \_\_\_\_\_

Document Number	Action	Fund	Agency	Organi- zation	Activity	Reporting Category	Revenue Source	Current Amount	Revised Amount	Change Increase (Decrease)	Sub- Total	Description
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TOTAL REVENUE CHANGE

TOTAL REVENUE CHANGE

EXPENDITURE

Document Number	Action	Fund	Agency	Organization	Activity	Reporting Category	Object	Current Amount	Revised Amount	Change Increase (Decrease)	Subtotal	Description
Nond #09	C	100	50	9395			6050	78,299	117,317	39,018		Supplements
	C	100	45	9120			7700		(39,018)	(39,018)		General Fund Contingency
										0		
										0		
										0		
										0		
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										0		
TOTAL EXPENDITURE CHANGE										0	0	

REVENUE

Document Number	Action	Fund	Agency	Organization	Activity	Reporting Category	Object	Current Amount	Revised Amount	Change Increase (Decrease)	Subtotal	Description
									0			
									0			
									0			
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									0			
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									0			
									0			
									0			
									0			
									0			
TOTAL REVENUE CHANGE										0	0	

# REQUEST FOR GENERAL FUND CONTINGENCY TRANSFER

1. Attachment to Bud Mod No. Nov 09 2. Amount requested from General Fund Contingency: \$39,018

3. Summary of request: The Commission on Aging is making the transition from a public agency to the private non-profit Special Advocates for Elders Foundation to increase its funding potential from private foundations, corporations, and individuals who don't generally contribute to government. The County is being asked to contribute 34% of the transition budget which includes limited term staff to manage technical aspects of the transition, expert consultation in the areas of legal, financial, and personnel, moving expenses, and miscellaneous supplies and equipment. The remainder of funds will come from the City and donated services.

4. Has the expenditure for which this transfer is sought been included in any budget request during the past five years? No If so, when? \_\_\_\_\_  
If so, what were the circumstances of its denial?

5. Why was this expenditure not included in the annual budget process? The Commission did not make the decision to transition to private non-profit until September 1995. IRS approval of tax exempt status for Special Advocates For Elders Foundation wasn't granted until October 30, 1995. The Commission would like to have the transition complete by this summer or early fall.

6. What efforts have been made to identify funds from another source within the Department, to cover this expenditure? Why are no other Departmental sources of funds available?

The Commission on Aging's base budget of \$193,000 (City, County and Medicaid funds) is already stretched thin to support the staff of three and programs. Additional funds of the magnitude needed do not exist within the base budget.

7. Describe any new revenue that this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.

It is anticipated that under private, non-profit status the Commission will be able to raise funds from corporations, private foundations, and individuals to support new programs such as elder friendly business evaluations and ombudsman services. However direct cost savings to the County will not be a result of this expenditure.

8. This request is for a (Quarterly \_\_\_\_\_, Emergency \_\_\_\_\_) review.

9. FOR EMERGENCY REQUESTS ONLY: Describe in detail on an additional sheet the costs or risks that would be incurred by waiting for the next quarterly review, in justification of the emergency nature of this request.

10. Attach any additional information or comments you feel helpful.

Don Sullivan  
Signature of Department Head/Elected Official

MARCH 5, 1996  
Date



# MULTNOMAH COUNTY, OREGON

---

BOARD OF COUNTY COMMISSIONERS

BEVERLY STEIN

DAN SALTZMAN

GARY HANSEN

TANYA COLLIER

SHARRON KELLEY

BUDGET & QUALITY

PORTLAND BUILDING

1120 S.W. FIFTH - ROOM 1400

P. O. BOX 14700

PORTLAND, OR 97214

PHONE (503) 248-3883

---

TO: Board of County Commissioners

FROM: Ching Hay, Budget Analyst *CH*

DATE: March 4, 1996

SUBJECT: Budget Modification Nond #9

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This budget modification requests \$39,018 in General Fund contingency funds to transition PMCoA to a private non-profit corporation.

Guidelines for contingency requests are as follows:

1. Approve no contingency requests for purposes other than "one-time only" allocations. **This budget modification meets this guideline.**
2. Limit contingency funding to the following:
  - Emergency situations which, if left unattended, will jeopardize the health and safety of the community. **This budget modification does not meet this guideline.**
  - Unanticipated expenditures that are necessary to keep previous public commitment or fulfill a legislative or contractual mandate or can be demonstrated to result in significant administrative or programmatic efficiencies that cannot be covered by existing appropriations. **I am not aware of a public commitment, legislative or contractual mandate for PMCoA to transition to a private non-profit. No significant administrative or programmatic efficiency is expected. PMCoA is expecting to raise more funds on its own by becoming a private non-profit which will enable them to do more. However, the County is not expected to have significant savings as a result. This modification therefore does not meet this guideline.**

February 23, 1996

TO: Chair Bevely Stein

FR: Estill Deitz, PMCoA Chair *Estill Deitz*

RE: County Funding for PMCoA Transition

**Portland  
Multnomah  
Commission  
On  
Aging**

In response to your request, for PMCoA discussion and recommendations regarding the importance of providing funding for the transition of PMCoA to a private non-profit versus funding services, such as meals, whose allocations have been cut by Congress, PMCoA has taken the following actions:

- The AAA Committee approved ASD's recommendation for response to the 5% reduction in federal funds for Older Americans Act meals and social services.
  - ease the pain by using one-time only savings to replace some of the cuts.
  - increase user contributions, especially for congregate meals, transportation and senior centers.
  - request a waiver from the state Senior & Disabled Services Division to use OPI funds to pay for home-delivered meals.
  - request Multnomah County to fill in the balance of the cuts to maintain services at current level. Jim McConnell estimates that this would be approximately \$25,000 - \$40,000.

The AAA Committee will further discuss the issue of whether the County should allocate funds to continue services previously funded with federal dollars in respect to ASD's budget request for FY 96/97.

The Executive Committee discussed the relative merit of using County funds to continue meals as compared to supporting the transition of PMCoA to private non-profit status. The Executive Committee was divided on which should take priority. In the end, members did agree that the County should fund meals as a short term solution to avoid service cuts and that the County should fund the budget for PMCoA to transition to the SAFE Foundation as a long term solution to bring new dollars into the service system.

The Executive Committee and the Board of the SAFE Foundation feel that there is a sense of urgency to move forward with start-up of private non-profit. The trend to reduce federal funding for social service programs makes the work of the Foundation in securing funds from non-government sources more critical.

We hope that Multnomah County will move forward with consideration and approval of this request. Please feel free to call me at 252-7886 if I can provide additional information or answer questions.





recommend  
from Analyst  
does this meet  
requirements

February 15, 1996

**Portland  
Multnomah  
Commission  
On  
Aging**

TO: Board of County Commissioners

FR: Becky Wehrli, Director *Becky Wehrli*  
Portland/Multnomah Commission on Aging

REQUESTED PLACEMENT DATE:

SUBJECT: Transition of PMCoA to a Private Non-Profit

I. Recommendation/Action Requested: Approval of Bud Mod Non-D

II. Background/Analysis:

**BACKGROUND:** The Portland/Multnomah Commission on Aging is a public non-profit consumer advocate group charged with advising policy makers and advocating for the needs of elderly and disabled individuals throughout Multnomah County. Founded in 1968, PMCoA works jointly with the City Council and County Commission in its policy making role. PMCoA is also the designated advisory board for Multnomah County Aging Services Division which plans and administers a comprehensive array of social services for elderly and disabled persons. More than 300 volunteers with support from a staff of three provide the leadership to improve the quality of living for the community's elderly.

In response to a reduction in local funding of 25% as a result of Ballot Measure 5's passage in 1991, the Commission on Aging made a decision to diversify its funding base. Since then, the total of funding from other sources, such as grants, corporate and individual donations, and in-kind support has increased from 19% to 57% of total operations. Funds generated have come mainly from government grants and in-kind contributions. Now PMCoA would like to increase funding from private foundations, corporations, and individuals.

In an effort to increase the potential for gaining program support from these sources which generally don't contribute to government, PMCoA set up a private, non-profit arm, the Special Advocates for Elders Foundation, in June 1994. The mission of the Foundation is to fund research, public education and effective programs that improve the quality of life for current and future elder generations. Since that time, the S.A.F.E. Foundation has established a Board of Directors, adopted bylaws, developed a business plan, submitted its



501c3 tax exempt application, and held its first fundraiser.

In July of 1995, the S.A.F.E. Foundation board recommended that the Portland/Multnomah Commission on Aging move to the S.A.F.E. Foundation for the following reasons:

- significant history and reputation of PMCoA would provide a strong base for the Foundation.
- skill and knowledge of existing PMCoA staff and volunteers would facilitate the startup of the Foundation.
- the Foundation would appeal to a broader base of supporters and volunteers.
- seniors in the community would benefit from the programs and activities resulting from increased funding opportunities available to the Foundation.

The S.A.F.E. Foundation will build on the strengths of the Portland/Multnomah Commission on Aging. The Commission will remain as the primary component of the Foundation, and members will continue to be appointed for terms by the Mayor and County Chair. The Foundation intends to develop a long-term contract with the City and County for its current annual budget allocation plus modest inflationary increases. In return the Foundation will continue to provide on-going citizen input and advice on public policy issues such as aging services, adult foster care homes, police and safety, parks and leisure activities, etc. The Foundation will also conduct a mutually agreeable number of **Elder Friendly Evaluations** of publicly funded services each year.

III. Financial Impact: The budget for the transition of PMCoA to the private non-profit S.A.F.E. Foundation is \$114,548. It includes funding for limited term staff to manage technical aspects of the transition, expert consultation in the areas of legal, financial, and personnel, moving expenses, and miscellaneous supplies and equipment. The City and County will each be asked for an allocation from contingency funds in the amount of \$39,018. The Water Bureau will contribute \$28,812 for future use of vacated space. Pro bono consultation in the amount of \$7,700 will be sought to complete the transition package.

IV. Legal Issues: None

V. Controversial Issues: None

VI. Link to Current County Policies: N/A

VII. Citizen Participation: In a special retreat concerning the transition of PMCoA to the private nonprofit S.A.F.E. Foundation, the PMCoA board voted 18 in favor, 1 abstention, to transition the Commission on Aging to the S.A.F.E. Foundation by July 1, 1996.

VIII. Other Government Participation: The City of Portland has been asked for \$39,018 to equal the County contribution.

Join us for the  
**S.A.F.E. CELEBRATION**  
to kickoff the  
Special Advocates for Elders Foundation

Tuesday, May 21, 1996  
1:00 - 3:00 pm

Northwest Natural Gas Company  
220 NW 2nd - 4th Floor  
Hospitality Room

Sincere Thanks to These Generous Donors:  
Northwest Natural Gas Co.  
Marilyn Mork  
Daniel P. Mitchell  
Action Printers



**The foundation serving elders of today and tomorrow.**

## **What is the Special Advocates for Elders Foundation?**

We are a pro-active nonprofit volunteer organization which supports elders in our community by creating and promoting programs that improve the quality of life for current and future elder generations.

## **How do we support the community?**

By funding research, public education and effective programs that address serious needs of a rapidly growing and graying population.

## **Why do we take that approach?**

We feel it's important to address community concerns with a futuristic generational look. What happens to elders today affects the elders of our future. Likewise, when you support an elder, you support an entire family.

**Special Advocates for Elders  
Foundation**

## **What are some examples of what we support?**

- Housing Ombudsman services
- Elder Friendly Business Certification
- SeniorNet computer learning center
- Intergenerational projects and leadership training

## **Why should you care?**

More and more people are realizing how the population is changing. By the year 2030, twenty-five percent of America will be age 60 or older! As baby-boomers become elder-boomers there will be the greatest demand in our nation's history *ever* on resources and services that support older persons.

## **How can you be involved?**

Become a volunteer, make a contribution, or consider a planned giving opportunity in your future. Your gift is tax-deductible.

**The foundation serving elders of today and tomorrow.**

~ **Portland/Multnomah Commission on Aging** is a public non-profit organization that has advocated for vulnerable seniors and persons with disabilities in Multnomah County since 1969.

~ **Special Advocates for Elders Foundation** was established by PMCoA as a private non-profit expansion organization to provide services and outreach for elders in our community both now and in the future.

*Research*

*Education*

*Advocacy*

*Programs*

*for today's elders - and tomorrow's*

c/o Portland/Multnomah Commission on Aging  
1120 SW 5th, 5th Flr.  
Portland, OR 97204  
823-5269

**PLEASE PRINT LEGIBLY!**

**MEETING DATE** 3-14-96

**NAME**

TOM CROPPER

**ADDRESS**

P.O. BOX 18025

**STREET**

PORTLAND

97218-0025

**CITY**

**ZIP**

**I WISH TO SPEAK ON AGENDA ITEM NO.** R-3

**SUPPORT**

**OPPOSE**

x

**SUBMIT TO BOARD CLERK**



MAR 14 1996 FEB 29 1996 MAR 17 1996  
MEETING DATE: R-3  
AGENDA #: R-9 R-18  
ESTIMATED START TIME: 10:30 AM

(Above Space for Board Clerk's Use ONLY)

## AGENDA PLACEMENT FORM

SUBJECT: Ordinance amending Multnomah County code 5.50.050 (Transient Lodging Tax) to allow certain tax receipts to be used to finance construction of a new hall at the Expo Center

BOARD BRIEFING:

DATE REQUESTED: \_\_\_\_\_

REQUESTED BY: \_\_\_\_\_

AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING:

DATE REQUESTED: February 29, 1996 \_\_\_\_\_

AMOUNT OF TIME NEEDED: 10 Minutes

DEPARTMENT: Chair's Office

DIVISION: \_\_\_\_\_

CONTACT: Maria Rojo TELEPHONE: 28-3955

BLDG/ROOM: 106/1515

PERSON(S) MAKING PRESENTATION: Mike Burton, Metro Executive

### ACTION REQUESTED:

[ ] INFORMATIONAL ONLY [ ] POLICY DIRECTION [ X ] APPROVAL [ ] OTHER

SUGGESTED AGENDA TITLE: 3/15/96 copy to Maria Rojo;

3/18/96 copies to ORDINANCE Distribution list; DAVE WARREN, DAVE ROYER & JEAN UZELAC & BOARD MEMBERS  
Same As Above

### SIGNATURES REQUIRED:

ELECTED OFFICIAL: Beverly Steen

(OR)

DEPARTMENT

MANAGER: \_\_\_\_\_

BOARD OF  
COUNTY COMMISSIONERS  
96 FEB 23 AM 9:29  
MULTNOMAH COUNTY  
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277 or 248-5222



**METRO**

*MB*  
**RECEIVED**

**FEB 16 1996**

**BEVERLY STEIN  
MULTNOMAH COUNTY CHAIR**

February 16, 1996

Multnomah County Board of Commissioners  
1120 SW Fifth Ave.  
Portland, OR 97204

Dear Commissioners:

I am transmitting to you a resolution adopted yesterday by the Metro Council, officially requesting you to amend the Multnomah County transient lodgings tax to allow up to \$9 million of Oregon Convention Center reserves to be used for construction of a new building at the Expo Center. The resolution (No. 96-2280) includes an exhibit with suggested language for amending the County Code to achieve this purpose, which we offer as a guideline for possible amendment.

I know each of you has been briefed on this issue individually, as well as collectively at last Tuesday's informal meeting of the Board, so I won't reiterate here the reasons we are making this request. I will only offer my encouragement for your support, and my thanks for your ongoing efforts to promote regional partnerships and cooperation.

Sincerely,

Mike Burton  
Executive Officer

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF REQUESTING	)	RESOLUTION NO. 96-2280
MULTNOMAH COUNTY TO AMEND ITS	)	
TRANSIENT LODGINGS TAX ORDINANCE	)	Introduced by Mike Burton,
TO ALLOW TAX RECEIPTS TO BE USED	)	Executive Officer
TO FINANCE CONSTRUCTION OF A	)	
NEW HALL AT THE EXPO CENTER	)	

WHEREAS, Metro, through the Metropolitan Exposition-Recreation Commission (MERC), operates the Portland Expo Center under an intergovernmental agreement with Multnomah County, which owns the facility; and

WHEREAS, Metro and Multnomah County are developing an intergovernmental agreement to transfer ownership of Expo and certain County-owned parks and natural areas from the County to Metro; and

WHEREAS, Metro and MERC are considering the development of a new building on the Expo site, to improve Expo's marketability and exhibit space, and to accommodate the "America's Smithsonian" exhibit which is scheduled to occupy the proposed new Expo building for a forty-day exhibition in the spring of 1997; and

WHEREAS, Construction of a new hall at Expo is consistent with the Expo master plan developed by Multnomah County prior to the transfer of the facility's management to Metro; and

WHEREAS, Construction of the new facility at Expo is estimated to cost \$13 million; and

WHEREAS, Preliminary financing plans for construction of the new Expo facility call for \$9 million in Oregon Convention Center reserves to be contributed to the project; and

WHEREAS, Multnomah County levies a 3% transient lodging tax whose proceeds are largely dedicated to the operations, marketing, and improvements of the Oregon Convention Center; and

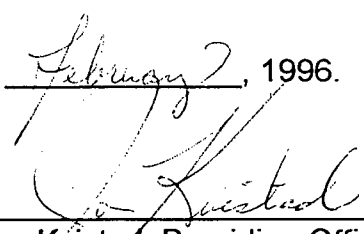
WHEREAS, Oregon Convention Center funds may not be used for the Expo project without amendment of the County Code which restricts the use of transient lodging tax funds to Convention Center purposes; and

WHEREAS, The proposed Expo expansion will provide needed flexibility for serving the public demand for use of Expo's facilities, provide the venue for the 150th anniversary Smithsonian exhibit, and serve to house traditional Expo events in the future when necessary repairs and modifications are made to the existing Expo facility;  
Now, Therefore,

BE IT RESOLVED,

That the Metro Council requests the Multnomah County Board of Commissioners to amend Section 5.50.050 of the Multnomah County Code to allow Oregon Convention Center funds to be expended on the construction of a new building at the Expo Center, and authorizes the Executive Officer to propose amendment language to the County substantially similar to that contained in Exhibit A.

ADOPTED by the Metro Council this 15<sup>th</sup> day of February, 1996.

  
Jon Kvistad, Presiding Officer

**PROPOSED AMENDMENT TO MULTNOMAH COUNTY  
TRANSIENT LODGINGS TAX**

**5.50.050. Tax Imposed.**

\* \* \*

- (5) After voters have approved issuance of general obligation bonds to finance or partially finance construction of the convention and trade show center or financing for construction has been obtained by some other means, funds deposited in the convention and trade show center special fund shall be used to assist the lead agency for the following purposes:
- (a) First, to pay any expenses incurred on activities identified under MCC 5.50.050(B)(4);
  - (b) Second, if all expenses identified in subsection (a) above have been satisfied, to pay any unfunded annual operating expenses that may have been incurred by the convention and trade show center;
  - (c) Third, if all expenses identified in subsection (a) above have been satisfied and if no otherwise unfunded annual operating expenses exist or if funds remain after the otherwise unfunded annual operating expenses have been paid, to provide for the promotion, solicitation, procurement, and service of convention business at the convention and trade show center to the extent necessary to fully implement the annual marketing program adopted by the lead agency;
  - (d) Fourth, if the needs identified in the foregoing subsections (a) through (c) have been fully satisfied, to pay ancillary costs associated with the development, construction and operation of the convention and trade show center, including but not limited to site acquisition costs and construction costs including financing of those costs;
  - (e) Notwithstanding the limitation on spending in subparagraphs (a) through (d), an amount not to exceed \$70,000.00 one time only may be used by the lead agency for the promotion, solicitation, procurement, and service of the 1988 International Association of Chiefs of Police convention in Multnomah County.

- (f) Notwithstanding the limitations on spending in subparagraphs (a) through (e), Multnomah County may transfer an amount not to exceed \$100,000 per year, for three years beginning with fiscal year 1994-1995, as a special appropriation to the Regional Arts and Culture Council.
- (g) The transfer of funds for operation of the Portland Center for the Performing Arts and for the Regional Arts and Culture Council pursuant to subparagraphs (f) and (g) shall not be made if, prior to June 1 of any year, the Metro Council declares that an emergency requires the funds to be used for the Oregon Convention Center. Any such declaration shall be in writing and shall be transmitted from Metro to the Chair of Multnomah County. The circumstances pertaining to the Oregon Convention Center warranting a declaration of an emergency shall include, but not be limited to:
  - (i) Current resources except beginning fund balance do not meet current expenditures less renewal and replacement fund transfer and unappropriated balance;
  - (ii) Revenues from the tax drop by more than 25% in any year when measured against the prior year;
  - (iii) A major structural failure at the center (not otherwise insured) such that total reserves are insufficient to repair the damage without the use of all or part of the 3-year \$2,100,000 commitment.
  - (iv) Or any other situation that threatens the normal operation of the convention center.

(h) Notwithstanding the limitations on spending in subparagraphs (a) through (g), Metro may use an amount not to exceed \$9,000,000 total for the construction of a new building at the Portland Exposition Center.

ORDINANCE FACT SHEET

**Ordinance Title:** ORDINANCE Amending Multnomah County Code Chapter 5.50.050 (Transient Lodging Tax) to Allow Certain Tax Receipts to be Used to Finance Construction of a New Hall at the Expo Center

Give a brief statement of the purpose of the ordinance including rationale for adoption, description of persons benefited, alternatives explored:

Metro is requesting an amendment to Multnomah County's Ordinance on transient lodgings tax to allow up to \$9,000,000 of Oregon Coonvention Center reserves to be used for construction of a new building at Expo.

What other local jurisdictions have enacted similar legislation?

Metro Regional Government

What has been the experience in other areas with this type of legislation?

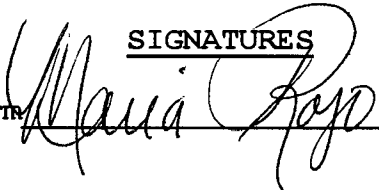
n/a

What is the fiscal impact, if any?

None to Multnomah County. Impact will be on the Convention Center.

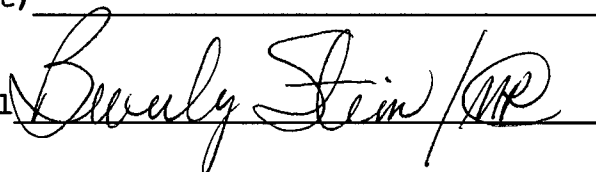
SIGNATURES

Person Filling Out Form



Planning & Budget (if fiscal impact)

Department Manager/Elected Official



BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

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

An ordinance amending MCC 5.50.050 (Transient Lodging Tax) to allow tax receipts to be used by Metro to finance construction of a new hall at the Expo Center.

Multnomah County ordains as follows:

Section 1. Purpose

A. Metro, through the Metropolitan Exposition-Recreation Commission (MERC), operates the Portland Expo Center under an intergovernmental agreement with Multnomah County, which owns the facility;

B. Metro and Multnomah County are developing an intergovernmental agreement to transfer ownership of Expo and certain County-owned parks and natural areas from the County to Metro;

C. Metro and MERC are considering the development of a new building on the Expo site, to improve Expo's marketability and exhibit space, and to accommodate the "America's Smithsonian" exhibit which is scheduled to occupy the proposed new Expo building for a forty-day exhibition in the spring of 1997. Planning activities are underway for the construction of the new exhibit hall at the Expo Center, which will contain 120,000 square feet of exhibit space. This project is projected to be completed by March of 1997 at a cost not to exceed \$13 million. The financing for the

02/23/96:1

MULTNOMAH COUNTY COUNSEL  
1120 S.W. Fifth Avenue, Suite 1530  
P.O. Box 849  
Portland, Oregon 97207-0849  
(503) 248-3138



project is proposed to consist of \$9 million in Oregon Convention Center reserves, \$1 million in Expo reserves, \$2.5 million from a privately placed revenue bond, and \$500,000 (if needed) from other sources that are currently being consulted. The most critical component of the financing package is the \$9 million of Convention Center funds, which constitutes approximately 70% of the proposed funding. This money is needed to pay for the project to minimize the debt load and finance this addition without additional tax resources;

D. Construction of a new hall at Expo is consistent with the Expo master plan developed by Multnomah County prior to the transfer of the facility's management to Metro;

E. Multnomah County levies a 3% transient lodging tax whose proceeds are largely dedicated to the operations, marketing, and improvements of the Oregon Convention Center; and

F. Oregon Convention Center funds may not be used for the Expo project without amendment of the County Code which restricts the use of transient lodging tax funds to Convention Center purposes;

G. The proposed Expo expansion will provide needed flexibility for serving the public demand for use of Expo's facilities, provide the venue for the 150th anniversary Smithsonian exhibit, and serve to house traditional Expo events in the future when necessary repairs and modifications are made to the existing Expo facility.

H. The Metro Council has requested the Multnomah County

02/23/96:1

MULTNOMAH COUNTY COUNSEL  
1120 S.W. Fifth Avenue, Suite 1530  
P.O. Box 849  
Portland, Oregon 97207-0849  
(503) 248-3138

Board of Commissioners to amend Section 5.50.050 of the Multnomah County Code to allow Oregon Convention Center funds to be expended on the construction of the new building at the Expo Center.

Section 2.      Amendment

MCC 5.50.050(5) is amended to read as follows:

**5.50.050. Tax Imposed.**

\* \* \* \* \*

(5) After voters have approved issuance of general obligation bonds to finance or partially finance construction of the convention and trade show center or financing for construction has been obtained by some other means, funds deposited in the convention and trade show center special fund shall be used to assist the lead agency for the following purposes:

- (a) First, to pay any expenses incurred on activities identified under MCC 5.50.050(B)(4);
- (b) Second, if all expenses identified in subsection (a) above have been satisfied, to pay any unfunded annual operating expenses that may have been incurred by the convention and trade show center;
- (c) Third, if all expenses identified in subsection (a) above have been satisfied and if no otherwise unfunded annual operating expenses exist or if funds remain after the otherwise unfunded annual operating expenses have been paid, to provide for the promotion, solicitation, procurement, and service of convention business at the convention and trade show center to the extent necessary to fully implement the annual marketing program adopted by the lead agency;
- (d) Fourth, if the needs identified in the foregoing subsections (a) through (c) have been fully satisfied, to pay ancillary costs associated with the development, construction and operation of the convention and trade show center, including but not limited to site

02/23/96:1

MULTNOMAH COUNTY COUNSEL  
1120 S.W. Fifth Avenue, Suite 1530  
P.O. Box 849  
Portland, Oregon 97207-0849  
(503) 248-3138

1 acquisition costs and construction costs  
2 including financing of those costs;

3 (e) Notwithstanding the limitation on spending in  
4 subparagraphs (a) through (d), an amount not  
5 to exceed \$70,000 one time only may be used by  
6 the lead agency for the promotion,  
7 solicitation, procurement, and service of the  
8 1988 International Association of Chiefs of  
9 Police convention in Multnomah County.

10 (f) Notwithstanding the limitations on spending in  
11 subparagraphs (a) through (e), Multnomah  
12 County may transfer an amount not to exceed  
13 \$100,000 per year, for three years beginning  
14 with fiscal year 1994-1995, as a special  
15 appropriation to the Regional Arts and Culture  
16 Council;

17 (g) The transfer of funds for operation of the  
18 Portland Center for the Performing Arts and  
19 for the Regional Arts and Culture Council  
20 pursuant to subparagraphs (f) and (g) shall  
21 not be made if, prior to June 1 of any year,  
22 the Metro Council declares that an emergency  
23 requires the funds to be used for the Oregon  
24 Convention Center. Any such declaration shall  
25 be in writing and shall be transmitted from  
26 Metro to the Chair of Multnomah County. The  
circumstances pertaining to the Oregon  
Convention Center warranting a declaration of  
an emergency shall include, but not be limited  
to:

(i) Current resources except beginning fund  
balance do not meet current expenditures  
less renewal and replacement fund  
transfer and unappropriated balance;

(ii) Revenues from the tax drop by more than  
25% in any year when measured against the  
prior year;

(iii) A major structural failure at the center  
(not otherwise insured) such that total  
reserves are insufficient to repair the  
damage without the use of all or part of  
the three-year \$2,100,000 commitment.

(iv) Or any other situation that threatens the  
normal operation of the convention  
center.

02/23/96:1

**MULTNOMAH COUNTY COUNSEL**  
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Portland, Oregon 97207-0849  
(503) 248-3138

Possible Amendment to R-3 (Hotel-Motel Ordinance)

Add a new section to read as follows:

This ordinance shall take effect (1) 30 days after it is signed by the Multnomah County Chair and (2) upon approval by the Board of County Commissioners and the METRO Council of an agreement transferring EXPO to METRO.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 845

An ordinance amending MCC 5.50.050 (Transient Lodging Tax) to allow tax receipts to be used by Metro to finance construction of a new hall at the Expo Center.

Multnomah County ordains as follows:

Section 1.      Purpose

A. Metro, through the Metropolitan Exposition-Recreation Commission (MERC), operates the Portland Expo Center under an intergovernmental agreement with Multnomah County, which owns the facility;

B. Metro and Multnomah County are developing an intergovernmental agreement to transfer ownership of Expo and certain County-owned parks and natural areas from the County to Metro;

C. Metro and MERC are considering the development of a new building on the Expo site, to improve Expo's marketability and exhibit space, and to accommodate the "America's Smithsonian" exhibit which is scheduled to occupy the proposed new Expo building for a forty-day exhibition in the spring of 1997. Planning activities are underway for the construction of the new exhibit hall at the Expo Center, which will contain 120,000 square feet of exhibit space. This project is projected to be completed by March of 1997 at a cost not to exceed \$13 million. The financing for the

03/14/96:1

MULTNOMAH COUNTY COUNSEL  
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P.O. Box 849  
Portland, Oregon 97207-0849  
(503) 248-3138

1 project is proposed to consist of \$9 million in Oregon Convention  
2 Center reserves, \$1 million in Expo reserves, \$2.5 million from a  
3 privately placed revenue bond, and \$500,000 (if needed) from other  
4 sources that are currently being consulted. The most critical  
5 component of the financing package is the \$9 million of Convention  
6 Center funds, which constitutes approximately 70% of the proposed  
7 funding. This money is needed to pay for the project to minimize  
8 the debt load and finance this addition without additional tax  
9 resources;

10 D. Construction of a new hall at Expo is consistent with the  
11 Expo master plan developed by Multnomah County prior to the  
12 transfer of the facility's management to Metro;

13 E. Multnomah County levies a 3% transient lodging tax whose  
14 proceeds are largely dedicated to the operations, marketing, and  
15 improvements of the Oregon Convention Center; and

16 F. Oregon Convention Center funds may not be used for the  
17 Expo project without amendment of the County Code which restricts  
18 the use of transient lodging tax funds to Convention Center  
19 purposes;

20 G. The proposed Expo expansion will provide needed  
21 flexibility for serving the public demand for use of Expo's  
22 facilities, provide the venue for the 150th anniversary Smithsonian  
23 exhibit, and serve to house traditional Expo events in the future  
24 when necessary repairs and modifications are made to the existing  
25 Expo facility.

26 H. The Metro Council has requested the Multnomah County

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1120 S.W. Fifth Avenue, Suite 1530  
P.O. Box 849  
Portland, Oregon 97207-0849  
(503) 248-3138

Board of Commissioners to amend Section 5.50.050 of the Multnomah County Code to allow Oregon Convention Center funds to be expended on the construction of the new building at the Expo Center.

Section 2.        Amendment

MCC 5.50.050(5) is amended to read as follows:

**5.50.050. Tax Imposed.**

\* \* \* \* \*

(5) After voters have approved issuance of general obligation bonds to finance or partially finance construction of the convention and trade show center or financing for construction has been obtained by some other means, funds deposited in the convention and trade show center special fund shall be used to assist the lead agency for the following purposes:

(a) First, to pay any expenses incurred on activities identified under MCC 5.50.050(B)(4);

(b) Second, if all expenses identified in subsection (a) above have been satisfied, to pay any unfunded annual operating expenses that may have been incurred by the convention and trade show center;

(c) Third, if all expenses identified in subsection (a) above have been satisfied and if no otherwise unfunded annual operating expenses exist or if funds remain after the otherwise unfunded annual operating expenses have been paid, to provide for the promotion, solicitation, procurement, and service of convention business at the convention and trade show center to the extent necessary to fully implement the annual marketing program adopted by the lead agency;

(d) Fourth, if the needs identified in the foregoing subsections (a) through (c) have been fully satisfied, to pay ancillary costs associated with the development, construction and operation of the convention and trade show center, including but not limited to site

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Portland, Oregon 97207-0849  
(503) 248-3138



acquisition costs and construction costs including financing of those costs;

(e) Notwithstanding the limitation on spending in subparagraphs (a) through (d), an amount not to exceed \$70,000 one time only may be used by the lead agency for the promotion, solicitation, procurement, and service of the 1988 International Association of Chiefs of Police convention in Multnomah County.

(f) Notwithstanding the limitations on spending in subparagraphs (a) through (e), Multnomah County may transfer an amount not to exceed \$100,000 per year, for three years beginning with fiscal year 1994-1995, as a special appropriation to the Regional Arts and Culture Council;

(g) The transfer of funds for operation of the Portland Center for the Performing Arts and for the Regional Arts and Culture Council pursuant to subparagraphs (f) and (g) shall not be made if, prior to June 1 of any year, the Metro Council declares that an emergency requires the funds to be used for the Oregon Convention Center. Any such declaration shall be in writing and shall be transmitted from Metro to the Chair of Multnomah County. The circumstances pertaining to the Oregon Convention Center warranting a declaration of an emergency shall include, but not be limited to:

(i) Current resources except beginning fund balance do not meet current expenditures less renewal and replacement fund transfer and unappropriated balance;

(ii) Revenues from the tax drop by more than 25% in any year when measured against the prior year;

(iii) A major structural failure at the center (not otherwise insured) such that total reserves are insufficient to repair the damage without the use of all or part of the three-year \$2,100,000 commitment.

(iv) Or any other situation that threatens the normal operation of the convention center.

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Portland, Oregon 97207-0849  
(503) 248-3138

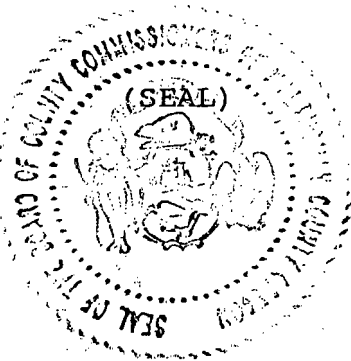
(h) Notwithstanding the limitations on spending in subparagraphs (a) through (g), Metro may use an amount not to exceed \$9,000,000 total for the construction of a new exhibit hall at the Portland Exposition Center.


Section 3. Effective Date

This ordinance shall take effect (1) 30 days after it is signed by the Multnomah County Chair, and (2) upon approval by the Board of County Commissioners and the Metro Council of an agreement transferring Expo to Metro.

ADOPTED this 14th day of March, 1996, being the date of its second reading before the Board of County Commissioners of Multnomah County, Oregon.


BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON



  
\_\_\_\_\_  
Beverly Stein, Chair

REVIEWED:

LAURENCE KRESSEL, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY, OREGON

  
\_\_\_\_\_  
Laurence Kressel

F:\DATA\COUNSEL\WPDATA\NINE\004LK.ORD\mw

03/14/96:1

MULTNOMAH COUNTY COUNSEL  
1120 S.W. Fifth Avenue, Suite 1530  
P.O. Box 849  
Portland, Oregon 97207-0849  
(503) 248-3138

Meeting Date: MAR 14 1996

Agenda No: R-4

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

SUBJECT: Exempt employee job title and salary range revisions

BOARD BRIEFING

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

Amount of Time Needed: \_\_\_\_\_

REGULAR MEETING: Date Requested: March 14, 1996

Amount of Time Needed: 10 minutes

DEPARTMENT: Support Services

DIVISION: Employee Services

CONTACT: Curtis Smith

TELEPHONE #: x5015

BLDG/ROOM #: 106/1430

PERSON(S) MAKING PRESENTATION: Curtis Smith

ACTION REQUESTED:

☐ INFORMATIONAL ONLY

☐ POLICY DIRECTION

☒ APPROVAL

☐ OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

This proposed Ordinance amends Ordinance No. 822 and reflects routine updating of the exempt employee compensation system to: (1) Delete classifications no longer needed; (2) Create new classifications; (3) Describe the effect on employees; and (4) Authorize a special adjustment. As detailed in the briefing memo, the fiscal impact is less than \$24,000 annualized. Actual cost for the remainder of FY 1995-96 is estimated at \$7,896.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: \_\_\_\_\_

OR

DEPARTMENT MANAGER: \_\_\_\_\_

**ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES**

Any Questions: Call the Office of the board Clerk 248-3277/248-5222

## ORDINANCE FACT SHEET

Ordinance Title: Exempt employee job title and salary range revisions

Give a brief statement of the purpose of the ordinance (include the rationale for adoption of ordinance, description of persons benefitted, other alternatives explored):

This proposed Ordinance amends Ordinance No. 822 and reflects routine updating of the exempt employee compensation system to: (1) Delete classifications no longer needed; (2) Create new classifications; (3) Describe the effect on employees; and (4) Authorize a special adjustment. As detailed in the briefing memo, the fiscal impact is less than \$24,000 annualized. The actual cost for the remainder of FY 1995-96 is estimated at \$7,896.

What other local jurisdictions in the metropolitan area have enacted similar legislation?

Other jurisdictions establish and maintain exempt compensation plans.

What has been the experience in other areas with this type of legislation?

Not applicable.

What is the fiscal impact, if any?

Estimated at \$7,896 for the remainder of the fiscal year.

(If space is inadequate, please use other side)

### SIGNATURES:

Person Filling Out Form: 

Planning & Budget Division (if fiscal impact): 

Department Manager/Elected Official: 



# MULTNOMAH COUNTY OREGON

BEVERLY STEIN  
COUNTY CHAIR

EMPLOYEE SERVICES  
FINANCE  
LABOR RELATIONS  
PLANNING & BUDGET  
RISK MANAGEMENT

(503) 248-5015  
(503) 248-3312  
(503) 248-5135  
(503) 248-3883  
(503) 248-3797

(503) 248-5170 TDD

PORTLAND BUILDING  
1120 S.W. FIFTH, 14TH FLOOR  
P.O. BOX 14700  
PORTLAND, OREGON 97214

PURCHASING, CONTRACTS  
& CENTRAL STORES

(503) 248-5111

2505 S.E. 11TH, 1ST FLOOR  
PORTLAND, OREGON 97202

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Curtis Smith, Employee Services Manager

DATE: March 4, 1996

REQUESTED PLACEMENT DATE: March 14, 1996

RE: Ordinance amending Ordinance No. 822, in order to add and delete exempt pay ranges and job titles.

I. Recommendation/Action Requested: Adoption of Ordinance amending Ordinance No. 822.

II. Background/Analysis: The Board adopted a new exempt employee compensation system, effective July 1, 1991. Since that time, the Personnel Section has kept the system up to date by bringing periodic changes to the Board to adopt. This is the most recent update.

History. In October of 1993, the Department of Social Services ceased to exist when all of the positions within its administration budget were vacated. In December of 1993, the Mental Health Division and the Housing and Community Services Divisions ceased to exist as separate entities and merged to become the Community and Family Services Division. In July 1995, Juvenile Justice, Aging Services, and Community and Family Services became Departments.

In the development/evolution of these new departments, several phases of organizational development have occurred, and the final phase is currently underway. The first phase was to develop a new organizational culture that values the tenets of quality management and employee collaboration and participation.

Community and Family Services is now an \$85 million organization with over 330 employees. The management structure has been defined and programs have been aligned to assure that services are provided at the level clients need, are the most cost efficient, and meet the standards of effective managed care service models. There is now additional emphasis on performance-based evaluation and outcome measurements.

Juvenile Justice Services is now a \$19 million organization with over 223 employees. This department will be spearheading innovative and comprehensive education and intervention strategies involving significant collaboration with numerous stakeholders. This requires a redefined organizational structure to provide the leadership the department will need to plan, develop and evaluate performance and develop outcome measurements.

The classification changes included in this amendment will provide equity across departments and consistency between comparable organizations within the County. The new classifications provide identity with the new departments and a framework within which future organizational refinements can be easily implemented.

Section II of the Ordinance deletes 29 classifications that are no longer needed, due to departmental reorganization of responsibilities. Besides the Community & Family Services and Juvenile Justice Services reorganizations mentioned above, the additional following reorganizations are reflected:

- 1) The specific titles for each department manager and each management assistant are deleted and replaced by the general titles of "Department Manager" and "Management Assistant." This will make the salary and title plan easier to maintain.
- 2) The "Planning Manager" title is deleted to complete the reorganization of the land use planning function.
- 3) Titles are deleted and added to reflect the merging of the Tax Collection and Records sections in Assessment & Taxation.

Section III of the Ordinance adds 18 new classifications. The new classifications in the departments of Community & Family Services and Juvenile Justice Services broadly define the level of responsibility within the department, yet allow flexibility for organizational change, growth and other Departmental needs. The "Planner/Principal" is being added to complete the reorganization of the land use planning function. The "Information Technology Manager/Senior" is the new position created by the Board to manage the County's information technology efforts. The "Tax Collection/Records Administrator" and "Tax Collection/Records Manager" are added to manage the new combined section in Assessment & Taxation.

Section IV of the Ordinance specifies that employees in exempt classifications at the time they are created are reclassified and may be eligible for salary increases within the limits of Ordinance 778, Section IX (A) and (B), which is the Board's regular pay administration policy.

Section V of the Ordinance authorizes a special salary adjustment for the manager of the Department of Community and Family Services. This adjustment makes the incumbent's salary comparable to that of the directors of the other two departments that were created at the same time.

- III. Financial Impact: There is no new financial impact of this Ordinance to the General Fund. Any cost adjustments from pay increases will be absorbed within current budgeted funds by the respective departments. For the remainder fiscal year 1995-96 we estimate this will amount to \$7,896. The annualized cost is estimated at \$23,687.
- IV. Legal Issues: None.
- V. Controversial Issues: None
- VI. Link to Current County Policies: Ordinance No. 778 requires that the exempt compensation plan be kept current.
- VII. Citizen Participation: None
- VIII. Other Government Participation: None



# MULTNOMAH COUNTY, OREGON

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**BOARD OF COUNTY COMMISSIONERS**

BEVERLY STEIN  
DAN SALTZMAN  
GARY HANSEN  
TANYA COLLIER  
SHARRON KELLEY

**BUDGET & QUALITY**

PORTLAND BUILDING  
1120 S.W. FIFTH - ROOM 1400  
P. O. BOX 14700  
PORTLAND, OR 97214  
PHONE (503)248-3883

---

TO: Board of County Commissioners

FROM: Dave Warren *DCW*

DATE: March 4, 1996

SUBJECT: Fiscal Impact of March 14, 1996 Exempt Ordinance Changes

---

The proposed changes to Ordinance 822, the Exempt Employee Ordinance, results in nine employees receiving an increase in base pay. Employee Services has computed the full year cost of these increases, and they are summarized below. Since the changes will occur in March, the costs for 1995-96 will be \$7,896.

Old Classification	FTE	New Classification	Full Year Cost
Department Director / CFS	1.0	Department Director	2,584
Community and Family Services Manager / Assistant	1.0	Deputy Director/CFS	2,904
Community and Family Services Support Services Manager	1.0	CFS Manager / Senior	1,015
Contract Mgr, Data Systems Administrator	2.0	CFS Manager	2,904
Case Mgt Supervisor	1.0	CFS Supervisor	1,368
Juvenile Counseling Supervisor	2.0	Juvenile Justice Supervisor	8,400
Data Systems Manager	1.0	Juvenile Justice Manager	<u>4,512</u>
Total Annual Cost			23,687

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Note that this cost is not a request for additional appropriations. The departments involved will not request additional spending authority in 1995-96, nor will they receive additional General Fund allocations in 1996-97 as a result of these actions.



BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY OREGON

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

An ordinance amending Ordinance No. 822, in order to add and delete exempt pay ranges and titles.

MULTNOMAH COUNTY ORDAINS AS FOLLOWS:

Section I. Findings.

(A) Multnomah County, Oregon employs a variety of individuals excluded from any collective bargaining agreement referred to as "exempt" employees.

(B) It is the County's policy to establish an exempt compensation plan that provides such pay as necessary for the County to recruit, select, and retain qualified management, supervisory, administrative, and professional employees; that recognizes employee performance, growth, and development; that maintains an appropriate internal relationship among classifications and employees based on job responsibilities, qualifications, and authority; and that maintains parity between equivalent exempt and non-exempt positions.

(C) The Personnel officer is responsible for developing and recommending compensation plan adjustments to the Multnomah County Board of Commissioners.

Section II. Deletion of Job Titles.

The following job titles established in Exhibit A of Ordinance No. 822 are deleted, effective January 1, 1996:

Alcohol/Drug Manager

Child & Adolescent Mental Health Manager

Community & Family Services Support Services Manager

Community & Family Services Manager/Assistant

Corrections Counselor Supervisor

1 Department Director/Aging  
2 Department Director/CFS  
3 Department Director/DCC  
4 Department Director/DES  
5 Department Director/Health  
6 Department Director/JJS  
7 Developmental Disabilities Manager  
8 Detention Program Administrator  
9 Detention Reform Project Manager  
10 Geographic Information Records Manager  
11 Hispanic Services Coordinator  
12 Juvenile Counseling Services Manager  
13 Juvenile Counseling Administrator  
14 Juvenile Counselor Supervisor  
15 Juvenile Detention Manager  
16 Juvenile Justice Program Manager  
17 Juvenile Justice Program Supervisor  
18 Management Assistant/DCC  
19 Management Assistant/DES  
20 M E D Program Manager  
21 Planning Manager  
22 Program Services Administrator/MHYFS  
23 Tax Collection Manager

24 Section III. Addition of Job Titles and Ranges:

25 The following job titles and pay ranges are added to Exhibit A of Ordinance No.  
26 822, effective January 1, 1996:

<u>Job Title</u>	<u>Min</u>	<u>Mid</u>	<u>Max</u>
CFS Administrator	\$46,288	\$55,546	\$64,803
CFS Manager/Senior *	\$59,083	\$70,899	\$82,716
CFS Manager *	\$51,049	\$61,259	\$71,469
CFS Specialist	\$34,560	\$41,471	\$48,383
CFS Supervisor	\$40,001	\$48,001	\$56,001
Department Director *	\$68,108	\$81,730	\$95,352
Deputy Director/CFS *	\$59,083	\$70,899	\$82,716
Deputy Director/JJD *	\$59,083	\$70,899	\$82,716
Information Technology Mgr/Sr *	\$59,083	\$70,899	\$82,716
Juvenile Justice Administrator	\$46,288	\$55,546	\$64,803
Juvenile Justice Manager *	\$51,049	\$61,259	\$71,469
Juvenile Justice Manager/Sr *	\$59,083	\$70,899	\$82,716
Juvenile Justice Specialist	\$34,560	\$41,471	\$48,383
Juvenile Justice Supervisor	\$40,001	\$48,001	\$56,001
Management Assistant *	\$44,082	\$52,898	\$61,714
Planner/Principal	\$41,987	\$50,385	\$58,782
Tax Collection/Records Admin	\$44,082	\$52,898	\$61,714
Tax Collection/Records Mgr *	\$53,604	\$64,325	\$75,045

\*Unclassified, non-Civil Service position pursuant to MCC 3.10.100.

#### Section IV. Effect on Employees.

Exempt employees in classifications which are adopted in this Ordinance shall be deemed reclassified, and may receive salary adjustments as authorized in Ordinance 778, Section IX. (A) and (B).

1 Section V. Special Adjustment.

2 The following employee will receive a one-time salary adjustment, effective March  
3 1, 1996, to the following annual salary rate. This adjustment is necessary to maintain  
4 appropriate internal relationships among exempt employees.

5 <u>Employee</u>	<u>Job Title</u>	<u>Annual Salary</u>
6 Poe, Lorenzo	Department Director	\$77,737

7 ADOPTED the \_\_\_\_\_ day of \_\_\_\_\_, 1996, being the date of  
8 its second reading before the Board of County Commissioners of Multnomah County,  
9 Oregon.

10  
11 By \_\_\_\_\_  
12 Beverly Stein, Chair  
13 MULTNOMAH COUNTY, OREGON  
14  
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17 REVIEWED:

18   
19 \_\_\_\_\_  
20 Laurence Kressel, County Counsel  
of Multnomah County, Oregon

21 N:\DATA\EMP\SER\WPDATA\ISJA142  
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**PLEASE PRINT LEGIBLY!**

**MEETING DATE** 3-14-96

**NAME** SCOTT BARRIE  
**ADDRESS** 15555 SW Bangy Rd  
**STREET**  
Lake Oswego OR 97035  
**CITY** OR **ZIP** 97035

**I WISH TO SPEAK ON AGENDA ITEM NO.** 2-5  
**SUPPORT** ☒ **OPPOSE** ☐  
**SUBMIT TO BOARD CLERK**

Meeting Date: MAR 14 1996  
Agenda No: R-5  
Est. Starting Time: 10:20am

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

**SUBJECT:** First Reading of an Ordinance removing the Grading and Erosion Control section from the Zoning Code and adding it to MCC Title 9.

**BOARD BRIEFING**      Date Requested:  
                                 Amount of Time Needed:  
                                 Requested By:

**REGULAR MEETING**      Date Requested: March 14, 1996  
                                 Amount of Time Needed: 10 minutes

**DEPARTMENT:** DES  
**CONTACT:** Kathy Busse

**DIVISION:** Planning  
**TELEPHONE:** 248-3043  
**BLDG /ROOM:** 412/Plan

**PERSON(S) MAKING PRESENTATION:** Kathy Busse

**ACTION REQUESTED**

☐ Informational Only      ☐ Policy Direction      ☒ Approval      ☐ Other

**SUGGESTED AGENDA TITLE**

An ordinance removing the Grading and Erosion Control section from the Zoning Code and adding it to MCC Title 9.

**SIGNATURES REQUIRED:**

**Elected Official:** \_\_\_\_\_

OR

**Department Manager:** Mate Busse

BOARD OF  
COUNTY COMMISSIONERS  
96 MAR - 6 AM 11:36  
MULTNOMAH COUNTY  
OREGON

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM BRIEFING  
STAFF REPORT SUPPLEMENT**

**To:** Board of County Commissioners

**FROM:** Planning Staff

**TODAY'S DATE:** March 4, 1996

**REQUESTED**

**PLACEMENT DATE:** March 14, 1996

**RE:** Public hearing on an ordinance amending the Zoning Code to remove the Grading and Erosion Control portion of MCC 11.15.6700 and add it to MCC Title 9. (Planning File No. C 10-95)

**I. RECOMMENDATION / ACTION REQUESTED:**

Recommend adoption of an ordinance amending MCC 11.15.6700 to remove the Grading and Erosion Control requirements and relocate them to Chapter 9, Building and Specialty Code Section of Multnomah County Code. A Planning Commission resolution and proposed ordinance is included for consideration by the Board of County Commissioners. A public hearing on this matter is scheduled on March 14, 1996.

**II. BACKGROUND / ANALYSIS:**

The Board of County Commissioners adopted ordinances 643, 677, 691 and 785 which amended the Multnomah County Zoning Code adding among other provisions Grading and Erosion Control requirements in response to OAR 340-41-455.

To make Multnomah County's permitting procedures consistent with those of the City of Portland and Washington County, the process would be to transfer the appropriate code language to the Development Section of the Multnomah County Code.

The language and requirements would remain exactly the same as they exist in the Zoning Code, however the permits would no longer be considered an Administrative Decision which requires a ten day appeal period.

**III. FINANCIAL IMPACT:**

No fiscal impact to the County has been identified.

**IV. LEGAL ISSUES:**

The Planning Commission has made a recommendation to the Board of County Commissioners attached as Resolution C 10-95

**V. CONTROVERSIAL ISSUES:**

This action would eliminate the ten day appeal requirement on Grading and Erosion Control permits. The rationale is that the other jurisdictions who enforce GEC's do not have an appeals process for the grading and erosion control conditions. The standard and special conditions are association with mitigating disturbance to the land during construction and are part of their development codes.

**VI. LINK TO CURRENT COUNTY POLICIES:**

This amendment would remove the Grading and Erosion Control provisions from the Multnomah County Zoning Code and place them in Title 9 of the Multnomah county Code, Building and Specialty Code Section.

**VII. CITIZEN PARTICIPATION:**

A public hearing was held before the Planning Commission on January 8, 1996 and a public hearing has been scheduled before the Board of County Commissioners prior to voting on any amendments to the Multnomah County Zoning Code.

There were no opponents or other public testimony submitted to the Planning Commission in January 1996.

**VIII. OTHER GOVERNMENT PARTICIPATION:**

A draft of the ordinance and notice of the public hearings have been provided to the City of Portland Building Bureau, the City of Gresham, the Unified Sewerage Agency and Washington County.



## ORDINANCE FACT SHEET

### **Ordinance Title:**

An Ordinance amending MCC 11.15 to remove the grading and erosion control requirements and standards and add them to MCC Title 9.

### **Give a brief statement of the purpose of the ordinance including rationale for adoption, description of persons benefited, alternatives explored:**

Recommend adoption of this ordinance amending MCC 11.15.7335 to remove the grading and erosion control standards and requirements as an appealable land use decision to an administrative decision not requiring a ten (10) day appeal period.

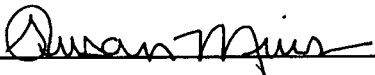
### **What other local jurisdictions have enacted similar legislation?**

The Cities of Portland and Gresham, Washington and Clackamas Counties all review similar grading and erosion control applications as non-appealable applications subject to similar standards and review processes.

### **What is the fiscal impact, if any?**

No fiscal impact to the County has been identified. The application fees will remain the same.

### SIGNATURES

Person filling out form: 

Planning and Budget (if fiscal impact): \_\_\_\_\_

Department Manager / Elected Official: 

**DECISION OF THE  
MULTNOMAH COUNTY PLANNING COMMISSION**

In the matter of amending the Zoning )  
Code to remove the Grading and Erosion )  
Control Provisions and relocate them in )  
Title 9 of the Multnomah County Code, )  
Building and Specialty Code section )

**RESOLUTION  
C 10-95**

**WHEREAS**, The Board of County Commissioners adopted ordinances 643, 677, 691 and 785 which amended the Multnomah County Zoning Code adding among other provisions Grading and Erosion Control requirements in response to OAR 340-41-455 for the Tualatin Basin; and

**WHEREAS**, The Board of County Commissioners intended Grading and Erosion Control requirements to regulate land development actions to protect exposed soil surface from erosive forces; and

**WHEREAS**, The Board of County Commissioners believe Grading and Erosion Control standards are necessary to protect exposed soils from erosive forces during development activities; and

**WHEREAS**, On December 28, 1995, the Board of County Commissioners directed the Planning Commission to review amendments to the Grading and Erosion Control Section of MCC 11.15.6700; and

**WHEREAS**, The Board of County Commissioners recognize their responsibility to implement the requirements of OAR 340-41-455 for the Tualatin Basin; and

**WHEREAS**, Grading and Erosion Control requirements can be better administered under Title 9 of the County Code; and

**WHEREAS**, The Planning Commission conducted a public hearing on January 8, 1996, to accept public testimony on a proposed amendment to the zoning code text;

**NOW, THEREFORE BE IT RESOLVED** that the Planning Commission hereby recommends that the Board of County Commissioners amend the zoning code as indicated in the attached Ordinance with recognition of the following considerations:

1. The County currently relies upon neighbor appeals of the GECs to identify cases of inaccurate information in applications for development, or non-compliance with conditions of GEC permits. The Planning Commission recognizes the reasons for processing Grading and Erosion Control permits without the appeals process, but would urge the Board of Commissioners to have County staff perform site inspections to ensure accurate information and compliance; and that this activity is appropriately funded through the budget process.

2. The Board of County Commissioners should consider requiring notification for informational purposes only for adjoining property owners that an application has been received and is being reviewed.

3. The Board of County Commissioners should consider that the rural area plans need to move forward to designate Significant Environmental Concern overlay zones for significant streams in areas where development is currently being reviewed under Grading and Erosion Control provisions. These streams developments are not required to receive a Significant Environmental Concern Permit approval which is an administrative decision with notification to surrounding property owners and an appeal period.

Approved this 8th day of January, 1996

By SI LEONARD YOON  
Leonard Yoon, Chair  
Multnomah County Planning Commission

1                   **BEFORE THE BOARD OF COUNTY COMMISSIONERS**  
2                   **FOR MULTNOMAH COUNTY, OREGON**  
3                   **ORDINANCE NO. \_\_\_\_\_**  
4

5           An Ordinance amending MCC 11.15 to relocate the Grading and Erosion Control provisions of  
6 MCC 11.15.6700 to Title 9 of the Multnomah County Code, Building and Specialty Code Section.

7  
8           (Underlined sections are new or replacements; [~~bracketed~~] sections are deleted.)

9           Multnomah County Ordains as follows:  
10

11 **SECTION I. FINDINGS.**

12           (A) The Board of County Commissioners adopted ordinances 643, 677, 691 and 785 which  
13 amended the Multnomah County Zoning Code adding among other provisions Grading and Erosion  
14 Control requirements in response to OAR 340-41-455 for the Tualatin Basin.

15           (B) The Board of County Commissioners intended Grading and Erosion Control requirements  
16 to regulate land development actions to protect exposed soil surface from erosive forces.

17           (C) The Board of County Commissioners believe Grading and Erosion Control standards are  
18 necessary to protect exposed soils from erosive forces during development activities.

19           (D) On December 28, 1995, the Board of County Commissioners directed the Planning  
20 Commission to review amendments to the Grading and Erosion Control Section of MCC 11.15.6700.

21           (E) The Board of County Commissioners recognize their responsibility to implement the  
22 requirements of OAR 340-41-3455 for the Tualatin Basin.

23           (F) Grading and Erosion Control requirements can be better administered under Title 9 of the  
24 County Code.

25           (G) The Planning Commission conducted a public hearing on January 8, 1996 to accept public  
26 testimony on a proposed amendment to the zoning code text.

1  
2 **SECTION II.        AMENDMENT OF ZONING CODE, CHAPTER 11 OF THE**  
3 **MULTNOMAH COUNTY CODE.**

4        Multnomah County Code Chapter 11.15 is amended to read as follows:  
5

6 **11.15.6700 Purposes**  
7

8        The purposes of the Hillside Development and Erosion Control subdistrict are to promote the public  
9        health, safety and general welfare, and minimize public and private losses due to earth movement  
10       hazards in specified areas and minimize erosion and related environmental damage in unincorporat-  
11       ed Multnomah County, all in accordance with ORS 215, LCDC Statewide Planning Goal No. 7 and  
12       OAR 340-41-455 for the Tualatin River Basin, and the Multnomah County Comprehensive  
13       Framework Plan Policy No. 14. This subdistrict is intended to:  
14

15       (A) Protect human life;  
16

17       (B) Protect property and structures;  
18

19       (C) Minimize expenditures for rescue and relief efforts associated with earth movement  
20       failures;  
21

22       (D) Control erosion, production and transport of sediment; and  
23

24       (E) Regulate land development actions including excavation and fills, drainage controls and protect  
25       exposed soil surfaces from erosive forces; and  
26

(F) Control stormwater discharges and protect streams, ponds, and wetlands within the Tualatin River and Balch Creek Drainage Basins.

#### 11.15.6710 Permits Required

(A) **Hillside Development Permit:** All persons proposing development, construction, or site clearing (including tree removal) on property located in hazard areas as identified on the "Slope Hazard Map", or on lands with average slopes of 25 percent or more shall obtain a Hillside Development Permit as prescribed by this subdistrict, unless specifically exempted by MCC .6715.

~~(B) **Grading and Erosion Control Permit:** All persons proposing site grading:-~~

~~(1) Where the volume of soil or earth material disturbed, stored, disposed of or used as fill exceeds 50 cubic yards, or~~

~~(2) Which obstructs or alters a drainage course, or~~

~~(3) Which takes place within 100 feet by horizontal measurement from the top of the bank of a watercourse, the mean high watermark (line of vegetation) of a body of water, or within the wetlands associated with a watercourse or water body, whichever distance is greater,~~

~~shall obtain a Grading and Erosion Control Permit as prescribed by this subdistrict, unless exempted by MCC .6715(B)(2) through (6) or .6715(C). Development projects subject to a Hillside Development Permit do not require a separate Grading and Erosion Control Permit.~~

1 ~~(C) Grading and Erosion Control Permit: All persons proposing land disturbing activities within~~  
2 ~~the Tualatin River and Balch Creek Drainage Basins shall first obtain a Grading and Erosion~~  
3 ~~Control Permit, except as provided by MCC 11.15.6715(C) below.~~

4  
5 **11.15.6715 Exempt Land Uses and Activities**

6  
7 The following are exempt from the provisions of this Chapter:

8  
9 (A) Development activities approved prior to February 20, 1990; except that within such a develop-  
10 ment, issuance of individual building permits for which application was made after February 20,  
11 1990 shall conform to site-specific requirements applicable herein.

12  
13 (B) General Exemptions – Outside the Tualatin River and Balch Creek Drainage Basins, all land-dis-  
14 turbing activities outlined below shall be undertaken in a manner designed to minimize earth  
15 movement hazards, surface runoff, erosion, and sedimentation and to safeguard life, limb, proper-  
16 ty, and the public welfare. A person performing such activities need not apply for a permit pur-  
17 suant to this subdistrict, if :

18  
19 (1) Natural and finished slopes will be less than 25 %; and,

20  
21 (2) The disturbed or filled area is 20,000 square feet or less; and,

22  
23 (3) The volume of soil or earth materials to be stored is 50 cubic yards or less; and,

24  
25 (4) Rainwater runoff is diverted, either during or after construction, from an area smaller than  
26 10,000 square feet; and,

1  
2 (5) Impervious surfaces, if any, of less than 10,000 square feet are to be created; and,

3  
4 (6) No drainageway is to be blocked or have its stormwater carrying capacities or characteristics  
5 modified.

6  
7 (C) Categorical Exemptions – Notwithstanding MCC .6715(A) and (B)(1) through (6), the following  
8 activities are exempt from the permit requirements, except that in the Tualatin River Drainage  
9 Basin, activities which effect water quality shall require a Permit pursuant to OAR 340-41-455(3):

10  
11 (1) An excavation below finished grade for basements and footings of a building, retaining wall,  
12 or other structure authorized by a valid building permit. This shall not exempt any fill made  
13 with the material from such excavation, nor exempt any excavation having an unsupported  
14 finished height greater than five feet.

15  
16 (2) Cemetery graves, but not cemetery soil disposal sites.

17  
18 (3) Excavations for wells, except that sites in the Tualatin Basin shall require Erosion Control  
19 Plans for spoils or exposed areas consistent with OAR 340-41-455(3).

20  
21 (4) Mineral extraction activities as regulated by MCC .7305 through .7335, except that sites in the  
22 Tualatin Basin shall require Erosion Control Plans for spoils or exposed areas consistent with  
23 OAR 340-41-455(3).

24  
25 (5) Exploratory excavations under the direction of certified engineering geologists or geotechnical  
26 engineers.



1  
2 (6) Routine agricultural crop management practices.

3  
4 (7) Residential gardening and landscape maintenance at least 100-feet by horizontal measurement  
5 from the top of the bank of a watercourse, or the mean high watermark (line of vegetation) of  
6 a body of water or wetland.

7  
8 (8) Emergency response activities intended to reduce or eliminate an immediate danger to life,  
9 property, or flood or fire hazards.

10  
11 (9) Forest practices as defined by ORS 527 (The State Forest Practices Act) and approved by the  
12 Oregon Department of Forestry.

13  
14 **11.15.6720 Application Information Required**

15  
16 An application for development subject to the requirements of this subdistrict shall include the follow-  
17 ing:

18  
19 (A) A map showing the property line locations, roads and driveways, existing structures, trees with 8-  
20 inch or greater caliper or an outline of wooded areas, watercourses and include the location of the  
21 proposed development(s) and trees proposed for removal.

22  
23 (B) An estimate of depths and the extent and location of all proposed cuts and fills.

24  
25 (C) The location of planned and existing sanitary drainfields and drywells.

(D) Narrative, map or plan information necessary to demonstrate compliance with MCC .6730(A).

The application shall provide applicable supplemental reports, certifications, or plans relative to: engineering, soil characteristics, stormwater drainage, stream protection, erosion control, and/or replanting.

**~~11.15.6725 Hillside Development Permit Process and Standards~~**

~~(A)~~(E) A Hillside Development permit may be approved by the Director only after the applicant provides:

(1) Additional topographic information showing that the proposed development to be on land with average slopes less than 25 percent, and located more than 200 feet from a known landslide, and that no cuts or fills in excess of 6 feet in depth are planned. High groundwater conditions shall be assumed unless documentation is available, demonstrating otherwise; or

(2) A geological report prepared by a Certified Engineering Geologist or Geotechnical Engineer certifying that the site is suitable for the proposed development; or,

(3) An HDP Form-1 completed, signed and certified by a Certified Engineering Geologist or Geotechnical Engineer with his/her stamp and signature affixed indicating that the site is suitable for the proposed development.

(a) If the HDP Form-1 indicates a need for further investigation, or if the Director requires further study based upon information contained in the HDP Form-1, a geotechnical report as specified by the Director shall be prepared and submitted.

1 ~~(BE)~~ Geotechnical Report Requirements

2  
3 (1) A geotechnical investigation in preparation of a Report required by MCC .6725(A)(3)(a) shall  
4 be conducted at the applicant's expense by a Certified Engineering Geologist or Geotechnical  
5 Engineer. The Report shall include specific investigations required by the Director and rec-  
6 ommendations for any further work or changes in proposed work which may be necessary to  
7 ensure reasonable safety from earth movement hazards.

8  
9 (2) Any development related manipulation of the site prior to issuance of a permit shall be subject  
10 to corrections as recommended by the Geotechnical Report to ensure safety of the proposed  
11 development.

12  
13 (3) Observation of work required by an approved Geotechnical Report shall be conducted by a  
14 Certified Engineering Geologist or Geotechnical Engineer at the applicant's expense; the geol-  
15 ogist's or engineer's name shall be submitted to the Director prior to issuance of the Permit.

16  
17 (4) The Director, at the applicant's expense, may require an evaluation of HDP Form-1 or the  
18 Geotechnical Report by another Certified Engineering Geologist or Geotechnical Engineer.

19  
20 ~~(EG)~~ Development plans shall be subject to and consistent with the Design Standards For  
21 Grading and Erosion Control in MCC .6730(A) through (D). Conditions of approval may be  
22 imposed to assure the design meets those standards.

23  
24 **11.15.6730 Grading and Erosion Control ~~Permit~~ Standards**

25  
26 Approval of development plans on sites subject to a ~~Grading and Erosion Control Hillside~~

1 Development Permit shall be based on findings that the proposal adequately addresses the following  
2 standards. Conditions of approval may be imposed to assure the design meets the standards:  
3

4 (A) Design Standards For Grading and Erosion Control  
5

6 (1) Grading Standards  
7

8 (a) Fill materials, compaction methods and density specifications shall be indicated. Fill  
9 areas intended to support structures shall be identified on the plan. The Director or dele-  
10 gate may require additional studies or information or work regarding fill materials and  
11 compaction;  
12

13 (b) Cut and fill slopes shall not be steeper than 3:1 unless a geological and/or engineering  
14 analysis certifies that steep slopes are safe and erosion control measures are specified;  
15

16 (c) Cuts and fills shall not endanger or disturb adjoining property;  
17

18 (d) The proposed drainage system shall have adequate capacity to bypass through the devel-  
19 opment the existing upstream flow from a storm of 10-year design frequency;  
20

21 (e) Fills shall not encroach on natural watercourses or constructed channels unless measures  
22 are approved which will adequately handle the displaced streamflow for a storm of 10-  
23 year design frequency;  
24

25 (2) Erosion Control Standards  
26

1 (a) On sites within the Tualatin River Drainage Basin, erosion and stormwater control plans  
2 shall satisfy the requirements of OAR 340. Erosion and stormwater control plans shall be  
3 designed to perform as prescribed by the "*Erosion Control Plans Technical Guidance*  
4 *Handbook*" and the "*Surface Water Quality Facilities Technical Guidance Handbook*".  
5 Land-disturbing activities within the Tualatin Basin shall provide a 100-foot undisturbed  
6 buffer from the top of the bank of a stream, or the ordinary high watermark (line of vege-  
7 tation) of a water body, or within 100-feet of a wetland; unless a mitigation plan consis-  
8 tent with OAR 340 is approved for alterations within the buffer area.

9  
10 (b) Stripping of vegetation, grading, or other soil disturbance shall be done in a manner  
11 which will minimize soil erosion, stabilize the soil as quickly as practicable, and expose  
12 the smallest practical area at any one time during construction;

13  
14 (c) Development Plans shall minimize cut or fill operations and ensure conformity with  
15 topography so as to create the least erosion potential and adequately accommodate the  
16 volume and velocity of surface runoff;

17  
18 (d) Temporary vegetation and/or mulching shall be used to protect exposed critical areas dur-  
19 ing development;

20  
21 (e) Whenever feasible, natural vegetation shall be retained, protected, and supplemented;

22  
23 (i) A 100-foot undisturbed buffer of natural vegetation shall be retained from the top of  
24 the bank of a stream, or from the ordinary high watermark (line of vegetation) of a  
25 water body, or within 100-feet of a wetland;

1 (ii) The buffer required in (i) may only be disturbed upon the approval of a mitigation  
2 plan which utilizes erosion and stormwater control features designed to perform as  
3 effectively as those prescribed in the "*Erosion Control Plans Technical Guidance*  
4 *Handbook*" and the "*Surface Water Quality Facilities Technical Guidance*  
5 *Handbook*" and which is consistent with attaining equivalent surface water quality  
6 standards as those established for the Tualatin River Drainage Basin in OAR 340;  
7

8 (f) Permanent plantings and any required structural erosion control and drainage measures  
9 shall be installed as soon as practical;  
10

11 (g) Provisions shall be made to effectively accommodate increased runoff caused by altered  
12 soil and surface conditions during and after development. The rate of surface water  
13 runoff shall be structurally retarded where necessary;  
14

15 (h) Sediment in the runoff water shall be trapped by use of debris basins, silt traps, or other  
16 measures until the disturbed area is stabilized;  
17

18 (i) Provisions shall be made to prevent surface water from damaging the cut face of excava-  
19 tions or the sloping surface of fills by installation of temporary or permanent drainage  
20 across or above such areas, or by other suitable stabilization measures such as mulching  
21 or seeding;  
22

23 (j) All drainage provisions shall be designed to adequately carry existing and potential sur-  
24 face runoff to suitable drainageways such as storm drains, natural watercourses, drainage  
25 swales, or an approved drywell system;  
26

1 (k) Where drainage swales are used to divert surface waters, they shall be vegetated or pro-  
2 tected as required to minimize potential erosion;

3  
4 (l) Erosion and sediment control devices shall be required where necessary to prevent pollut-  
5 ing discharges from occurring. Control devices and measures which may be required  
6 include, but are not limited to:

7  
8 (i) Energy absorbing devices to reduce runoff water velocity;

9  
10 (ii) Sedimentation controls such as sediment or debris basins. Any trapped materials shall  
11 be removed to an approved disposal site on an approved schedule;

12  
13 (iii) Dispersal of water runoff from developed areas over large undisturbed areas.

14  
15 (m) Disposed spoil material or stockpiled topsoil shall be prevented from eroding into streams  
16 or drainageways by applying mulch or other protective covering; or by location at a suf-  
17 ficient distance from streams or drainageways; or by other sediment reduction measures;

18  
19 (n) Such non-erosion pollution associated with construction such as pesticides, fertilizers,  
20 petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented  
21 from leaving the construction site through proper handling, disposal, continuous site  
22 monitoring and clean-up activities.

23  
24 (o) On sites within the Balch Creek Drainage Basin, erosion and stormwater control features  
25 shall be designed to perform as effectively as those prescribed in the *Erosion Control*  
26 *Plans Technical Guidance Handbook* (January, 1991). All land disturbing activities with-

1 in the basin shall be confined to the period between May first and October first of any  
2 year. All permanent vegetation or a winter cover crop shall be seeded or planted by  
3 October first the same year the development was begun; all soil not covered by buildings  
4 or other impervious surfaces must be completely vegetated by December first the same  
5 year the development was begun.

6  
7 (B) Responsibility

8  
9 (1) Whenever sedimentation is caused by stripping vegetation, regrading or other development, it  
10 shall be the responsibility of the person, corporation or other entity causing such sedimenta-  
11 tion to remove it from all adjoining surfaces and drainage systems prior to issuance of occu-  
12 pancy or final approvals for the project;

13  
14 (2) It is the responsibility of any person, corporation or other entity doing any act on or across a  
15 communal stream watercourse or swale, or upon the floodplain or right-of-way thereof, to  
16 maintain as nearly as possible in its present state the stream, watercourse, swale, floodplain, or  
17 right-of-way during such activity, and to return it to its original or equal condition.

18  
19 (C) Implementation

20  
21 (1) Performance Bond – A performance bond may be required to assure the full cost of any  
22 required erosion and sediment control measures. The bond may be used to provide for the  
23 installation of the measures if not completed by the contractor. The bond shall be released  
24 upon determination the the control measures have or can be expected to perform satisfactorily.  
25 The bond may be waived if the Director determines the scale and duration of the project and  
26 the potential problems arising therefrom will be minor.



1  
2 (2) Inspection and Enforcement. The requirements of this subdistrict shall be enforced by the  
3 Planning Director. If inspection by County staff reveals erosive conditions which exceed  
4 those prescribed by the Hillside Development Permit ~~or Grading and Erosion Control Permit~~,  
5 work may be stopped until appropriate correction measures are completed.  
6

7 (D) Final Approvals  
8

9 A certificate of Occupancy or other final approval shall be granted for development subject to the  
10 provisions of this subdistrict only upon satisfactory completion of all applicable requirements.  
11

12 **11.15.6735 Hillside Development and Erosion Control Related Definitions:**  
13

14 (A) *Certified Engineering Geologist* – Any person who has obtained certification by the State of  
15 Oregon as an engineering geologist.  
16

17 (B) *Cut*:  
18

19 (1) An excavation;  
20

21 (2) The difference between a point on the original ground surface and the point of lowest eleva-  
22 tion on the final grade;  
23

24 (3) The material removed in excavation work.  
25

26 (C) *Development Area* – The total area of alteration of the naturally occurring ground surface resulting

1 from construction activities whether permanent or temporary.

2  
3 (D) *Drainage Area* – The subject property together with the watershed (acreage) contributing water  
4 runoff to and receiving water runoff from the subject property.

5  
6 (E) *Drainageway* – Any natural or artificial stream, swale, creek, river, ditch, channel, canal or other  
7 open water-course.

8  
9 (F) *Earth Movement* – Any type of land surface failure resulting in the downslope movement of mate-  
10 rial . The term includes, but is not limited to, soil creep, mudflow, rockslides, block failures, and  
11 massive landslides.

12  
13 (G) *Erosion* – The wearing away or removal of earth surface materials by the action of natural ele-  
14 ments or forces including, but not limited to, wind, water or gravity.

15  
16 (H) *Excavation* – Any act by which earth, sand, gravel, rock or any similar material is dug into, cut,  
17 quarried, uncovered, removed, displaced, relocated or bulldozed, including the conditions resulting  
18 therefrom.

19  
20 (I) *Fill*:

21  
22 (1) Any act by which earth, sand, gravel, rock or similar material is pushed, placed, dumped,  
23 stacked, pulled, transported, or in any way moved to a new location above the existing natural  
24 surface of the ground or on the top of a stripped surface, including the condition resulting  
25 therefrom.

1 (2) The difference in elevation between a point on the original ground surface and the point of  
2 higher elevation on a finished grade.

3  
4 (3) The material used to make a fill.

5  
6 (J) *Geotechnical Engineer* - A Civil Engineer, licensed to practice in the State of Oregon, who by  
7 training, education and experience is competent in the practice of geotechnical or soils engineering  
8 practices.

9  
10 (K) *Geotechnical Report* - Any information required in addition to Form 1 which clarifies the geotech-  
11 nical conditions of a proposed development site. Examples of this would be reports on test hole  
12 borings, laboratory tests or analysis of materials, or hydrologic studies.

13  
14 (L) *Grading* - Any stripping, cutting, filling, stockpiling or any combination thereof, including the  
15 land in its cut or filled condition.

16  
17 (M) *HDP Form-1* - The form required for specified developments subject to the Hillside Development  
18 and Erosion Control subdistrict. It contains a geotechnical reconnaissance and stability question-  
19 naire which must be filled out and certified by a Certified Engineering Geologist or Geotechnical  
20 Engineer.

21  
22 (N) *Land-disturbing Activities* - Any act which alters earth, sand, gravel, or similar materials and  
23 exposes the same to the elements of wind, water, or gravity. Land-disturbing activities includes:  
24 excavations or fills, site grading, and soil storage.

25  
26 (O) *Mulch* - Materials spread over the surface of the ground, especially freshly graded or exposed

soils, to prevent physical damage from erosive agents such as storm water, precipitation or wind, and which shield soil surfaces until vegetative cover or other stabilization measures can take effect.

(P) *Ordinary High Water Mark* – Features found by examining the bed and banks of a stream and ascertaining where the presence and action of waters are so common and usual, and so long maintained in all ordinary years, as to mark upon the land a character distinct from that of the abutting upland, particularly with respect to vegetation. For streams where such features cannot be found, the channel bank shall be substituted. In braided channels and alluvial fans, the ordinary high water mark shall be measured to include the entire stream feature.

(Q) *Slope:*

(1) Any ground whose surface makes an angle from the horizontal; or

(2) The face of an embankment or cut section.

(R) *Slope Hazard Map* – A series of maps (Figures 1A. through 6A.) prepared by Shannon & Wilson, Inc., dated September, 1978, and on file in the Office of the Director, Department of Environmental Services;

(S) *Spoil Material* – Any rock, sand, gravel, soil or other earth material removed by excavation or other grading activities.

(T) *Stream* – Areas where surface waters flow sufficient to produce a defined channel or bed. A defined channel or bed is indicated by hydraulically sorted sediments or the removal of vegetative

litter or loosely rooted vegetation by the action of moving water. The channel or bed need not contain water year-round. This definition is not meant to include irrigation ditches, canals, stormwater runoff devices or other entirely artificial watercourses unless they are used to convey Class 1 or 2 streams naturally occurring prior to construction. Those topographic features resembling streams but which have no defined channels (e.g. swales) shall be considered streams when hydrologic and hydraulic analyzes performed pursuant to a development proposal predict formation of a defined channel after development.

(U) *Stream Protection* – Activities or conditions which avoid or lessen adverse water quality and turbidity effects to a stream.

(V) *Topographic Information* – Surveyed elevation information which details slopes, contour intervals and drainageways. Topographic information shall be prepared by a registered land surveyor or a registered professional engineer qualified to provide such information and represented on maps with a contour interval not to exceed 10 feet.

(W) *Vegetation* – All plant growth, especially trees, shrubs, grasses and mosses.

(X) *Vegetative Protection* – Stabilization of erosive or sediment-producing areas by covering the soil with:

(1) Permanent seeding, producing long-term vegetative cover;

(2) Short-term seeding, producing temporary vegetative cover;

(3) Sodding, producing areas covered with a turf or perennial sod-forming grass; or

(4) Netting with seeding if the final grade has not stabilized.

(Y) *Water Body* – Areas permanently or temporarily flooded which may exceed the deepwater boundary of wetlands. Water depth is such that water, and not the air, is the principal medium in which prevalent organisms live. Water bodies include rivers, creeks, lakes, and ponds.

(Z) *Watercourse* – Natural and artificial features which transport surface water. Watercourse includes a river, stream, creek, slough, ditch, canal, or drainageway.

### SECTION III. AMENDMENT OF COUNTY CODE.

Multnomah County Code Title 9 is amended to read as follows:

#### BUILDING AND SPECIALTY CODES

#### CHAPTER 9.40. GRADING AND EROSION CONTROL CODE

9.40.005 Purposes

9.40.010 Permits Required

9.40.020 Exemptions

9.40.030 Application Information Required

9.40.040 Grading and Erosion Control Permit Standards

9.50.050 Erosion Control Related Definitions

**9.40.005** **Purposes**

1  
2 The purposes of the Hillside Development and Erosion Control subdistrict are to promote the public  
3 health, safety and general welfare, and minimize public and private losses due to earth movement haz-  
4 ards in specified areas and minimize erosion and related environmental damage in unincorporated  
5 Multnomah County, all in accordance with ORS 215, LCDC Statewide Planning Goal No. 7 and OAR  
6 340-41-455 for the Tualatin River Basin, and the Multnomah County Comprehensive Framework Plan  
7 Policy No. 14. This subdistrict is intended to:

8  
9 (A) Protect human life;

10  
11 (B) Protect property and structures;

12  
13 (C) Minimize expenditures for rescue and relief efforts associated with earth movement fail-  
14 ures;

15  
16 (D) Control erosion, production and transport of sediment; and

17  
18 (E) Regulate land development actions including excavation and fills, drainage controls and protect  
19 exposed soil surfaces from erosive forces; and

20  
21 (F) Control stormwater discharges and protect streams, ponds, and wetlands within the Tualatin River  
22 and Balch Creek Drainage Basins.

23  
24 **9.40.010 Permits Required**

25  
26 (A) Grading and Erosion Control Permit: All persons proposing site grading:

1  
2 (1) Where the volume of soil or earth material disturbed, stored, disposed of or used as fill  
3 exceeds 50 cubic yards, or

4  
5 (2) Which obstructs or alters a drainage course, or

6  
7 (3) Which takes place within 100 feet by horizontal measurement from the top of the bank of a  
8 watercourse, the mean high watermark (line of vegetation) of a body of water, or within the  
9 wetlands associated with a watercourse or water body, whichever distance is greater, shall  
10 obtain a Grading and Erosion Control Permit as prescribed by this subdistrict, unless exempt-  
11 ed by MCC 9.40.020(B)(2) through (6) or 9.40.020(C). Development projects subject to a  
12 Hillside Development Permit do not require a separate Grading and Erosion Control Permit.

13  
14 (B) Grading and Erosion Control Permit: All persons proposing land-disturbing activities within  
15 the Tualatin River and Balch Creek Drainage Basins shall first obtain a Grading and Erosion  
16 Control Permit, except as provided by MCC 9.40.020(C) below.

17  
18 **9.40.020 Exempt Land Uses and Activities**

19  
20 The following are exempt from the provisions of this Chapter:

21  
22 (A) Development activities approved prior to February 20, 1990; except that within such a develop-  
23 ment, issuance of individual building permits for which application was made after February 20,  
24 1990 shall conform to site-specific requirements applicable herein.

25  
26 (B) General Exemptions – Outside the Tualatin River and Balch Creek Drainage Basins, all land-dis-



1 turbing activities outlined below shall be undertaken in a manner designed to minimize earth  
2 movement hazards, surface runoff, erosion, and sedimentation and to safeguard life, limb, proper-  
3 ty, and the public welfare. A person performing such activities need not apply for a permit pur-  
4 suant to this subdistrict, if :

5  
6 (1) Natural and finished slopes will be less than 25 %; and,

7  
8 (2) The disturbed or filled area is 20,000 square feet or less; and,

9  
10 (3) The volume of soil or earth materials to be stored is 50 cubic yards or less; and,

11  
12 (4) Rainwater runoff is diverted, either during or after construction, from an area smaller than  
13 10,000 square feet; and,

14  
15 (5) Impervious surfaces, if any, of less than 10,000 square feet are to be created; and,

16  
17 (6) No drainageway is to be blocked or have its stormwater carrying capacities or characteristics  
18 modified.

19  
20 (C) Categorical Exemptions – Notwithstanding MCC 9.40.020(A) and (B)(1) through (6), the follow-  
21 ing activities are exempt from the permit requirements, except that in the Tualatin River Drainage  
22 Basin, activities which effect water quality shall require a Permit pursuant to OAR 340-41-455(3):

23  
24 (1) An excavation below finished grade for basements and footings of a building, retaining wall,  
25 or other structure authorized by a valid building permit. This shall not exempt any fill made  
26 with the material from such excavation, nor exempt any excavation having an unsupported

1 finished height greater than five feet.

2  
3 (2) Cemetery graves, but not cemetery soil disposal sites.

4  
5 (3) Excavations for wells, except that sites in the Tualatin Basin shall require Erosion Control  
6 Plans for spoils or exposed areas consistent with OAR 340-41-455(3).

7  
8 (4) Mineral extraction activities as regulated by MCC 11.15.7305 through 11.15.7335, except that  
9 sites in the Tualatin Basin shall require Erosion Control Plans for spoils or exposed areas con-  
10 sistent with OAR 340-41-455(3).

11  
12 (5) Exploratory excavations under the direction of certified engineering geologists or geotechnical  
13 engineers.

14  
15 (6) Routine agricultural crop management practices.

16  
17 (7) Residential gardening and landscape maintenance at least 100-feet by horizontal measurement  
18 from the top of the bank of a watercourse, or the mean high watermark (line of vegetation) of  
19 a body of water or wetland.

20  
21 (8) Emergency response activities intended to reduce or eliminate an immediate danger to life,  
22 property, or flood or fire hazards.

23  
24 (9) Forest practices as defined by ORS 527 (The State Forest Practices Act) and approved by the  
25 Oregon Department of Forestry.

1 **9.40.030 Application Information Required**

2

3 An application for development subject to the requirements of this subdistrict shall include the follow-  
4 ing:

5

6 (A) A map showing the property line locations, roads and driveways, existing structures, trees with 8-  
7 inch or greater caliper or an outline of wooded areas, watercourses and include the location of the  
8 proposed development(s) and trees proposed for removal.

9

10 (B) An estimate of depths and the extent and location of all proposed cuts and fills.

11

12 (C) The location of planned and existing sanitary drainfields and drywells.

13

14 (D) Narrative, map or plan information necessary to demonstrate compliance with MCC .6730(A).  
15 The application shall provide applicable supplemental reports, certifications, or plans relative to:  
16 engineering, soil characteristics, stormwater drainage, stream protection, erosion control, and/or  
17 replanting.

18

19 **9.40.040 Grading and Erosion Control Permit Standards**

20

21 Approval of development plans on sites subject to a Grading and Erosion Control Permit shall be based  
22 on findings that the proposal adequately addresses the following standards. Conditions of approval  
23 may be imposed to assure the design meets the standards:

24

25 (A) Design Standards For Grading and Erosion Control

26

1       (1) Grading Standards

2  
3       (a) Fill materials, compaction methods and density specifications shall be indicated. Fill  
4       areas intended to support structures shall be identified on the plan. The Director or dele-  
5       gate may require additional studies or information or work regarding fill materials and  
6       compaction;

7  
8       (b) Cut and fill slopes shall not be steeper than 3:1 unless a geological and/or engineering  
9       analysis certifies that steep slopes are safe and erosion control measures are specified;

10  
11       (c) Cuts and fills shall not endanger or disturb adjoining property;

12  
13       (d) The proposed drainage system shall have adequate capacity to bypass through the devel-  
14       opment the existing upstream flow from a storm of 10-year design frequency;

15  
16       (e) Fills shall not encroach on natural watercourses or constructed channels unless measures  
17       are approved which will adequately handle the displaced streamflow for a storm of 10-  
18       year design frequency;

19  
20       (2) Erosion Control Standards

21  
22       (a) On sites within the Tualatin River Drainage Basin, erosion and stormwater control plans  
23       shall satisfy the requirements of OAR 340. Erosion and stormwater control plans shall be  
24       designed to perform as prescribed by the “Erosion Control Plans Technical Guidance  
25       Handbook” and the “Surface Water Quality Facilities Technical Guidance Handbook”.  
26       Land-disturbing activities within the Tualatin Basin shall provide a 100-foot undisturbed

1 buffer from the top of the bank of a stream, or the ordinary high watermark (line of vege-  
2 tation) of a water body, or within 100-feet of a wetland; unless a mitigation plan consis-  
3 tent with OAR 340 is approved for alterations within the buffer area. \_\_\_\_\_  
4

5 (b) Stripping of vegetation, grading, or other soil disturbance shall be done in a manner  
6 which will minimize soil erosion, stabilize the soil as quickly as practicable, and expose  
7 the smallest practical area at any one time during construction;  
8

9 (c) Development Plans shall minimize cut or fill operations and ensure conformity with  
10 topography so as to create the least erosion potential and adequately accommodate the  
11 volume and velocity of surface runoff;  
12

13 (d) Temporary vegetation and/or mulching shall be used to protect exposed critical areas dur-  
14 ing development;  
15

16 (e) Whenever feasible, natural vegetation shall be retained, protected, and supplemented;  
17

18 (i) A 100-foot undisturbed buffer of natural vegetation shall be retained from the top of  
19 the bank of a stream, or from the ordinary high watermark (line of vegetation) of a  
20 water body, or within 100-feet of a wetland;  
21

22 (ii) The buffer required in (i) may only be disturbed upon the approval of a mitigation  
23 plan which utilizes erosion and stormwater control features designed to perform as  
24 effectively as those prescribed in the "Erosion Control Plans Technical Guidance  
25 Handbook" and the "Surface Water Quality Facilities Technical Guidance  
26 Handbook" and which is consistent with attaining equivalent surface water quality

standards as those established for the Tualatin River Drainage Basin in OAR 340:

(f) Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical;

(g) Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally retarded where necessary;

(h) Sediment in the runoff water shall be trapped by use of debris basins, silt traps, or other measures until the disturbed area is stabilized;

(i) Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills by installation of temporary or permanent drainage across or above such areas, or by other suitable stabilization measures such as mulching or seeding;

(j) All drainage provisions shall be designed to adequately carry existing and potential surface runoff to suitable drainageways such as storm drains, natural watercourses, drainage swales, or an approved drywell system;

(k) Where drainage swales are used to divert surface waters, they shall be vegetated or protected as required to minimize potential erosion;

(l) Erosion and sediment control devices shall be required where necessary to prevent polluting discharges from occurring. Control devices and measures which may be required

1 include, but are not limited to:

2  
3 (i) Energy absorbing devices to reduce runoff water velocity;

4  
5 (ii) Sedimentation controls such as sediment or debris basins. Any trapped materials shall  
6 be removed to an approved disposal site on an approved schedule;

7  
8 (iii) Dispersal of water runoff from developed areas over large undisturbed areas.

9  
10 (m)Disposed spoil material or stockpiled topsoil shall be prevented from eroding into streams  
11 or drainageways by applying mulch or other protective covering; or by location at a suf-  
12 ficient distance from streams or drainageways; or by other sediment reduction measures;

13  
14 (n) Such non-erosion pollution associated with construction such as pesticides, fertilizers,  
15 petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented  
16 from leaving the construction site through proper handling, disposal, continuous site  
17 monitoring and clean-up activities.

18  
19 (o) On sites within the Balch Creek Drainage Basin, erosion and stormwater control features  
20 shall be designed to perform as effectively as those prescribed in the *Erosion Control*  
21 *Plans Technical Guidance Handbook* (January, 1991). All land disturbing activities with-  
22 in the basin shall be confined to the period between May first and October first of any  
23 year. All permanent vegetation or a winter cover crop shall be seeded or planted by  
24 October first the same year the development was begun; all soil not covered by buildings  
25 or other impervious surfaces must be completely vegetated by December first the same  
26 year the development was begun.

1  
2 (B) Responsibility  
3

4 (1) Whenever sedimentation is caused by stripping vegetation, regrading or other development, it  
5 shall be the responsibility of the person, corporation or other entity causing such sedimenta-  
6 tion to remove it from all adjoining surfaces and drainage systems prior to issuance of occu-  
7 pancy or final approvals for the project;  
8

9 (2) It is the responsibility of any person, corporation or other entity doing any act on or across a  
10 communal stream watercourse or swale, or upon the floodplain or right-of-way thereof, to  
11 maintain as nearly as possible in its present state the stream, watercourse, swale, floodplain, or  
12 right-of-way during such activity, and to return it to its original or equal condition.  
13

14 (C) Implementation  
15

16 (1) Performance Bond – A performance bond may be required to assure the full cost of any  
17 required erosion and sediment control measures. The bond may be used to provide for the  
18 installation of the measures if not completed by the contractor. The bond shall be released  
19 upon determination the the control measures have or can be expected to perform satisfactorily.  
20 The bond may be waived if the Director determines the scale and duration of the project and  
21 the potential problems arising therefrom will be minor.  
22

23 (2) Inspection and Enforcement. The requirements of this subdistrict shall be enforced by the  
24 Planning Director. If inspection by County staff reveals erosive conditions which exceed  
25 those prescribed by the Hillside Development Permit or Grading and Erosion Control Permit,  
26 work may be stopped until appropriate correction measures are completed.



1  
2 (D) Final Approvals

3  
4 A certificate of Occupancy or other final approval shall be granted for development subject to the  
5 provisions of this subdistrict only upon satisfactory completion of all applicable requirements.  
6

7 **9.40.050 Erosion Control Related Definitions:**

8  
9 (A) Certified Engineering Geologist – Any person who has obtained certification by the State of  
10 Oregon as an engineering geologist.  
11

12 (B) Cut:

13  
14 (1) An excavation;

15  
16 (2) The difference between a point on the original ground surface and the point of lowest eleva-  
17 tion on the final grade;

18 (3) The material removed in excavation work.  
19

20 (C) Development Area – The total area of alteration of the naturally occurring ground surface resulting  
21 from construction activities whether permanent or temporary.  
22

23 (D) Drainage Area – The subject property together with the watershed (acreage) contributing water  
24 runoff to and receiving water runoff from the subject property.  
25

26 (E) Drainageway – Any natural or artificial stream, swale, creek, river, ditch, channel, canal or other

1       open water-course.

2  
3       (F) Earth Movement – Any type of land surface failure resulting in the downslope movement of mate-  
4       rial . The term includes, but is not limited to, soil creep, mudflow, rockslides, block failures, and  
5       massive landslides.

6  
7       (G) Erosion – The wearing away or removal of earth surface materials by the action of natural ele-  
8       ments or forces including, but not limited to, wind, water or gravity.

9  
10       (H) Excavation – Any act by which earth, sand, gravel, rock or any similar material is dug into, cut,  
11       quarried, uncovered, removed, displaced, relocated or bulldozed, including the conditions resulting  
12       therefrom.

13  
14       (I) Fill:

15  
16       (1) Any act by which earth, sand, gravel, rock or similar material is pushed, placed, dumped,  
17       stacked, pulled, transported, or in any way moved to a new location above the existing natural  
18       surface of the ground or on the top of a stripped surface, including the condition resulting  
19       therefrom.

20  
21       (2) The difference in elevation between a point on the original ground surface and the point of  
22       higher elevation on a finished grade.

23  
24       (3) The material used to make a fill.

25  
26       (J) Geotechnical Engineer - A Civil Engineer, licensed to practice in the State of Oregon, who by

1 training, education and experience is competent in the practice of geotechnical or soils engineering  
2 practices.

3  
4 (K) *Geotechnical Report* – Any information required in addition to Form 1 which clarifies the geotech-  
5 nical conditions of a proposed development site. Examples of this would be reports on test hole  
6 borings, laboratory tests or analysis of materials, or hydrologic studies.

7  
8 (L) *Grading* – Any stripping, cutting, filling, stockpiling or any combination thereof, including the  
9 land in its cut or filled condition.

10  
11 (M) *HDP Form-1* – The form required for specified developments subject to the Hillside Development  
12 and Erosion Control subdistrict. It contains a geotechnical reconnaissance and stability question-  
13 naire which must be filled out and certified by a Certified Engineering Geologist or Geotechnical  
14 Engineer.

15  
16 (N) *Land-disturbing Activities* – Any act which alters earth, sand, gravel, or similar materials and  
17 exposes the same to the elements of wind, water, or gravity. Land-disturbing activities includes:  
18 excavations or fills, site grading, and soil storage.

19  
20 (O) *Mulch* – Materials spread over the surface of the ground, especially freshly graded or exposed  
21 soils, to prevent physical damage from erosive agents such as storm water, precipitation or wind,  
22 and which shield soil surfaces until vegetative cover or other stabilization measures can take  
23 effect.

24  
25 (P) *Ordinary High Water Mark* – Features found by examining the bed and banks of a stream and  
26 ascertaining where the presence and action of waters are so common and usual, and so long main-

1 tained in all ordinary years, as to mark upon the land a character distinct from that of the abutting  
2 upland, particularly with respect to vegetation. For streams where such features cannot be found,  
3 the channel bank shall be substituted. In braided channels and alluvial fans, the ordinary high  
4 water mark shall be measured to include the entire stream feature. —

5  
6 (Q) Slope:

7  
8 (1) Any ground whose surface makes an angle from the horizontal; or

9  
10 (2) The face of an embankment or cut section. —

11  
12 (R) Slope Hazard Map – A series of maps (Figures 1A. through 6A.) prepared by Shannon & Wilson,  
13 Inc., dated September, 1978, and on file in the Office of the Director, Department of  
14 Environmental Services;

15  
16 (S) Spoil Material – Any rock, sand, gravel, soil or other earth material removed by excavation or  
17 other grading activities.

18  
19 (T) Stream – Areas where surface waters flow sufficient to produce a defined channel or bed. A  
20 defined channel or bed is indicated by hydraulically sorted sediments or the removal of vegetative  
21 litter or loosely rooted vegetation by the action of moving water. The channel or bed need not  
22 contain water year-round. This definition is not meant to include irrigation ditches, canals,  
23 stormwater runoff devices or other entirely artificial watercourses unless they are used to convey  
24 Class 1 or 2 streams naturally occurring prior to construction. Those topographic features resem-  
25 bling streams but which have no defined channels (e.g. swales) shall be considered streams when  
26 hydrologic and hydraulic analyzes performed pursuant to a development proposal predict forma-

tion of a defined channel after development.

(U) Stream Protection – Activities or conditions which avoid or lessen adverse water quality and turbidity effects to a stream.

(V) Topographic Information – Surveyed elevation information which details slopes, contour intervals and drainageways. Topographic information shall be prepared by a registered land surveyor or a registered professional engineer qualified to provide such information and represented on maps with a contour interval not to exceed 10 feet.

(W) Vegetation – All plant growth, especially trees, shrubs, grasses and mosses.

(X) Vegetative Protection – Stabilization of erosive or sediment-producing areas by covering the soil with:

(1) Permanent seeding, producing long-term vegetative cover;

(2) Short-term seeding, producing temporary vegetative cover;

(3) Sodding, producing areas covered with a turf or perennial sod-forming grass; or

(4) Netting with seeding if the final grade has not stabilized.

(Y) Water Body – Areas permanently or temporarily flooded which may exceed the deepwater boundary of wetlands. Water depth is such that water, and not the air, is the principal medium in which prevalent organisms live. Water bodies include rivers, creeks, lakes, and ponds.

(Z) Watercourse – Natural and artificial features which transport surface water. Watercourse includes  
a river, stream, creek, slough, ditch, canal, or drainageway

**SECTION IV. AMENDMENT OF FEES.**

MCC 11.15.9015 (K) is hereby Deleted

MCC 9.40.060 Fee Grading and Erosion Control Permit.....\$300.00 is hereby added

ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 1996, being the date of its \_\_\_\_\_  
reading before the Board of County Commissioners of Multnomah County.

( S E A L )

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_

Beverly Stein, Chair

REVIEWED:

LAURENCE KRESSEL, COUNTY COUNSEL

for MULTNOMAH COUNTY, OREGON

By Sandra H. Duffy

SANDRA DUFFY, CHIEF ASSISTANT COUNTY COUNSEL

MEETING DATE: March 14, 1996

AGENDA #: B-1

ESTIMATED START TIME: 10:30

(Above Space for Board Clerk's Use ONLY)

### AGENDA PLACEMENT FORM

SUBJECT: Citizens Grand Jury on Corrections Briefing

BOARD BRIEFING: DATE REQUESTED: Thursday, March 14, 1996

REQUESTED BY: Commissioner Dan Saltzman

AMOUNT OF TIME NEEDED: 45 minutes

REGULAR MEETING: DATE REQUESTED: \_\_\_\_\_

AMOUNT OF TIME NEEDED: \_\_\_\_\_

DEPARTMENT: Non-Departmental DIVISION: Commission District 1

CONTACT: Mark Weiner TELEPHONE #: 248-5137

BLDG/ROOM #: 106/1500

PERSON(S) MAKING PRESENTATION: Michael Schrunk, Dan Noelle and Russell Ratto

#### ACTION REQUESTED:

☒ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL ☐ OTHER

#### SUGGESTED AGENDA TITLE:

## ANNUAL REPORT REGARDING CITIZENS GRAND JURY ON CORRECTIONS

#### SIGNATURES REQUIRED:

ELECTED  
OFFICIAL: \_\_\_\_\_

(OR)

DEPARTMENT  
MANAGER: \_\_\_\_\_

Don Saltzman

BOARD OF  
COUNTY COMMISSIONERS  
96 MAR - 7 PM 5:12  
MULTNOMAH COUNTY  
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277 or 248-5222

**1995**

**REPORT ON THE CONDITIONS AND MANAGEMENT**

**OF**

**CORRECTIONAL FACILITIES**

**WITHIN**

**MULTNOMAH COUNTY**



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## I.

### INTRODUCTION

This Corrections Grand Jury was impaneled on October 2, 1995. Pursuant to the statutory mandate of ORS 132.440, the Grand Jury inquired into the condition and management of every correctional facility in the county. Consequently, the Grand Jury reviewed five adult county correctional facilities operated by the Sheriff, one State Correctional Facility operated by the Oregon Department of Corrections, one work release correctional facility operated by the Multnomah County Department of Community Corrections and the Juvenile Detention Home operated by the Multnomah County Juvenile Department. The Grand Jury also reviewed jail alternatives, including treatment and day reporting facilities.

## II.

### FACILITIES REVIEWED

The Grand Jury inspected the following facilities:

- (1) Multnomah County Detention Center (MCDC) [maximum security facility];
- (2) Multnomah County Correctional Facility in Troutdale (MCCF) [medium security facility];
- (3) Multnomah County Inverness Jail (MCIJ) [medium security facility];
- (4) Court House Jail (CHJ) [medium security facility];
- (5) Multnomah County Restitution Center (MCRC) [minimum security facility];
- (6) Columbia River Correctional Institution (CRCI), operated by the Oregon Department of Corrections [minimum security penitentiary];
- (7) Donald E. Long, Juvenile Detention Home (JDH) newly rebuilt;
- (8) Forest Work Project, operated by the Mult. County Department of Community Corrections;
- (9) Women's Work Release Facility, on site at the YWCA operated by the Mult. County Department of Community Corrections;
- (10) Day Reporting Center operated by the Mult. County Department of Community Corrections;
- (11) Multnomah County Work Release Facility, operated by the Mult. County Department of Community Corrections

### III.

#### OVERALL IMPRESSIONS AND RECOMMENDATIONS

The 1995 Corrections Grand Jury reviewed the reports of the preceding corrections grand juries and relied particularly upon the 1994 report to set a "base-line" for analysis of corrections issues and to consider how these issues have been addressed in the last year by the Sheriff and Board of Commissioners.

There were five major issues which dominated this Grand Jury's analysis of correctional facilities and its review of the management of Multnomah County's correctional system:

- (1) The crime rate in Multnomah County has not abated, it remains high. The number of arrests in the metropolitan area continue to increase.
- (2) The 1400 beds within Multnomah County's correctional facilities are greatly strained to presently hold all pretrial and sentenced inmates who are in need of detention and have been ordered to jail by the courts.
- (3) The present corrections system must be expanded in order to handle the increase in arrests, bookings and detentions which are forecast over the next decade.
- (4) Multnomah County's correctional system will be confronted with the exceptional challenge of handling the addition of an estimated 700 prisoners, who will become the responsibility of Multnomah County beginning January 1997 under the provisions of Senate Bill 1145.
- (5) Multnomah County must decide how best to spend its revenue. The county's resources must be spent with caution. Any decision to construct additional jail beds must be prudent and well reasoned. To the extent that programs are offered as jail alternatives, they must be subject to realistic performance evaluations. Community safety must remain the goal of a corrections system.

With these issues in mind, the 1995 Corrections Grand Jury report offers its review of the "condition and management" of Multnomah County's correctional facilities pursuant to the statutory mandate of ORS 132.440.

## IV.

### DISCUSSION OF RECOMMENDATIONS

#### A. Jail Population Dynamics

Last year, the 1994 Corrections Grand Jury report concluded that:

*The Sheriff's matrix release of inmates should stop, unless demonstrated to be necessary to keep all facilities at Constitutional capacity.*

*The Sheriff's use of "design" capacity to set population limits upon county correctional facilities should stop.*

*The Sheriff should set the inmate population of county jail correctional facilities at the constitutional maximum.*

##### 1. Matrix Releases

Under the leadership of recently elected Dan Noelle, the policy of matrix release which had previously plagued Multnomah County has been substantially changed. The Multnomah County Board of Commissioners and Chair Stein are to be commended for taking a clear position that matrix releases must end. Sheriff Noelle is to be commended for the actions he has taken to end matrix releases. [Appendix A: Mult. County Matrix Releases 1991-1995, pp. 28-29].

The Grand Jury applauds Board Chair Stein and Sheriff Noelle for finding the resources and methods to expand the bed space within the existing corrections system to finally move toward elimination of matrix releases.<sup>1</sup> However, the jail bed-space problem is not resolved. Any fix of the matrix problem is temporary and cannot solve the problem of what to do with any increase in the number of persons who must be jailed as the population and crime grow.

##### 2. Growth in Population, Crime, Arrests and Jail Bookings

The future picture of Multnomah County's correctional system is bleak. The population in the Portland metropolitan area is forecast to increase by 600,000 over the next 20 years. Multnomah County's share of the population growth may well exceed 150,000. [Appendix B: Mult. County Population Distribution, p. 30]. The number of crimes reported in this jurisdiction over the last five years has shown a steady annual increase. [Appendix C: PPB Statistics on Crimes/ 1990-1994, 1994-1995, pp. 31-32]. The number of juvenile and adult arrests continue to increase and show every indication of a trend which will continue. [Appendix D: PPB Statistics on Arrests 1993 and 1994, p. 33-34]. The present amount of jail bed space within the Multnomah County correctional system cannot accommodate even a modest increase in arrests, detention and sentencing. This Grand Jury calls upon the Board of Commissioners and Sheriff to avoid future matrix releases by development of a plan which appreciates this need for the creation of additional jail space.

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<sup>1</sup> See discussion of MCIJ and its expansion, infra p. 22

### 3. State Policy Impact upon County Corrections

#### a. 1995 Legislative Enactments: Senate Bill 1145

Last year, the 1994 Corrections Grand Jury report concluded that:

*The Sheriff should return to the State corrections system, state prisoners serving state parole violations.*

Previous Corrections Grand Juries have commented upon state policies which have contributed to bed space problems in county correctional facilities. The 1995 Corrections Grand Jury learned about a similar result in the enactment of Senate Bill 1145 (hereinafter SB 1145) by the 1995 Oregon Legislature. In the past, all defendants who received a penitentiary sentence served that sentence at an Oregon Department of Corrections penitentiary. Under SB 1145, any defendant who has been or will be sentenced to serve 12 months or less, will now serve their sentence in a county jail. In a nutshell, this measure results in removing the punishment of a state penitentiary sentence for commission of some felonies and substitutes a county jail sentence in its place. The measure set an implementation date of January 1997.

The measure is expected to result in an increase of 700 sentenced prisoners for Multnomah County. The Grand Jury learned that in anticipation of the measure's implementation, the county has begun to prepare for this new jail population. The Grand Jury also learned that SB 1145 calls for the creation of a Public Safety Planning committee. This committee will be staffed from representatives of the County Board of Commissioners, the County Sheriff, the District Attorney and local Courts. This committee will be responsible for review of the bill's impact and for making the recommendations regarding how the county can best react to its implementation.

The measure also provided corresponding state funds for construction of additional county jail facilities or alternatives. However, the Grand Jury learned that there is concern regarding the sufficiency of the funds provided by the state to the counties in return for the counties' acceptance of responsibility for these SB 1145 prisoners. The Grand Jury learned that the state has offered approximately \$59 million to all affected Oregon counties; however, the counties have responded that their costs are estimated at approximately \$160 million. It appeared to the Grand Jury that there is substantial disagreement regarding whether enough money has been provided to construct these new county correctional facilities but also whether there is enough money provided for their operation.

This Grand Jury is not in a position to resolve how much money is needed in order for Multnomah County to assume responsibility for these prisoners. Nevertheless, the Grand Jury is troubled by the prospect of inadequate funding for this new state-county corrections policy. If in fact the state has underfunded the bill, this Grand Jury is of the opinion that the consequence for Multnomah County would be quite significant. The Grand Jury asks that county government assure this community that it will consider the "opt out" provisions of the bill if the county determines that

the bill constitutes in reality a state imposed unfunded mandate upon county government, the likes of which have all too often been visited upon local communities by the Federal government.

An understanding of the present system will help the reader of this report to appreciate the potential problems raised by SB 1145. Under the present State Sentencing Guideline system, felons are sentenced to a county jail to serve a sentence of less than a year as a condition of probation. By contrast, those felons sentenced to a state penitentiary most often receive state imprisonment for one of two reasons. First, a penitentiary sentence is imposed because the sentencing guidelines authorize imprisonment and the court determines that the crime was serious enough that imprisonment is appropriate. Second, a penitentiary sentence is imposed because the guidelines authorize imprisonment and the court determines that the felon has a history of repeated probation or treatment failures and will no longer benefit from probation or treatment and the felon needs to be sentenced to the penitentiary.

SB 1145 takes all 12-month or less felons out of the custody of the Oregon Department of Corrections without regard to the reason behind the sentence of imprisonment, and places the felon in the county corrections system. Thus, the county corrections system is stuck with a group of sentenced felons who have been previously determined to be unfit to remain in the community. This particular group is made up of felons who have shown an unwillingness to participate in or a history of failed probation supervision and treatment programs. After January 1997, this bill places these felons in the county corrections system.

The Grand Jury heard witnesses who supported SB 1145. They expressed the view that the county can offer treatment and programs to the SB 1145 felons as an alternative to jail. This Grand Jury does not possess the expertise to evaluate how many of these felons need incarceration. Nevertheless, in this Grand Jury's opinion, it would be unrealistic to believe that SB 1145 prisoners can be considered "treatable" with the same degree of success as other offenders who have been placed on probation. In fact, the information presented to this Grand Jury suggested that many felons--including those governed by SB 1145--who parole after imprisonment have trouble successfully completing parole.<sup>2</sup> This Grand Jury is of the opinion that the criminals whose sentences are covered by SB 1145 will be a difficult and institutionalized group of sentenced offenders to sanction whether in a jail, program or treatment setting.

The Grand Jury can appreciate that the impact of SB 1145 will be extensive. In addition to the measure's effect upon the county's correctional facilities, it will cause change in parole supervision, programming, application of and sentencing under the Sentencing Guidelines and procedures for calculation of sentence credits. Implementation of the measure will necessitate close communication between the Multnomah County offices of Sheriff, District Attorney, Courts and Community Corrections.

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<sup>2</sup> See discussion of parolee problems at Mult. County Community Corrections Work Release Center p. 24

The issue of community safety is critically important, particularly with this group of offenders. Any proposal of community supervision or treatment as an alternative to incarceration should include system controls which support the community's interest of safety.

Future Corrections Grand Juries should ask these questions about Multnomah County's response to Senate Bill 1145:

- (1) Did Multnomah County's Department of Community Corrections and the Sheriff's office correctly project SB 1145's impact?
- (2) What revenue was in fact necessary in order to build and operate a correctional facility which could handle SB 1145 felons?
- (3) What plan did the Multnomah County Board of Commissioners develop to address the impact of SB 1145?
- (4) Have Multnomah County's Board of Commissioners, Department of Community Corrections and County Sheriff adequately managed this county's response to SB 1145 and provided for a correctional system which is efficient, economical and continues to promote public safety?



## **B. Planning for the Future Expansion of County Correction Facilities**

### **1. Present Expansion**

Last year, the 1994 Corrections Grand Jury report concluded that:

*The Sheriff and Board of Commissioners should plan to meet the need for addition of new jail space.*

The 1995 Corrections Grand Jury was pleased to discover that the Board of Commissioners and Sheriff have added jail beds at MCIJ.

### **2. Future Additions**

The Grand Jury learned that as a result of SB 1145's passage, the Board of Commissioners and Sheriff are involved in serious discussion of proposals for construction of additional jail space at MCIJ.

The Grand Jury was encouraged by Board Chair Stein and Sheriff Noelle, who have endorsed a reasoned yet cautious approach to reopening the federal lawsuit of Jordan v Multnomah County. This lawsuit was settled in a consent decree which set artificial non-constitutional caps on MCDC and CHJ inmate population. County Counsel has identified the method for revisiting these caps. The Grand Jury found appealing the idea of "double bunking" as an effort to inexpensively utilize existing correctional facility space to hold a greater number of inmates.

The Grand Jury recognizes that the development of any "double bunking" plan will need to consider the functional limits of MCDC. Putting more inmates in the bedrooms only works if they can also be handled in areas outside the bedrooms. The related physical support areas of MCDC will need careful consideration to determine their maximum capacity. MCDC has only three elevators to move all inmates within the facility. MCDC space is limited in the areas of Reception, Transfer, Court Holding, Recreation, Food, and Programs. The Grand Jury is mindful that MCDC is used as a "maximum security" facility and that it has a predominantly dangerous population of inmates. Officer and inmate safety will need to be maintained along with any expansion of the facility's population. Nevertheless, the Grand Jury was pleased to hear that Board Chair Stein and Sheriff Noelle have taken up review of "double bunking".

Any planning for expansion of the corrections system must also address the need for detention of all classifications of inmates: minimum, medium and maximum. The present county corrections system barely accommodates the overall jail population of which 75% are awaiting trial and 25% have been sentenced to serve time within the county jail system. The jail population also is made up of 70% felony offenders and 30% misdemeanants.

### **3. Coordination Between Corrections and the Courts**

The Grand Jury was left with the clear impression that one area of the criminal justice system cannot be expanded without impact upon another area. In essence, there is a "ripple" effect which must be

considered when change within the system occurs or is planned. For example, the Grand Jury heard that following the Portland Police Bureau's addition of over 100 police officers, the number of arrests increased. Correspondingly, when arrests increased so did the number of bookings into Multnomah County's jail. [Appendix E: MCSO Annual Booking statistics 1985-1994, and Monthly Booking statistics 1993-1995, pp. 35-36]. The "ripple" effect was noticed in the increase in cases filed by the District Attorney's Office and in cases resolved in the court system.

The Grand Jury appreciated the relationship of corrections to the justice system. However, what the Grand Jury learned about the county court system was troubling. The Grand Jury discovered that the county court system is taxed to its capacity to keep up with the cases set for trial. Judge Londer, Presiding Judge of the Multnomah County Courts, identified the problems facing the court system. The state court system has authorized Multnomah County to have 36 judicial positions. The county court also has an additional 36 pro tem judicial positions. These judicial numbers have not kept pace with growth in the court caseload. The Multnomah County Circuit Court has experienced a 60% increase in its caseload since 1988.

The Circuit Court for Multnomah County presently has pending: 4,308 civil cases, 2,375 family law cases, 3,307 probate cases, and 10,473 criminal cases. The number of misdemeanors and infractions pending trial is significantly greater. A criminal case awaiting trial in the Multnomah County Circuit Court presently takes 180 days from arrest to disposition. This lag in time is the longest in eight years.

A further aggravation to the court-corrections interrelationship has been the implementation of Ballot Measure 11 (hereinafter BM 11) in April 1995. This measure created significantly long minimum sentences for certain violent crimes. Court staff told the Grand Jury that there is some indication that these BM 11 cases may be creating a separate backlog of cases in the court system. Prior to the passage of this measure, a high percentage of charged defendants would enter guilty pleas and thereby resolve their cases quicker than if they had awaited trial to decide the matter. However, the court staff have seen an early indication that many of these BM 11 defendants are demanding trials and not pleading out their cases.

The corrections-court system faces an additional problem as a result of BM 11. Because BM 11 offenses are the most serious of violent crimes, a high percentage of the defendants charged are held in custody while they await trial. To the extent that these defendants demand trials, they will remain in custody of the Sheriff for a longer period of time than if they had disposed of their case by pleas. The net effect is that the measure may have indirectly lengthened the time it takes for these kinds of cases to be resolved in the court system and at the same time also lengthened the time that these kinds of defendants are detained in the county jail while they await trial. Because there are no data at this time to confirm or deny this hypothesis, future grand juries will need to review whether in fact this measure has caused a greater burden upon the courts and corrections.

As already noted, MCSO statistics show that 75% of the jail population are defendants awaiting trial. With the remaining 25% of the jail population made up of inmates serving jail sentences, it appeared to the Grand Jury that a more efficient court system could reduce the number of inmates in custody awaiting trial. This Grand Jury suggests that a cost benefit analysis be conducted by the county to determine whether it would be less expensive to hire additional judges, staff and the support personnel, than to build additional jail space and hire corrections personnel.

The bottom line is that the court system has become a funnel point for the corrections system. From a corrections standpoint, until a detained defendant can resolve his case, he remains part of the jail population awaiting trial. This Grand Jury was left with the conclusion that future planning of the County corrections system cannot occur without commensurate review and change in the criminal justice system. This Grand Jury believes that the county cannot afford to wait until it is too late to make its decisions. This Grand Jury wants to see decisive planning and implementation by county government.

### C. Use of Existing Space

#### 1. Land Conservation for Correctional Facility Construction

Last year, the 1994 Corrections Grand Jury report concluded that:

*The Board of Commissioners should refrain from selling off surplus county property which can be used to site future correctional facilities.*

*The Board of Commissioners should refrain from selling off surplus county property and dedicating the proceeds to purposes other than construction of future correctional facilities.*

The 1995 Corrections Grand Jury observes that the primary responsibility of county government is to provide for the protection of the public. Absent protection, social services and civic amenities possess no value. The successful operation of a criminal justice system best provides for confidence in government. The Grand Jury heard that the land surrounding the present MCCF is under consideration for construction of the next generation jail. This Grand Jury reaffirms the point that the county should not release any of its land (including the MCCF land) through sale or transfer, unless the totality of the land's value is committed to an alternate site and funding of a correctional facility.

The Grand Jury was pleased to hear that county government has apparently decided to no longer purchase open spaces with county funds due to the recent passage of METRO's bond measure. However, the 1995 Corrections Grand Jury continues to disagree with the county policy which sets aside for expenditure on facility maintenance, money which is generated from sale of "surplus" county property.

One case came to the attention of this Grand Jury which involved the potential loss of this county's land resource at the Expo Center and the Grand Jury calls upon the Board of Commissioners to review this case. The Grand Jury learned that when the county's

two parks, Blue Lake and Oxbow, were transferred to METRO, the county also agreed to let METRO take over responsibility for management of the Expo Center. Apparently, it was thought that the Expo Center would generate revenue to cover operation expenses at the parks. The Grand Jury heard that METRO now complains that Expo does not generate sufficient revenue. The Grand Jury was told that the county is in the process of negotiating transfer of title of the Expo land to METRO. The Grand Jury strongly suggests that county government rethink the course of its action regarding this Expo land.

The Grand Jury observes that this land at Expo is extremely valuable as a large tract of prime development land. The Grand Jury was told that the Expo Center encompasses nearly a total of 55 acres. It is located adjacent to the intersection of N. Marine Drive and I-5. The Grand Jury notes that the stockyards adjacent to the Expo Center have recently been sold with plans for commercial development. This Grand Jury concluded that it would be unconscionable if this county were to relinquish ownership of the Expo property only to later find METRO enjoying a windfall from sale of the land.

Whatever purpose the Expo center serves in this region, the development and maintenance of a corrections system which is efficient, effective and economical is of greater importance. The Grand Jury calls on county government to retain the Expo land and obtain maximum benefit from its ownership. The county's ownership and disposition of the Expo Center should be directed toward assisting the county in the planning and implementation of its future corrections system.

## 2. Federal Government Use of County Jail Space

Last year, the 1994 Corrections Grand Jury report concluded that:

*The Sheriff and Board of Commissioners should recover the 86 beds presently contracted to the US Marshal to instead house state inmates who might otherwise be matrix released.*

The 1995 Corrections Grand Jury heard that at the same time the county was obligated by Federal court order to matrix release state criminals, there were federal prisoners housed within the county jail system.<sup>3</sup> With space at a premium in Multnomah County, the Grand Jury would suggest that the Sheriff discuss with the US Marshal the possibility of moving the federal prisoners out of Multnomah County's Jail.

This Grand Jury also heard that the US Marshal pays to house his prisoners. Two issues arose while the Grand Jury reviewed this circumstance. First, the Grand Jury is concerned that Multnomah County government may accept the occupancy of county jail beds by federal prisoners for revenue generation. This Grand Jury would find it objectionable that for the sake of making money, county inmates have been matrixed or their sentences furloughed to make room for federal prisoners. New jail beds should not be built if existing space would be available by substituting county inmates for federal prisoners. The Grand Jury would suggest that future grand juries determine if the revenues generated from selling jail beds to the US Marshal are more than the expense of constructing new jail beds.

The second issue involves fair compensation for federal use of county jail space. This Grand Jury was given the per diem costs of housing inmates at each county correctional facility. The Grand Jury was told that the US Marshal pays a per diem rate for its prisoners. Future grand juries should annually review these comparative figures to determine that the US Marshal is charged appropriately. In addition, the Grand Jury heard that the US Marshal contracts for a specific number of federal prisoners to be housed within the county correctional system. Future grand juries should review how many federal prisoners have been contracted for and how many have in fact been housed within the county's system. If future review of this matter leads to the conclusion that an accounting is appropriate, then the Sheriff should be directed to reopen negotiations with the US Marshal to obtain such fair compensation.

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<sup>3</sup> The Grand Jury was disturbed to learn that in the construction of the new multi-million dollar federal courthouse, no jail for federal prisoners was included.

### 3. Use of Justice Center Courtrooms

Last year, the 1994 Corrections Grand Jury report concluded that:

*The Sheriff, Board of Commissioners and Courts should review the use of empty courtrooms at the Justice Center and determine how best to use this space, including whether the space can be used as part of the jail.*

The 1995 Corrections Grand Jury was pleased to learn that at least one of the "empty" Justice Center courtrooms will be utilized beginning in January of 1996. The Grand Jury was told that the drug diversion program, STOP, will operate from one of these courtrooms.

The Grand Jury learned that the STOP program is available immediately upon arrest. It has been designed to provide an alternative to the ordinary system of prosecution and punishment for persons charged with drug possession. The program offers treatment and rehabilitation to participants and has also removed a substantial number of cases from prosecution, trial and incarceration. The Grand Jury learned that the STOP program has resulted in the reduction of recidivism for those who complete the program. The Grand Jury was pleased with the STOP program and thought it was a successful and innovative program.

The County is a current participant in a grant to identify drug use among those persons who have been detained upon arrest. Preliminary data from this study shows that 75% have controlled substances in their bodies at the time of arrest. It is noteworthy that a second component of the grant is the provision of an early intervention drug evaluation and pre-treatment assistance while the offender is awaiting trial.

The Grand Jury noted that the Justice Center courtrooms have limited space available to hold jail inmates immediately before or after their court appearance. The Grand Jury noted that there is more room in the waiting/holding area outside courtrooms #1 and #2 than the presently used courtrooms #3 and #4. Accordingly, the Grand Jury would suggest that the Sheriff's office and county courts consider transferring day-to-day court hearings from courtrooms #3 and #4 to courtrooms #1 and #2.

### D. Jail and Courthouse Safety

Last year, the 1994 Corrections Grand Jury report concluded that:

*The Sheriff should review Security procedures to include (1) provision for search of persons and belongings at the public entrance to MCDC and (2) ensure that policy regarding the investigation of escapes and attempted escapes is followed. It is essential that criminal investigations directed toward prosecution are carried out effectively.*

The 1995 Corrections Grand Jury noted that security screening at the Justice Center has still not been implemented. This Grand Jury believes that a search of persons and belongings should be imposed upon all who enter the Justice Center building. The Justice Center houses courtrooms which handle on a daily basis the first

appearance and arraignment of defendants on their criminal charges. The courtrooms also handle most all custody release motions. The Grand Jury notes that the public's access is presently neither supervised nor controlled and therefore potentially dangerous. The Grand Jury recommends that safety should be assured at this facility much as it has been at the County Courthouse by implementing metal detection and security screening before the public is allowed inside.

The Corrections Grand Jury received a report from the Sheriff's office documenting escapes and AWOLs. The Grand Jury recommends that this information be provided to future correction grand juries in advance of visitation to the facility or program. This information would aid the Grand Jury in its interview of facility commanders about the circumstances of each crime. This Grand Jury was troubled by the fact that while visiting the YWCA facility it was told that there had been no escape problems; however, later review of the MCSO's statistics on escapes and AWOL defendants showed that the contrary to be true.

#### **1. Occupational Training and Safety Standards**

The Corrections Grand Jury is aware that the new Sheriff has had six busy months to organize his office and implement his plans. The Grand Jury is impressed with his approach to providing training to his corrections deputies. The Grand Jury heard of the Sheriff's commencement of 24 hours of paid training for each corrections deputy. By comparison, law enforcement deputies receive 40 hours of annual paid training. The Grand Jury learned that training in CPR/First Aid has begun and that future training will address other work and safety issues.

After review of the Occupation/Health Standards and training issues, the Grand Jury recommends that the Sheriff's office provide greater attention to training supervisory personnel in OSHA standards and compliance. The Grand Jury would also suggest that future grand juries ask that the Sheriff's life safety officer appear before the Grand Jury to discuss the Sheriff's office approach to OSHA and other similar safety issues such as CPR/First Aid training, Blood Borne Pathogen training, Hearing Conservation, Respiratory Protection and Safety with emphasis on annual hearing tests, Hazardous Communication/MSDS training and Emergency Evacuation procedures. The Grand Jury observed that there appeared to be a need for training in Record Keeping with emphasis on documentation.

The Grand Jury appreciated the production of Workmen's Compensation data from Risk Management. The Grand Jury suggests that future grand juries obtain this annually produced information to review injuries and illnesses which have occurred within the correctional facilities. Future grand juries should also obtain information and documentation on the corrections training budget and its actual funding. The Grand Jury would suggest that specialized training be provided for officers who supervise mentally ill inmates.

## E. Performance Evaluation of Programs

Last year, the 1994 Corrections Grand Jury report concluded that:

*County educational and treatment programs offered to corrections inmates should be subject to performance evaluations and terminated where demonstrably inadequate.*

*Program evaluations should be conducted under protocols that include sharing data with other regional law enforcement agencies to provide them the opportunity to conduct analysis.*

This Corrections Grand Jury concurs with the 1994 report that program evaluation must exist to track defendants' behavior after they have been provided program assistance. If there is no benefit from the expenditure of resources, programs must be terminated. The definition of "benefit" needs careful consideration. Obviously, a variety of factors must be considered and the significance of each may be debated. Nevertheless, at some point unsuccessful programs must be terminated.

The 1995 Corrections Grand Jury commends Multnomah County for pursuit of program evaluation through its "RESULTS" campaign. Implementation of "RESULTS" was evident from data analysis provided at the Community Corrections DAY REPORTING CENTER regarding probation recidivism. [Appendix F: Community Corrections DAY REPORTING CENTER Recidivism Graph, p. 37]. This recidivist study showed that 64.9% of the program participants remained in the community after release. Nevertheless, the Grand Jury would observe that this analysis regarding releasees from DAY REPORTING CENTER would benefit from the inclusion of information which would show how many of the probationers "still in the community" have a new arrest, a new charge, or a probation violation hearing pending.

This Grand Jury suggests that Multnomah County request assistance from the Portland Police Bureau's statistical support unit to conduct analysis and evaluation of county programs. Persons who have been sentenced to programs such as MCRC, the DAY REPORTING CENTER, or Community Corrections WORK RELEASE FACILITY should be analyzed by an "independent" law enforcement agency to ensure a standardized evaluation. Comparative analysis of program offerings from the various government agencies and contractors would be insightful. Furthermore, a comparison of defendants who have participated in programs against those who have not participated would provide an additional basis for analysis of program value or worth.

## F. Corrections Health and Education

Last year, the 1994 Corrections Grand Jury report concluded that:

*Inmate television should be limited to education and training.*

The Grand Jury learned that the current corrections health budget amounts to \$6.2 million dollars. Part of the cost of this service is offset by inmate contributions. The inmate \$5 per visit "co-pay" system has operated successfully over the last year.



Initially, inmate requests for health services were significantly reduced. Currently, inmate requests have increased but the instances of frivolous contacts have been largely eliminated. The Grand Jury would like to see the jail TV system utilized for broadcast of health videos. Although inmates may prefer soap operas and game shows, some educational programming should also be broadcast. The program section of the Sheriff's office should discuss this proposal with the Health Division.

#### **1. Providing for the Mentally Ill**

Last year, the 1994 Corrections Grand Jury report concluded that:

*The Sheriff and Board of Commissioners should review whether Multnomah County has received a disproportionate number of Oregon's mentally ill people following the closure of state institutions.*

The Grand Jury commends the Board of Commissioners and Chair Stein for coming up with a plan to help deal with problems created by the mentally ill who live on the street. The Grand Jury heard that the state's closure of mental health facilities has caused mentally ill people ending up in Portland, often with problems in housing, supervision or stability. These people have often come into conflict with the law. Although their crimes may be petty, their treatment within the criminal justice system often requires substantially more attention and frequently involves detention. As a result, it is more expensive. The Grand Jury learned that the county intends to develop a preventive early intervention triage-like system to help these people avoid coming into contact with the criminal justice system and correctional facilities. The Grand Jury felt that the idea was promising and recommends that future corrections grand juries look into the implementation and performance evaluation of this innovative jail alternative.

#### **G. Drug Use, Testing and Random Urinalysis**

Last year, the 1994 Corrections Grand Jury report concluded that:

*The Sheriff should begin a program of random urine analysis of all inmates.*

This Grand Jury learned of the high percentage of jail inmates who come into custody with controlled substances in their system. For this reason, the Grand Jury believes that additional information is needed regarding the availability and use of drugs within Multnomah County's correctional facilities. In the Grand Jury's opinion, this information can only be obtained through random urinalysis. Although the sheriff relies upon random drug dog sniff searches for detection and reduction of drug use within Multnomah County's facilities, this Grand Jury repeats the previous recommendation that random UA's be used to first identify whether there is rampant or minimal drug use within the facilities and then as necessary to further reduce drug usage. The Grand Jury notes that in the event the county becomes responsible for SB 1145 prisoners, random drug testing would appear to be essential because these prisoners will be serving significantly longer sentences than inmates who are presently sentenced in the county corrections system.

## H. Transport of Inmates and Video Court Alternatives

Last year, the 1994 Corrections Grand Jury report concluded that:

*The Board of Commissioners and Sheriff should review the cost of unnecessary inmate transports and consider purchase of equipment to conduct expanded video-court appearances at the county courthouse.*

After viewing the Courthouse jail and the Justice Center courtroom holding cells, the Grand Jury recognized that space is very limited for defendants who are awaiting court hearings. The Grand Jury could see that any reduction in transport, or movement of defendants to accomplish an in-person court appearance would be beneficial. The Grand Jury heard of the frequent "dry runs" which involve transport of inmates for cancelled or unnecessary appearances. Thus, the Grand Jury was pleased to hear of the Sheriff's plans to implement a more extensive video communication system.

Nevertheless, the Sheriff and Board of Commissioners and courts need to critically think of the method and the mechanics of bringing these inmates to their appearances. The system is strained, inefficient, expensive and potentially dangerous. Furthermore, future growth in the number of defendants booked, detained, and awaiting trial will create significantly greater problems. This Grand Jury recommends that discussion of the county's corrections policy and plans for construction of additional correctional space should include consideration of the issues associated with transport of inmates, video communication and court hearings.

One last area regarding inmate transports needs review. There exists a present shuttle system which moves inmates within the State of Oregon and moves inmates out to other states. To the extent that some counties do not expeditiously retrieve their inmates in Multnomah County, this county is serving as their substitute jail. This Grand Jury suggests that the Sheriff's office do its best to keep the interstate and intrastate shuttle system working as efficiently as possible to keep beds in our correctional facility available for Multnomah County prisoners.

## I. Transitional Contact between Inmates and Probation Officers

Last year, the 1994 Corrections Grand Jury report concluded that:

*The County Corrections Department needs to provide transitional contact between inmate and probation officer, to establish communication, set out expectations and provide assistance between probation officers and the inmate.*

The Corrections Grand Jury was left with the impression that in some circumstances the corrections system has made a noticeable effort to establish early custody contacts and provide timely information to jail inmates about programming in the jail as well as probation services and treatment offerings outside the jail.

The Grand Jury found most noteworthy the In-Jail-Intervention-Program [IJIP]. This pretreatment drug program is offered to inmates jailed at MCDC. The program accepts defendants immediately

upon arrest and incarceration, while their cases are pending trial. Defendants begin the pretreatment program and when completed are routed to out-of-custody, in-and-out patient treatment programs.

The Grand Jury also learned that probation and parole officers are involved in similar earlier contacts with defendants at MCRC, the DAY REPORTING CENTER, and the Community Corrections WORK RELEASE facility in Milwaukie. The Grand Jury agrees with these programs attempt to establish such early contacts between supervising officers and defendants.

Nevertheless, the Grand Jury's tour of all correctional facility and jail alternatives raised these hard questions regarding programs which appeared to have no consistent answer:

- (1) When, how and why should limited community resources be spent on people who have chosen to violate society's rules?
- (2) How should program success be defined?
- (3) How should program personnel be evaluated and held accountable for their work yet not be made scapegoats when participants fail?

## VII. FACILITY RECOMMENDATIONS

### A. Juvenile Detention Home

This facility has a current capacity of 128 beds with an additional 63 under construction. The cost of incarceration of each offender is \$148 per day

Last year, the 1994 Corrections Grand Jury report concluded that:

- a. *Bed space for detainees is insufficient.*
- b. *Future grand juries should obtain clarification and carefully review the Juvenile Department's pre-adjudication release policy of juvenile criminals.*
- c. *The Juvenile Department should develop a policy that makes community safety of paramount concern when determining how best to handle juvenile criminals*

#### 1. Juvenile Bed Space:

The Grand Jury toured the JDH facility which had been recently completed. The Grand Jury was informed of the dramatic change in Juvenile Court following passage of Ballot Measure 11. This measure (BM 11) provides for prosecution of 15, 16, and 17 year olds as adults for serious violent crimes including First Degree Robbery, Rape, Assault, Kidnap and Murder. The Grand Jury learned that the 15, 16, and 17 year old youths who commit BM 11 crimes and are awaiting trial in adult court are still housed at JDH. There are presently 21 youths awaiting trial in adult court on such BM 11 cases.

The passage of BM 11 has also led to additional construction of detention space at the facility. Upon completion, the total occupancy will be 191 juveniles. However, a number of these beds have been purchased by neighboring counties or are being used for programming; i.e., Assessment Intervention and Treatment Program, (hereinafter AITP) and an anticipated sex offender treatment program to be run by the state. Thus, it should be clear to the reader of this report that Multnomah County does not have access to all beds at the facility.

The Grand Jury was pleased to hear from the new Director of Juvenile Services that the juvenile division considers public safety to be of paramount concern in handling cases involving juvenile offenders. The Grand Jury also heard that BM 11 has had a beneficial result in its removal of the worst offenders from the juvenile system to the adult courts and that the positive consequence has been that the Juvenile Department can now focus its rehabilitative efforts upon the delinquents who remain.

#### 2. Juvenile Pretrial Release:

This Grand Jury learned that the Casey Foundation Grant assisted in creation of JDH's model pretrial release system. This system has assisted the Juvenile Department and courts into making reasoned decisions regarding release. The Grand Jury learned that the JDH facility still has had to deal with overcrowding and its consequent

population release [aka "matrix" release]. The Grand Jury was told that the Casey Foundation Grant helped to create a risk assessment tool that the Juvenile Department uses in determining which juveniles best need to be held in custody while they await the adjudication of their cases.

Therefore, two issues remain for future grand jury review:

- (1) Has this "new" release system led to inappropriate release of offenders?
- (2) What are the instances in which a "matrix" release has occurred?

### **3. Juvenile Program Accountability:**

The Grand Jury learned that the average length of stay for detained juveniles is between 7-8 days. Nevertheless, the average cost per day for each juvenile housed at the facility amounts to \$148 per day. This figure is significantly greater than the Sheriff's average daily cost of \$86.97 per day of housing an adult inmate. [Appendix G: 1995 MCSO Per Diem Rates, p. 38]. Although the Grand Jury was told that a juvenile's education raised the daily cost of housing, the differential from the cost of adult incarceration appeared excessive. The Grand Jury did not receive a satisfactory explanation regarding why there was this noticeable difference between the daily cost of housing a juvenile at JDH as opposed to an adult inmate at Multnomah County's correctional facilities. Future grand juries should obtain clarification and closely review the breakdown on costs of operation of this facility.

In addition, the Grand Jury was concerned about the nature and structure of the education provided to juvenile detainees. The Grand Jury was told that the counselors have no involvement or control over the educational offering. The Grand Jury found disturbing the art which was depicted on one classroom wall. One collage included hunting scenes, guns, and a variety of weapons; another collage showed monsters, including one with a gruesome head wound. The Grand Jury found these pictures offensive and inappropriate.

This Grand Jury would like to have future grand juries provided with a more detailed breakdown on the costs of operation at JDH and have a teacher or education administrator explain the educational offerings which are provided and their respective costs.

This Grand Jury would also suggest that JDH review its plans for property control of detained youths' possessions. It appeared to this Grand Jury that the standards for control were more lax than at adult facilities.

The Grand Jury concluded its review of JDH with the following questions:

How are the programs, treatment offerings, counselors and teachers evaluated? Is Multnomah County's money being well spent?

## B. Multnomah County Detention Center

This facility has a current capacity of 476 beds. The cost of incarceration of each inmate is \$114.30 per day.

Last year, the 1994 Corrections Grand Jury report concluded that:

*The Board of Commissioners and Sheriff should consider the need to construct additional booking space.*

The pressure upon the booking resource at MCDC remains high. The booking area of MCDC was originally designed to accommodate 18,000 bookings. However, bookings are expected to amount to 40,000 by the end of this year. The Corrections Grand Jury was pleased to hear that Sheriff Noelle has opened "temporary" booking outside of the MCDC. The Grand Jury commends the Sheriff for this innovation which has helped to keep police officers on the street and not waiting in line in a police car until a space in the MCDC booking area opens up to put the arrested offender in custody. However, this temporary relief appears to reduce some but not nearly enough of the booking numbers problem. Any discussion of future jail building in view of anticipated growth in crime should include review and analysis of construction of additional booking space.

## C. Multnomah County Courthouse Jail

This facility has a current capacity of 71 beds. The cost of incarceration of each inmate is \$71.65 per day.

Last year, the 1994 Corrections Grand Jury report concluded that:

*Alternatives should be explored so that inmates will not have to be walked through the Victim Assistance and prosecution offices on the 8th floor.*

This Grand Jury conducted its hearings on the eighth floor of the courthouse. This floor sits one floor above the CHJ. This eighth floor also contains a lounge area for crime victims who are awaiting trial and the District Attorney's prosecution units for sexual assault, violent and drug crimes. The Grand Jury observed the continued escort of inmates on this floor. In this Grand Jury's opinion, the continued use of the 8th floor for movement of custody defendants to nearby courtrooms should be discontinued.

D. Multnomah County Correction Facility

This facility has a current capacity of 190 beds. The cost of incarceration of each inmate is \$61.51 per day.

Last year, the 1994 Corrections Grand Jury report concluded that:

*Staffing hours of nurses should be increased to include up until 9 o'clock in the evening.*

*The Board of Commissioners and Sheriff should ensure that residents and potential buyers of homes in nearby housing developments are informed of what MCCF is and who MCCF holds.*

*A row of trees should be planted to provide a visual sight break between MCCF and the housing development.*

This Grand Jury was impressed with the operation of MCCF by Commander Slyter and his staff. The facility appeared clean and well run. This facility appeared to be a successful operation of the sheriff's classification system. The facility appeared to operate smoothly which allowed the inmates to be housed in this dormitory style facility without serious incident of violence or disruption. No escapes occurred from this facility within the last year.

This Grand Jury heard reference to MCCF as an out-of-date facility in need of replacement. The Grand Jury saw no evidence to support this conclusion. The Grand Jury was informed by personnel of the Multnomah County Department of Community Corrections that the MCCF style of a "hub and spoke" facility was observed in Florida as a style best suited for handling of inmates.

This Grand Jury is aware that the construction of residences in and around MCCF continues. Each development moves closer to the facility. Nevertheless, the Grand Jury saw no logical justification which would support the demolition of this economical and effective jail. This jail is needed particularly at a time when the county is searching for additional jail space.

Furthermore, the Grand Jury was informed that a new roof is needed at MCCF. Although this may be costly, surely the cost of such a roof is substantially less than the cost of a new jail. The Grand Jury would endorse the construction of additional jail space at this location, but not as part of the demolition of the existing MCCF.

The 1995 Grand Jury found that the provision of nursing assistance was sufficient to meet inmate needs. The Grand Jury recognized that assistance was available from nearby MCIJ on a 24-hour basis.

E. Multnomah County Inverness Jail

This facility has a current capacity of 514 beds. The cost of incarceration of each inmate is \$71.65 per day.

Last year, the 1994 Corrections Grand Jury report concluded that:

*The Board of Commissioners and Sheriff should begin to plan the construction of additional beds in the space which is available at this facility.*

*The Sheriff should explore the addition of pretrial inmates, who volunteer to assist work crews.*

The Grand Jury was pleased to hear of the Sheriff's addition of inmates to each of the pods within MCIJ as well as housing of the work crews in the "Annex". As a result, the facility bed space has been increased by 36 beds with nine more to be added in the near future. More importantly, the County Chair and Sheriff spoke of expanding MCIJ. The Grand Jury endorses this plan. Future grand juries should review construction, implementation, and the expense of this MCIJ expansion.

F. Multnomah County Restitution Center

This facility has a current capacity of 120 beds. The cost of incarceration of each inmate is \$68.13 per day.

Last year, the 1994 Corrections Grand Jury report concluded that:

*The chipped area of the kitchen floor is in need of cleaning, and should be repaired or replaced.*

*The Sheriff should fully utilize all available beds at MCRC. The Sheriff should review the criteria by which inmates are deemed to be eligible to be housed at MCRC.*

*The Sheriff needs to send frequent notice to County courts regarding the availability of MCRC beds.*

The Grand Jury learned that the replacement of the kitchen floor is under review. The discovery of asbestos has complicated this project. Future grand juries will have to review how this problem is resolved.

The Grand Jury was pleased by the Sheriff's stated intent to further expand the use of MCRC up to its building code capacity of 160 inmates. However, funding presently limits use of the facility to 130 inmates. The Grand Jury approves of the Sheriff's addition of women to this work release facility.

The Grand Jury would recommend that the Sheriff experiment with the addition of a "pet" animal. The county medical staff appeared competent to deal with any allergic reaction. The Grand Jury notes that "pet" therapy appears to be a legitimate program with positive attitude and behavior results among inmates.



## G. Forest Camp

This facility has a current capacity of 28 beds. The cost of incarceration of each inmate is between \$77-85 per day. This is a unique facility among those operated within the Multnomah County Corrections system. Participants remain on the isolated premises from late Sunday night through Friday night. Hard manual labor is performed by all participants. Work varies from raking leaves to building trails in state or county parks in the Columbia Gorge. In eight years, there have been five walkaways/escapes from the program.

Last year, the 1994 Corrections Grand Jury report concluded that:

*The County Department of Corrections should fully utilize all available beds by placing more inmates in the program.*

*The program should be expanded. Women should be included. Additional forest camps should be built to put other inmates in the program.*

The Grand Jury was greatly impressed with the Forest Camp, a Community Corrections Facility. The austere environment, attitude, and work ethic of participants and administrators was very satisfying to the Grand Jury.

The work as performed is worth thousands of dollars to the community. Essentially, the inexpensive labor of these participants is available to government to perform necessary and important tasks which otherwise would go unfunded. This program was the "trailblazer" for other corrections agencies. The Forest Camp work crew model has now been copied and like work is carried out by MCSO and Oregon Department of Corrections work crews.

The Grand Jury was pleased to hear that there are preliminary conversations occurring between the US Forest Service and Community Corrections to expand this program. The Grand Jury recommends that the Forest Camp program continue to be fully utilized. The program should be expanded. Future work crews should be offered to women in a separate facility.

## H. Columbia River Correctional Facility

This facility is operated by the Oregon Department of Corrections. It has a designed capacity of 400 inmates but there are 486 prisoners currently housed within the facility. The facility houses men and women in separate dorms. The facility also houses a 6-9 month in patient drug treatment program for 50 men and 50 women. The cost of incarceration of each inmate is \$56.60 per day.

The 1995 Corrections Grand Jury learned that the new Director of the Oregon Department of Corrections has instituted a policy that has reduced the availability of work release from Oregon's penitentiaries. The Grand Jury was told this restriction on work release occurred because there had been too many escapes or failure to returns by prisoners involved in the program.

The Grand Jury was informed that 50% of the drug treatment program participants successfully complete the program. A performance evaluation of this group showed that one year after completion of the program, 8 out of 10 attendees had not reoffended.

#### **I. Multnomah County Community Corrections WORK Release Facility**

This facility has a current capacity of 34 beds. The cost of incarceration of each inmate is \$ 60 per day.

This facility has been operated by Multnomah County Community Corrections at its location in Milwaukie. It was proposed to provide transitional planning for penitentiary prisoners who had less than 4-6 months remaining to serve on their sentence. The Grand Jury learned that the convicted felon who is allowed into the facility is different by way of comparison than the felon allowed into MCRC. Where MCRC accepts felons serving probationary work release sentences, this facility housed felons about to be paroled after serving a penitentiary sentence.

The Grand Jury heard that prisoners at this facility are allowed to go to work and return in the evening. Probation and parole officers maintain contact with the prisoner while the prisoner is at the facility and after "parole". Prisoners are provided an opportunity to be involved in programs while residing at the facility.

The Grand Jury learned that AA and NA meetings are held at the facility twice a month. This limited meeting schedule struck the Grand Jury as inadequate, particularly when compared to the higher frequency of meetings held at the other county facilities. The Grand Jury was told that few inmate/residents take advantage of the GED computer programs. The Grand Jury was troubled by this lack of use because other county correctional facilities have inmates using the GED computers. Future grand juries may want to query further why inmates at this facility have little interest in obtaining their GED.

The Grand Jury heard that prisoners perform well while residing at the program but a large percentage fail parole after they leave the facility. Although this recidivism gives rise to question about the continuing efficacy of this program, the Grand Jury recognizes that the group of offenders this facility works with poses a significantly greater recidivist problem, and the only other alternative available is to allow the offender to be paroled straight onto the street. Nevertheless, this facility did not appear to be fully utilized when compared against all the other correctional facilities or jail alternatives which were viewed by the Grand Jury.

The Grand Jury would suggest that future grand juries request documentation on the failure rate of prisoners admitted to this facility. The bottom line for Multnomah County should be, in the event that the recidivism rate is no better than straight parole, the program should not continue to be funded.

CONCLUSION:

The Grand Jury notes that Sheriff Dan Noelle has shown a dedication to the task of providing Multnomah County with efficient and effective Corrections facilities. Although the Sheriff has been in office just six months, the Grand Jury observes that he has a clear and pragmatic view of the issues, a forthright and accessible style of administration, and he shows a willingness to work with others in and outside his department to help Multnomah County meet the challenges to its corrections system.

This Grand Jury finds that the corrections issues which face the County Sheriff and Board of Commissioners are particularly acute in 1995. This Grand Jury believes that the present circumstances facing Multnomah County are ones which call for more than piecemeal or stopgap measures. This Grand Jury sees the need for a comprehensive correctional plan. This Grand Jury recommends that there must be immediate and decisive action which will lead to improved efficiency, economy and effectiveness at multiple points of the criminal and correctional justice systems. This Grand Jury concludes that Multnomah County government must work now to set a stable, solid and credible course for the County's future.

Respectfully submitted,

Nov. 7, 95  
Date

Nov. 7, 1995  
Date

Nov. 7, 1995  
Date

7 Nov. 1995  
Date

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Date

Nov. 7, 1995  
Date

Nov. 7, 1995  
Date

Nov. 7, 1995  
Date

Wm Saunders  
William Saunders, Foreperson

Gerold Senff  
Gerold Senff, Alternate Foreperson

Sharon E. Alldritt  
Sharon Alldritt, Juror

Dennis Reini  
Dennis Reini, Juror

Stephen Martinez  
Stephen Martinez, Juror

Marian Walker  
Marian Walker, Juror

Colleen White  
Colleen White, Juror

J. Russell Ratto  
Sr. Deputy District Attorney

WITNESSES INTERVIEWED BY THE 1995 CORRECTIONS GRAND JURY:

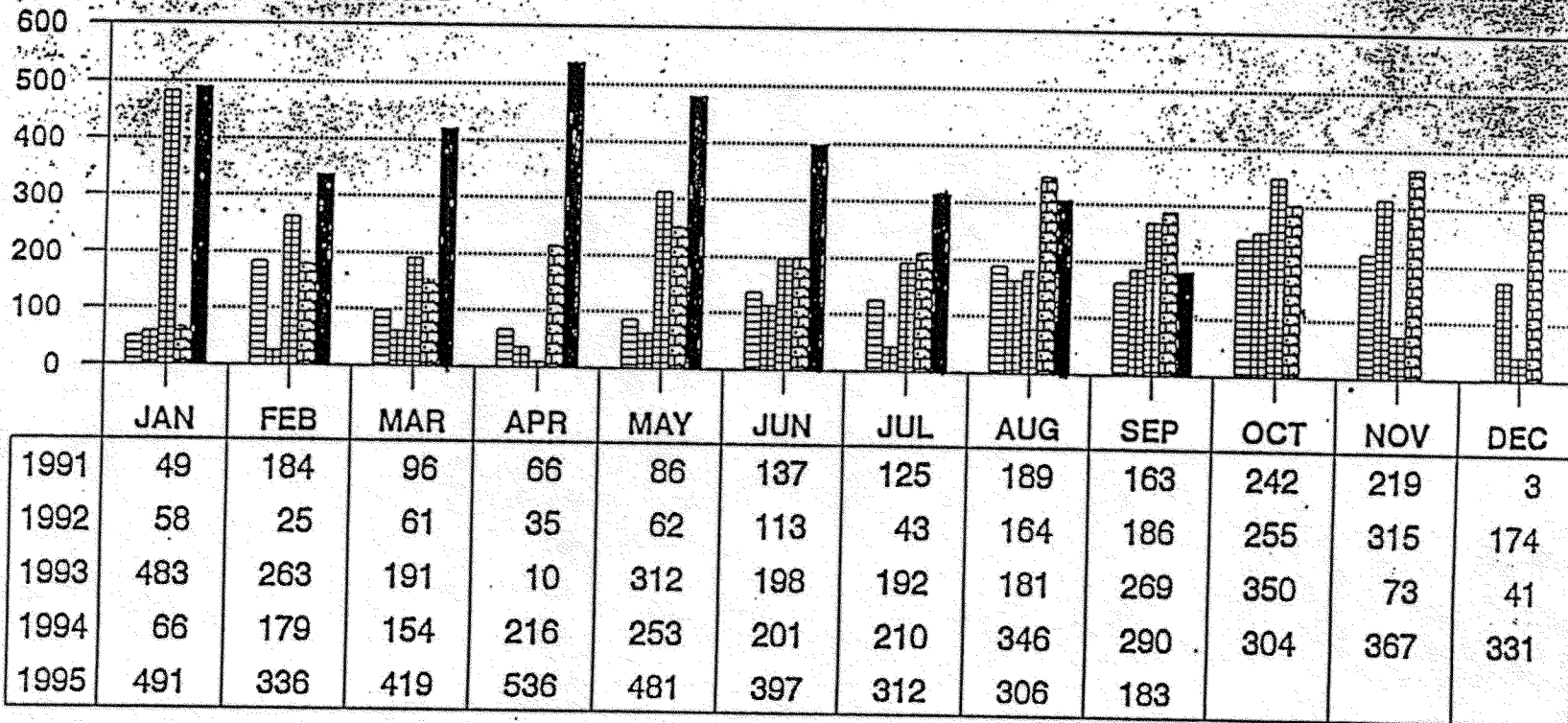
Sheriff Dan Noelle  
Department of Juvenile Services Director Elyse Clawson  
Department of Community Corrections Director Tamara Holden  
Board of County Commissioners Chair Beverly Stein  
Corrections Deputy Keffer Jensen  
Lt. Janice Inman  
Corrections Deputy Daryl Fleenor  
Corrections Deputy Dianne Tate  
Corrections Deputy Larry Comstock  
YWCA Corrections Manager Jane Workman  
Honorable Donald Londer  
Lt. Warren Cook  
Commander Vera Pool  
Program Administrator Gary Simmons  
Counselor Glenda Sonies  
Corrections Deputy Heidi Harington  
Capt. Jeanie King  
Lt. Walter Jacobson  
Corrections Deputy Adam Swail  
Special Operations Technician Roger Lee  
Brooks Plandeon, RN  
Fingerprint Technician Kimberly Yada  
Corrections Deputy Bruce Giggers  
Corrections Deputy Jay Sadler  
Corrections Deputy Laura Hugulet-Long  
Regina Rachel McPherson  
Corrections Counselor Kathy McCullough  
Corrections Deputy Phil Sund  
Corrections Deputy Douglas Hewitt  
Corrections Deputy Darryl Stoffer  
Lt. Tom Slyter  
Corrections Counselor Matthew Preuitt  
Corrections Sgt. Jerry King  
Corrections Seward Dennis Petersen  
Diane White RN  
Capt. Greg Schar  
Corrections Sgt. David Keith  
Program Administrator Sharon Comstock  
Administrator Joan Roberts  
Lt. Dave Chambers  
Corrections Deputy Kin Reuter  
Dental Technician Kelli McCurtain  
Dental Technician Wendi Brown  
Randy Buchan RN  
Corrections Deputy Anne Peters  
Corrections Deputy Elliott Long  
METRO Program Administrator Lindy-Beth Wilkin  
Program Assistant Phil Lawrence  
Operations Manager Randy Downs  
Dept. of Corrections, Asst. Superintendent Theodore Long  
Dept. of Corrections Counselor Kimberly Olerich  
Alch. and Drug Program Coordinator Kevin Hormann  
Sheila Sweetmajor  
Kim Wallway  
Les Turner  
Food Services Manager Keith Riley

Laura Austin LPN  
Barbara Montross RN  
L. Greg Smith  
Program Administrator Gerard Welch  
USFS Claude Dohn  
Administrator Weldon Reedy  
Family Justice Division Chief Deputy D.A. Helen Smith  
Detention Manager James A. Anderson  
Juvenile Counselor Brian Montgomery  
JDH Health Manager Jeannie Salfrank RN  
Commander Richard Haugh  
Lt. James Turney  
Health Services Director Kathleen Page, RN  
Planning and Research Manager William T. Wood  
Classification Supervisor Larry Reilly  
Sgt. Douglas VanRheen  
Trial Court Administrator Douglas Bray  
District Manager Michael Haines  
Program Administrator Kevin Criswell  
Planning and Support Division Steve Beedle  
Corrections Deputy Kathryn Parker  
Renee Menkens, RN  
Lt. Curtis Hanson  
Sgt. Darcy Bjork  
Honorable Roosevelt Robinson  
Program Administrator Michael King  
Charles Tilden  
Jan Miley, Multnomah County Risk Manager

# MATRIX RELEASES

Monthly Totals 1991-1995

Released Inmates



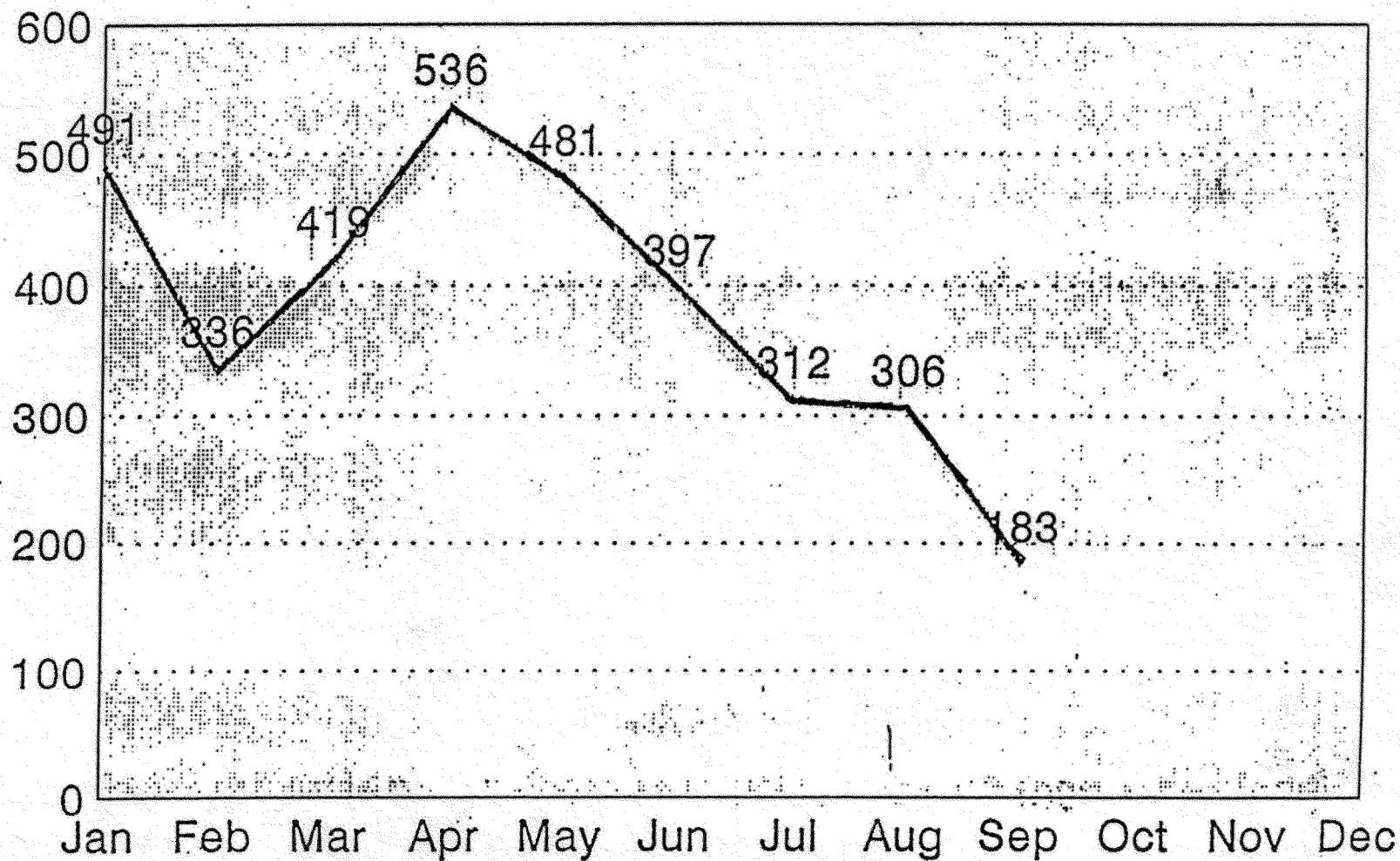
Month

1991
 1992
 1993
 1994
 1995

(poprel95) Pretrial and Sentenced

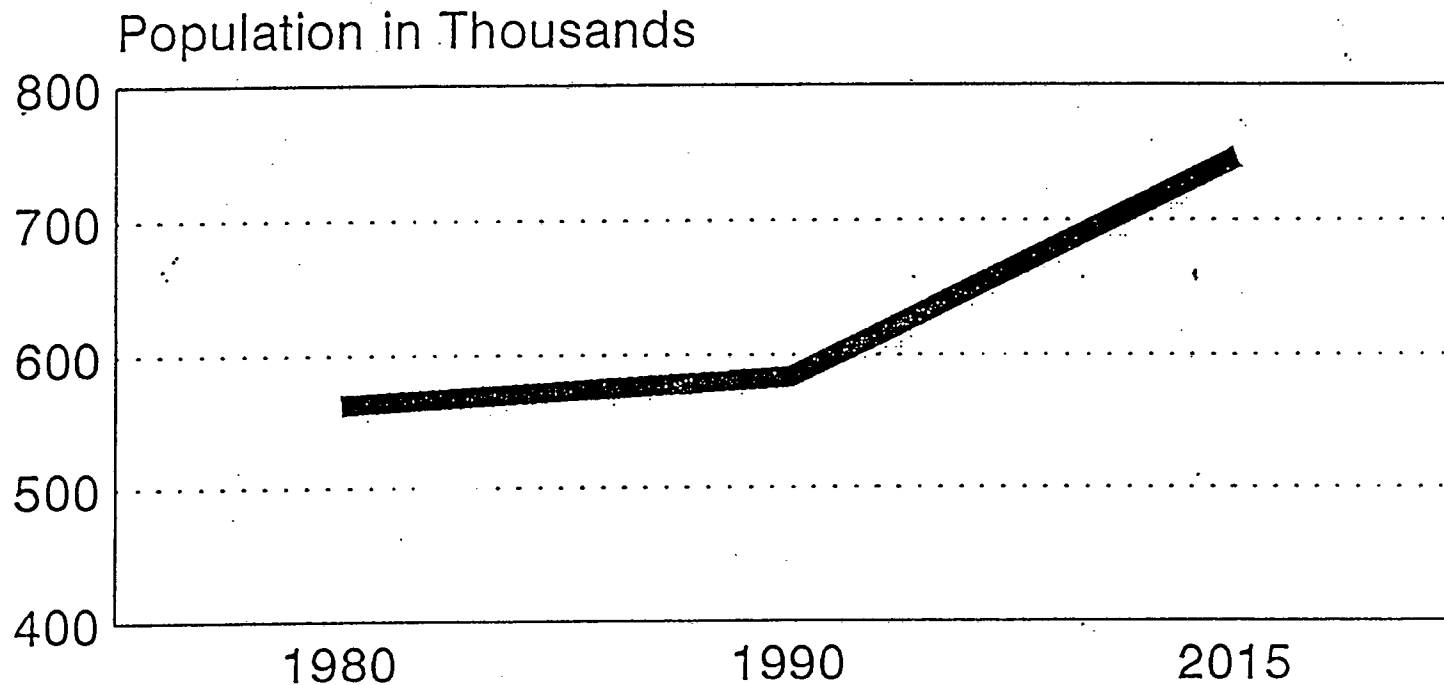
# MATRIX RELEASES

## 1995



# Multnomah County Population Distribution 1980 - 2015

Figure 1



Population —	562.64	583.887	746.659
Year			

2015pop2  
Source: Metro, DRC, 1995  
Note: 2015 data is preliminary.



**Portland Police Bureau  
Part I Crimes**

	1990	1991	1992	1993	1994	Percent Change 1993-94
<b>Crimes Against Persons</b>						
Murder	29	50	46	54	50	-7%
Rape	424	464	490	479	400	-16%
Robbery	2,556	2,746	2,706	2,323	2,367	2%
Aggravated Assault	4,838	4,881	5,167	5,603	6,014	7%
<b>Total Person Crimes</b>	<b>7,847</b>	<b>8,141</b>	<b>8,409</b>	<b>8,459</b>	<b>8,831</b>	<b>4%</b>
 Rate of Person Crimes per 1,000 population	 18	 18	 18	 18	 18	
 <b>Crimes Against Property</b>						
Burglary	9,027	9,569	8,806	7,895	8,070	2%
Larceny	26,192	26,493	26,754	27,180	28,522	5%
Motor Vehicle Theft	5,948	6,593	8,087	8,663	9,770	13%
Arson	556	466	539	604	611	1%
<b>Total Property Crimes</b>	<b>41,723</b>	<b>43,121</b>	<b>44,186</b>	<b>44,342</b>	<b>46,973</b>	<b>6%</b>
 Rate of Property Crimes per 1,000 population	 95	 95	 96	 94	 95	
 <b>Total Part I-Crimes</b>	 <b>49,570</b>	 <b>51,262</b>	 <b>52,595</b>	 <b>52,801</b>	 <b>55,804</b>	 <b>6%</b>
 Citizens Residing in Bureau's Service Area	 437,319	 453,065	 458,275	 471,325	 495,090	 5%

Source

Part I Crime data are from Oregon Law Enforcement Data Systems (LEDS).

Population numbers are for July 1 of the given year and are from Portland State University, Center for Population Research & Census.

**CITY OF PORTLAND  
POLICE BUREAU**

07/20/95

**Reported Part I Crimes in Portland  
January - June 1994 and 1995 Comparison  
Rate per 1,000 Population**

	1994	1995	Percent Change 1994-95
<b>Crimes Against Persons</b>			
Murder	0.04	0.04	0.0%
Rape	0.42	0.42	0.0%
Robbery	2.40	2.24	-6.7%
Aggravated Assault	6.04	6.20	2.6%
<b>Total Person Crimes</b>	<b>8.91</b>	<b>8.89</b>	<b>-0.2%</b>
 <b>Crimes Against Property</b>			
Burglary	8.26	8.11	-1.8%
Larceny	28.36	29.34	3.5%
Motor Vehicle Theft	9.73	10.39	6.8%
Arson	0.62	0.47	-24.2%
<b>Total Property Crimes</b>	<b>46.97</b>	<b>48.31</b>	<b>2.9%</b>
 <b>Total Part I Crimes</b>	<b>55.88</b>	<b>57.21</b>	<b>2.4%</b>

Information Source: PPDS Crime Data File. Report uses 'Reported Date' for time placement of crime.  
Population numbers from City of Portland, Office of Finance and Administration, Urban Services Program.

## Arrests

16

	Adults Arrested	Juveniles Arrested	Total Arrests in 1993
<b>Part I Crime Arrests</b>			
Willful Criminal Homicide	62	5	67
Rape	108	21	129
Robbery	378	139	517
Aggravated Assaults	425	189	614
Burglary	397	170	567
Larceny	4,065	1,510	5,575
Motor Vehicle Theft	667	455	1,122
Arson	24	58	82
<b>Total Part I Arrests</b>	<b>6,126</b>	<b>2,547</b>	<b>8,673</b>
<b>Part II Crime Arrests</b>			
Simple Assaults	3,822	536	4,358
Forgery	388	49	437
Fraud	148	13	161
Stolen Property	73	22	95
Vandalism	497	288	785
Weapon Laws	544	162	706
Prostitution	841	16	857
Sex Crimes	261	52	313
Drug Laws Total	4,189	233	4,422
Narcotics			
Heroin	651	24	675
Morphine	2	0	2
Cocaine	2,787	133	2,920
Codeine	6	0	6
Marijuana			
Hashish	46	0	46
Marijuana	451	67	518
Synthetic Drugs	18	2	20
Dangerous Drugs	228	7	235
Gambling	7	10	17
Family Offenses	26	0	26
Driving Under the Influence of Intoxicants	1,956	5	1,961
Liquor Laws	2,251	297	2,548
Disorderly Conduct	278	97	375
Kidnapping	5	1	6
Curfew	9	967	976
Runaway	2	611	613
All Others	1,759	310	2,069
<b>Total Part II Arrests</b>	<b>17,056</b>	<b>3,669</b>	<b>20,725</b>
<b>Part III Crime Arrests</b>			
Miscellaneous Traffic	2,368	87	2,455
Protective Custody	8	871	879
Other Custody	0	0	0
Warrants	26	0	26
Fugitives	3,349	565	3,914
<b>Total Part III Arrests</b>	<b>5,751</b>	<b>1,523</b>	<b>7,274</b>
<b>Grand Total</b>	<b>28,933</b>	<b>7,739</b>	<b>36,672</b>

1994

Arrests

	Adults Arrested	Juveniles Arrested
Part I Crime Arrests		
Willful Criminal Homicide	73	19
Rape	84	14
Robbery	360	131
Aggravated Assaults	472	196
Burglary	469	168
Larceny	4,141	1,628
Motor Vehicle Theft	862	393
Arson	29	50
Total Part I Arrests	6,490	2,599
Part II Crime Arrests		
Simple Assaults	4,112	567
Forgery	498	49
Fraud	170	19
Stolen Property	72	30
Vandalism	481	318
Weapon Laws	709	185
Prostitution	622	12
Sex Crimes	298	33
Drug Laws Total	3,929	230
Narcotics		
Heroin	658	9
Morphine	2,175	125
Cocaine	11	0
Codeine	0	0
Marijuana		
Hashish	24	1
Marijuana	518	71
Synthetic Drugs	21	0
Dangerous Drugs	522	24
Gambling	22	5
Family Offenses	29	2
Driving Under the Influence of Intoxicants	1,813	13
Liquor Laws	1,839	215
Disorderly Conduct	234	89
Kidnapping	8	0
Curfew	9	1,080
Runaway	1	706
All Others	2,071	422
Total Part II Arrests	16,917	3,975
Part III Crime Arrests		
Miscellaneous Traffic	2,382	105
Protective Custody	1	970
Other Custody	4	0
Warrants	20	0
Fugitives	3,947	683
Total Part III Arrests	6,354	1,758
Grand Total	29,761	8,332

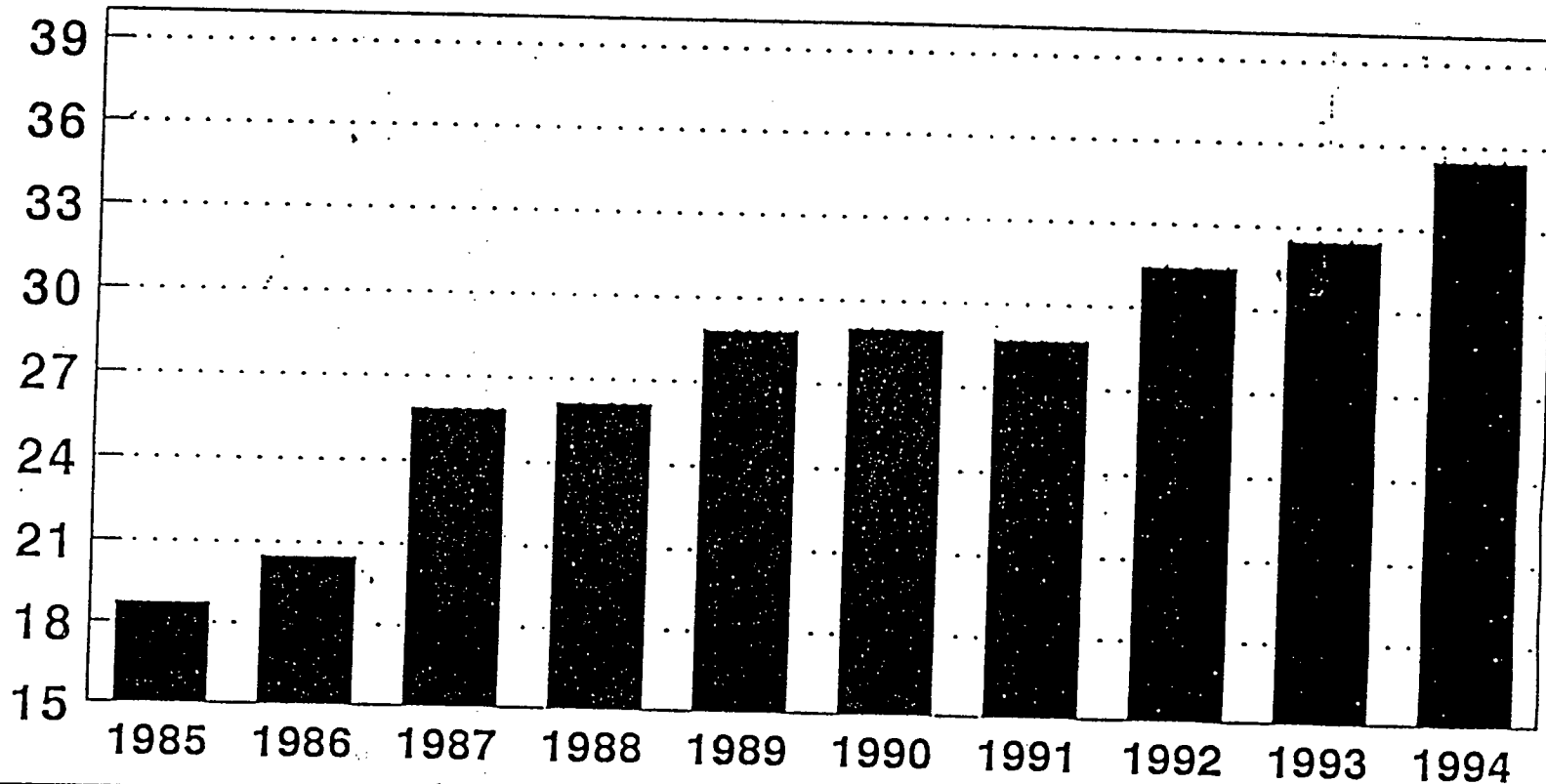
Total Adult and Juvenile = 38,093

Source: Oregon Law Enforcement Data Systems (LEDS)

# ANNUAL CUSTODY BOOKINGS

## Multnomah County Sheriff's Office

Thousands

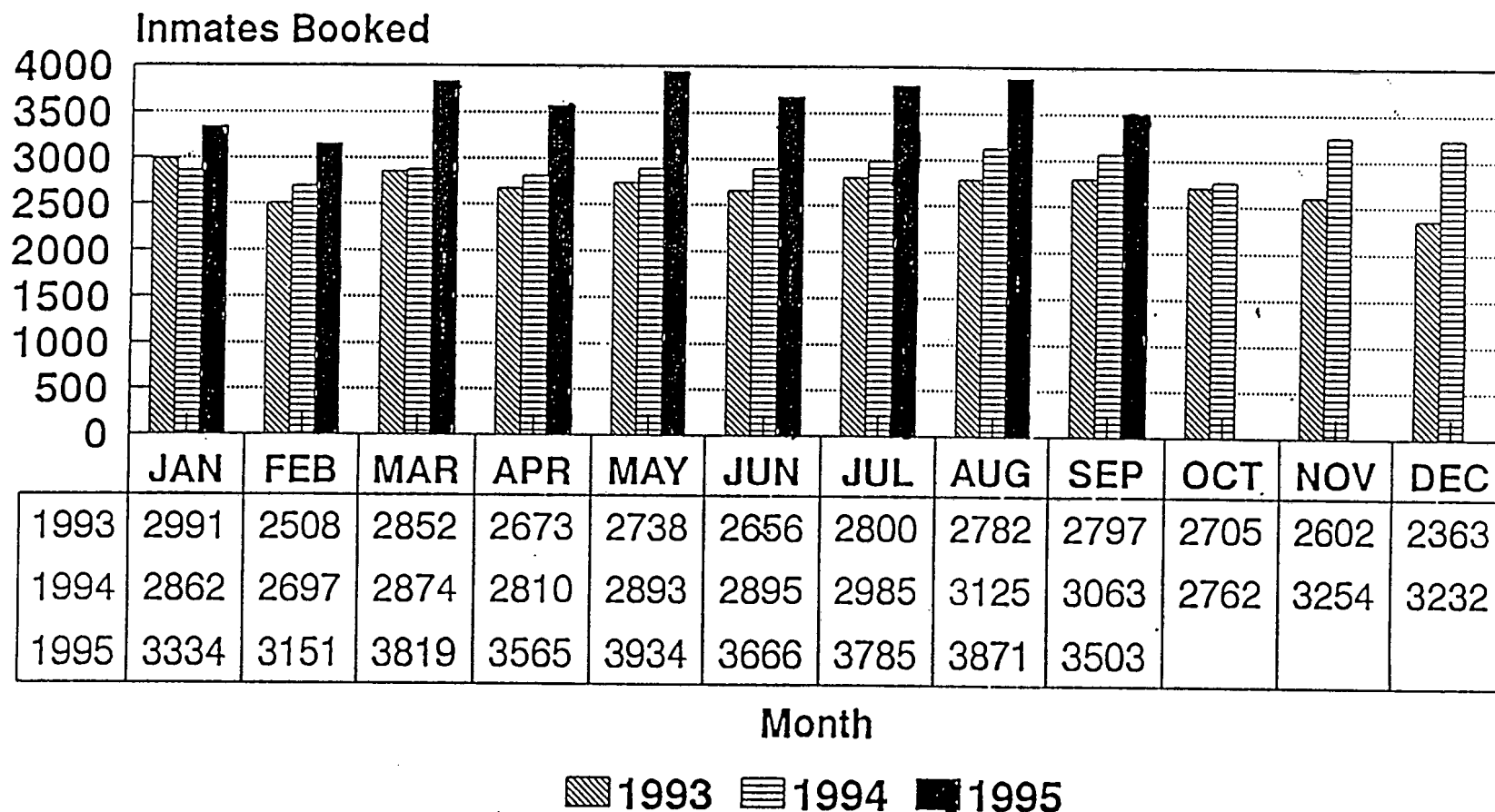


Bookings	18.724	20.475	25.864	26.146	28.806	28.962	28.702	31.429	32.467	35.452
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■ Bookings

# JAIL BOOKINGS

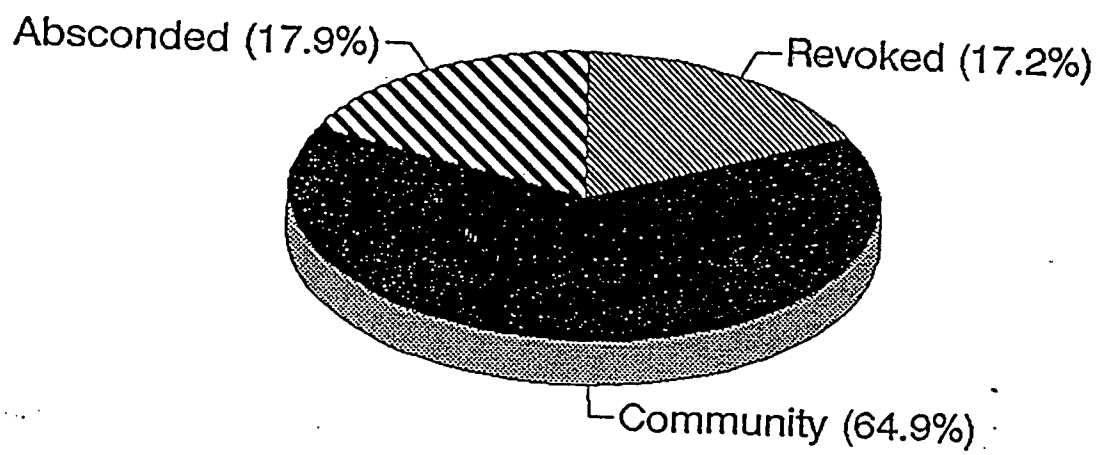
## Monthly Totals 1993-1995



BOOK95-WTW

1994+ Includes Standard, TSI's and In-Transit Bookings

# SUPERVISION STATUS Six Months After DRC Participation



MULTNOMAH COUNTY SHERIFF'S OFFICE FY 1995-96 CORRECTIONS PER DIEM RATES																
	B & R	MDC	MCP	MCH	MCR	MCU	ANNEX	CREWS	MCU & ANNEX	WILCOX & COMMUNITY	FEMALE	COURT HOUSE/	TRANSPORT	OTHER*	TOTAL	Per Bed
Direct Costs																
Direct Program Budget	3,437,240	10,250,787	2,296,239	1,013,800	1,690,022	9,158,060	763,112	662,464	10,020,524	1,050,464	0	356,200	0	0	40,698,912	25,172,020
Support Costs																
Facilities Section Administration	90,011	270,303	60,350	36,126	44,564	228,108	22,466	21,541	219,650	0	0	0	0	0	1,023,316	662,116
Hospital Security Unit	30,896	92,180	20,649	12,320	15,198	77,791	7,661	7,346	85,137	0	0	0	0	0	346,978	225,799
Property/Cannibary/Laundry	409,187	294,822	102,311	55,393	43,698	363,388	14,242	0	343,368	0	0	0	0	0	1,688,408	893,854
Programs Section Administration	9,301	105,761	30,133	16,185	67,321	114,011	3,968	0	114,011	15,283	199,384	0	0	0	675,375	337,397
Warrant and Detention Records	688,606	270,746	117,622	97,513	74,983	238,324	4,123	58,189	296,513	42,486	0	0	0	0	2,199,135	803,314
Classification	202,781	158,449	75,909	20,750	42,447	216,351	0	6,016	222,369	0	0	0	0	310,027	945,075	513,907
Counselors	0	388,385	111,207	1,000	396,440	449,331	0	0	449,331	40,490	21,023	0	0	0	1,855,207	1,344,363
A & D Intervention	0	0	0	0	0	0	0	0	0	0	0	0	0	0	645,217	645,217
Facility Security	16,677	168,900	55,517	24,130	8,648	197,725	6,482	5,037	202,762	409	0	0	0	0	923,522	1,609,804
Court Guards	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1,804,057	459,402
Transport	34,971	105,018	23,525	14,038	17,314	68,625	8,728	8,369	96,994	0	0	1,804,057	0	0	1,299,358	257,245
Corrections Administration	128,759	318,139	76,073	43,311	63,112	279,833	24,177	24,278	304,109	30,210	5,794	47,428	23,707	49,392	1,418,319	804,644
Corrections Health	502,897	2,616,476	217,054	38,762	81,479	1,767,870	88,663	0	1,767,870	0	0	13,619	0	0	7,074,490	4,790,304
Total of Support Costs	2,115,666	4,785,202	890,349	359,524	635,205	4,041,156	180,706	130,777	4,171,933	128,878	226,201	1,865,104	925,485	1,928,156	63,483,838	11,092,344
Indirect & Administrative Costs																
Executive Office	60,773	150,157	35,905	20,442	29,788	132,077	11,411	11,458	143,535	14,259	2,735	22,345	11,189	23,312	669,427	379,781
Inspections	23,773	58,738	14,045	7,997	11,852	51,666	4,464	4,482	58,148	5,378	1,070	8,757	4,377	9,119	261,666	148,562
Admin. Services Admin.	25,577	63,197	15,111	8,603	12,537	55,587	4,803	4,822	60,410	6,001	1,151	9,421	4,709	9,611	281,742	159,838
Personnel	28,134	71,984	17,213	9,600	14,280	63,316	5,470	5,493	68,809	6,836	1,311	10,731	5,384	11,176	320,917	182,063
Planning and Research	26,833	65,805	15,735	8,959	13,054	57,882	5,001	5,021	62,903	6,249	1,199	9,610	4,904	10,216	293,370	166,435
Training	12,887	31,841	7,614	4,335	6,317	28,007	2,420	2,430	30,437	3,024	560	4,747	2,373	4,943	141,952	80,533
Office Automation	31,601	78,079	16,670	10,630	15,489	68,678	5,934	5,958	74,636	7,414	1,422	11,640	5,818	12,122	348,091	197,480
Management and Fiscal Services	27,887	68,904	16,476	9,380	13,669	60,607	5,238	5,258	65,865	6,543	1,255	10,272	5,135	10,697	307,185	174,273
Payroll	11,997	29,642	7,088	4,035	5,880	26,073	2,253	2,262	28,335	2,815	540	4,419	2,209	4,602	132,151	74,972
Equipment	26,620	65,772	15,727	8,954	13,048	57,852	4,998	5,019	62,871	6,246	1,198	9,605	4,901	10,211	293,221	166,351
ISD Data Processing Costs	194,084	322,841	68,666	38,720	73,137	287,910	14,544	22,018	289,927	29,121	6,371	27,877	13,935	75,712	1,480,642	821,818
Subtotal of Administrative Costs	470,944	1,006,960	250,251	149,654	208,651	889,656	66,534	74,220	943,876	94,084	18,831	129,865	64,913	181,923	4,530,764	2,552,105
Indirect Costs	38,742	58,463	17,160	8,485	16,644	58,942	2,949	3,751	62,693	3,974	4,693	20,017	41,705	1,218,911	164,663	
Total of Administrative & Indirect Costs	509,686	1,065,423	267,412	158,139	225,294	928,598	69,483	77,972	1,006,570	98,058	23,724	169,911	84,930	223,627	5,749,675	2,716,769
Less Revenue (if applicable)																
Grand Total	38,062,792	116,101,432	23,454,200	11,531,683	12,471,211	114,127,814	11,015,303	184,262	115,199,028	11,277,400	124,925	12,391,215	11,010,395	12,151,786	1110,132,224	538,981,134
Per Diem Cost Per Bed Day																
Beds		430	190	70	120	559	50		609	200	15					
Direct Cost Per Bed Day		65.31	33.11	39.66	36.58	44.88	41.61		45.08	14.39	0.00					1419
Support Cost Per Bed Day		30.49	12.84	14.07	19.07	19.61	9.90		18.77	1.77	41.32					48.60
Administrative & Indirect Cost Per Bed Day		6.79	3.88	6.20	5.19	4.55	3.61		4.53	1.34	4.33					21.42
Total Cost Per Bed Day		\$102.59	\$49.81	\$59.95	\$60.85	\$69.04	\$55.12		\$68.38	\$17.50	\$45.65					\$75.26
Booking Cost Allocated To Beds																
Bookings per day (1994-95)	97															
Cost per inmate processed	\$14															
Cost of Booking and Release allocated to "hard" beds		1,837,210	811,790	299,041	512,710	2,388,373	213,629									8,062,762
Cost of Facilities with Booking and Release allocated to "hard" beds		17,938,642	4,285,990	1,830,744	2,583,921	16,516,167	1,226,932									45,043,926
Cost Per Bed Day		\$114.30	\$81.31	\$71.65	\$68.13	\$80.95	\$67.23									\$88.97
*One: Functions included in the Corrections budget are warrant processing, the alcohol and drug program, Jail Security, and Facility Security at the Library, The McCoy Bldg, and PPR's portion of the Justice Center																