

## BOARD OF COMMISSIONERS



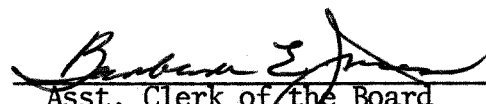
## MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
ROOM 605, COUNTY COURTHOUSE  
1021 S.W. FOURTH AVENUE  
PORTLAND, OREGON 97204

GLADYS McCOY • Chair • 248-3308  
PAULINE ANDERSON • District 1 • 248-5220  
GRETCHEN KAFOURY • District 2 • 248-5219  
CAROLINE MILLER • District 3 • 248-5217  
POLLY CASTERLINE • District 4 • 248-5213  
JANE MCGARVIN • Clerk • 248-3277

TO WHOM IT MAY CONCERN:

On this date, I made copies of the Board of County Commissioners meeting tapes, and forwarded them to Commissioner Casterline for review. Meeting date December 20, 1988. Sent December 22, 1988.

  
Asst. Clerk of the Board

BJ

NAME	<u>Pat Brown</u>	Date	<u>12-21-88</u>
ADDRESS	<u>1546 SE 138<sup>th</sup> Ave</u>		
	Street		
	<u>97233</u>		
	City		Zip
I wish to speak on Agenda Item # <u>R-1</u>			
Subject _____			
____ FOR		____ AGAINST	
<u>R-6</u>		<u>R-1</u>	



# MULTNOMAH COUNTY OREGON

49-50; 58-61  
J162

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December 20, 1988

Ms. Linda Alexander, Director  
Department of General Services  
1120 SW Fifth  
Portland, OR

Dear Ms. Alexander:

Be it remembered, that at a meeting of the Board of County Commissioners held December 20, 1988, the following action was taken:

Continued First Reading - An Ordinance referring )  
amendments to the Multnomah County Home Rule )  
Charter to the voters of Multnomah County (re- )  
garding Compensation - elected officials, and )  
establishing the office of County Auditor) R-1 )

Copies of the above-entitled Ordinance was available to all persons wishing a copy. Ordinance was read by title only.

A hearing was held.

Commissioner Kafoury moved, duly seconded by Commissioner Anderson, that the above-entitled matter be approved.

Hank Miggins, County Chair's Executive Officer, submitted a revised Ordinance for Board consideration. He said that the revision establishes 1991 as the date for completion of qualifications for the incumbent auditor; and stated that Commissioner Kafoury had proposed an amendment to change the wording to say, "effective 1991, the person assuming office would have one full year in which to qualify".

Commissioner Kafoury stated that there has been a lot of controversy about the wording of the statement, but it was the Board's consensus that they wished to grandparent the present auditor so he would not become ineligible too quickly. The Legislature changed the requirements for the election of the Sheriff, so that the Sheriff need not be BPSP (Bureau of Police Standards) certified until one year after taking office. She suggested that the Board add language conforming to ORS 206.015 in sub (3) . . "Auditor will

become vacant when the person serving as auditor is not certified within one year after taking office." This language would then be consistent throughout, and therefore would apply to any auditor in the future. From the time of filing, the person would have one year and nine months to qualify. Mr. Ivancie, the incumbent Auditor, would then have until January 1992 to qualify (3 years).

Commissioner Casterline asked Mr. Miggins if he feels Mr. Ivancie can reasonably be certified within that time frame.

Mr. Miggins said that Mr. Ivancie could complete all the requirements for a CIA (Certificate in Accounting), but he was not sure there was enough time to obtain a CPA (Certified Public Accountant) certificate.

Commissioner McCoy asked that personalities not be considered when discussing language for the ordinance, because it is the policy that will allow the office to proceed in an orderly fashion rather than the individual need. She asked if the person did not meet qualification deadlines, would the position then become vacant.

Commissioner Kafoury answered yes, and said that is the existing language.

Laurence Kressel, County Counsel, asked where in the ordinance, the new language is to be placed in the draft ordinance.

Following discussion, Mr. Kressel requested five minutes to write the correct language for the substitution. The Board concurred.

Following discussion, Commissioner Anderson stated that another election might have to be held if the auditor did not complete the qualifications within one year.

Commissioner Kafoury stated that the same situation exists now with the Sheriff.

The Board decided to continue with the agenda until Mr. Kressel returns with the new language.

At this time, Commissioner McCoy stated that the Board would consider R-3 and postpone further action on matters affecting the auditor.

At this time, Commissioner Kafoury and Commissioner Anderson withdrew the motion and second respectively.

\* \* \* \* \*

The following discussion was held later in the meeting:

Commissioner Kafoury moved approval of the ordinance including using the language offered by Jewel Lansing.

Mr. Kressel advised that the amendment must be more clear.

Upon explanation by Hank Miggins, Chair's Executive Officer, regarding preparation of the substitute document, Commissioner Kafoury withdrew her motion.

At this time, Commissioner McCoy requested the Board continue with R-2 while the document is prepared for consideration.

The Board concurred.

\* \* \* \* \*

The following discussion was held later in the meeting:

Laurence Kressel, County Counsel, advised the Board to mark the substitute ordinance as just submitted by Hank Miggins, Chair's Executive Officer, by adding 12/20/88:1 at the end of the document; and added this should identify the copy being considered.

Copies of the substitute ordinance were available to those persons wishing them.

Commissioner Kafoury noted there are copies of the ordinance and two pages of amendments.

Mr. Kressel requested the title be read, with amendments following.

Mr. Miggins read the proposed ordinance title, and the CAPTION, QUESTION, and STATEMENT OF PURPOSE for the proposed Ballot Title.

Mr. Kressel explained the language read by Mr. Miggins is an amendment to the proposed ordinance, and would be amending SECTION 2 and replaces the entire Section. He advised the word "must" should be deleted from the amended language in the amended STATEMENT OF PURPOSE line 3. This deletion will bring the statement in compliance with the required number of words for placement on the ballot.

Commissioner Kafoury moved approval of the substitute ordinance, duly seconded by Commissioner Anderson.



Upon motion of Commissioner Kafoury, duly seconded by Commissioner Anderson, it is unanimously

ORDERED that the amendment as read by Mr. Miggins, and the deletion of the word "must" from the STATEMENT OF PURPOSE be approved.

Mr. Kressel noted that there is another proposed amendment to Section I Ms. Lansing wishes to address.

Ms. Lansing read proposed amendment language for Section 8.10(2) of the Charter amendment.

Commissioner Kafoury moved approval of the amendment, duly seconded by Commissioner Anderson.

Dan Ivancie, County Auditor, read a statement in which he stated that he feels elected office should be open to those interested in serving the public. It is not required that the Secretary of State be experienced because it is a supervisory position of the State Audit Division, which conducts audits on State agencies, and few Auditors, nationally, have audit experience. He feels that there has been little public discussion of the proposed ordinance, and that a state of emergency does not exist which would require immediate action on this measure. He feels that the County Auditor should be knowledgeable regarding how County government operates, and have administrative skills. If requirements for certification are required for the Auditor, the same measures should be applied to other elected officials.

Commissioner McCoy expressed her view, that the Auditor should understand what the standards of the Auditing Office are, and how they are to be followed; and that at the present time, there is no requirement that any person in the Auditor's Office be certified in accounting. Therefore there is the possibility, that if the situation continues, a new Auditor, without accounting experience, could fire all previous Auditor's staff, and replace them with staff who have no accounting experience whatsoever. She suggested that the Board should require either the Auditor or the Deputy Auditor be credentialed in the field of accounting; and said that she feels requiring the Auditor to be certified will assure the County the Office will meet State Auditing Standards. She assured the Board there was no intent to make it difficult for the incumbent, but only to establish a policy to prevent the Auditor's office from being vacant, and to set standards for the Office of the Auditor.

Georgene Bailey, Deputy County Auditor, testified that she supports the amendment, but commented 1) the primary function of the Auditor's Office is to conduct performance audits, and that the Auditor legally needs to be certified only if expressing an opinion on

financial statements; 2) limiting candidates to only those who are certified, locks out all potential candidates except those who have past experience in conducting performance audits who are effective managers. She gave examples where this requirement might be a hindrance to good candidates, and requested the Board consider her comments.

Ms. Lansing pointed out that there is a difference in an office that has no other responsibility except conducting audits, such as the office of the Secretary of State and the Auditor General of the State of California. In a small office of only five, it is important that the Auditor be a working member of that staff. The larger the office, the more need for management skills. The move nationwide is for greater qualifications of auditors, and as the techniques of auditing become more complex, governmental auditing standards become more strict. There are only four Auditors in the country who directly do auditing, the rest are finance officers who usually have a deputy auditor who supervises that section of their office (50-100 people per office). The four offices that have elected Auditors are Multnomah, and Washington Counties, the City of Portland, and the City of Oakland, California. The only one of these four not requiring a certified auditor is Multnomah County. She feels that the office is best served in the long run by having those professional qualifications required. The profession is becoming more complex and technical, and she feels there is a danger in not changing the Charter because of the possibility of having people involved in auditing who do not understand standards of governmental auditing which are difficult to monitor. It is important to be fair to the newly elected auditor, and to allow time for him to become certified. She urged the Board to approve the ordinance and allow voters to make the change.

Commissioner Anderson questioned whether or not performance auditing would assist the new auditor in qualifying as a CIA or CPA.

Ms. Lansing said that the Charter states the County Auditor does financial auditing, and therein lies the danger, in that there is a tendency to get away from financial auditing not covered in the scope of the outside auditor. State law requires all municipalities have an outside audit every year, but there is a high threshold of financial matters which they do not look at even though the Charter requires the County Auditor look to that kind of auditing. Eighty hours of ongoing training is required of County Auditors every two years, and certification requires education be ongoing.

At this time the motion was considered, and it is unanimously

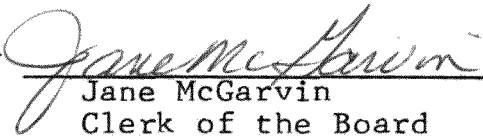
ORDERED that Amendment to Charter 8.10(2) second sentence be amended to read, "On or before January 1, 1991, the auditor shall be a certified public accountant or certified internal auditor, at the time of taking office, the person elected or appointed to the office must obtain such certification not later than one year after taking office. The office of auditor shall become vacant when the person serving as auditor ceases to be certified, or in 1991, is not certified within one year after taking office. Effective upon certification, the salary for the auditor shall be four-fifths of a District Court Judge's salary."

At this time the main motion was considered, and it is unanimously

ORDERED that the First Reading of the above-entitled ordinance as amended be approved, and the second reading be heard Tuesday, December 27, 1988 at 9:30 a.m. in Room 602 of the County Courthouse.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By   
Jane McGarvin  
Clerk of the Board

jm  
cc: County Counsel  
Elections  
Auditor

Rev -

[underlined language is new; bracketed language is to be deleted]

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

An ordinance referring amendments to the Multnomah County Home Rule Charter to the voters of Multnomah County.

Multnomah County ordains as follows:

SECTION 1.

There shall be submitted to the voters of Multnomah County at the election on March 28, 1989, an amendment to the Multnomah County Home Rule Charter as follows:

The Multnomah County Home Rule Charter Chapters IV and VIII are amended by adding the underlined language:

CHAPTER IV -- COUNTY OFFICERS IN GENERAL

4.30 COMPENSATION

Except as provided in Section 8.10 (2) the compensation of all holders of elective office of Multnomah County shall be fixed by the registered voters of Multnomah County at a Primary or General Election only. The auditor shall appoint a five member salary commission, composed of qualified people with personnel experience, by January 1, 1986, and by January 1 in each even year thereafter. The commission's salary adjustment recommendations, if any, for elected officials shall be submitted to the voters at each subsequent primary election. All elected or appointed Multnomah County officials and employees are prohibited from serving on the salary commission.

CHAPTER VIII --FINANCE

8.10 AUDITOR

- (1) The office of the county auditor is hereby established.
- (2) At the general November election in 1966 and at the general November election every four years thereafter an auditor shall be elected. After December 31, 1990, the



auditor shall be a certified public accountant or certified internal auditor. Candidates shall be certified as such at time of filing and remain certified throughout the term of office, if elected or appointed. If an auditor is elected without such qualifications or ceases to have the same, the office shall immediately become vacant. Notwithstanding the above, a candidate shall be qualified to run for the office of auditor at the election to be held in November 1990 if, prior to the filing deadline for that election, the candidate has passed three parts of the national certified internal auditor examination. Such a candidate, if elected by the voters, shall only be qualified to take office on January 1, 1991, if, prior to that date, the candidate has passed the fourth part of the certified internal auditor examination or has completed the required certification experience. Effective January 1, 1991, the salary for the auditor shall be four-fifths of a District Court Judge's salary.

SECTION 2.

The ballot title for the measure in Section 1 shall read:

- CAPTION -

CHARTER AMENDMENT RELATING TO QUALIFICATIONS AND SALARY FOR COUNTY AUDITOR.

- QUESTION -

After December 31, 1990, shall qualifications and salary for County Auditor be increased?

- STATEMENT OF PURPOSE -

Current Charter does not require Auditor to be certified public accountant or certified internal auditor. Amendment would add requirement that a candidate for Auditor to be elected at the general election in November 1990 must be either certified public accountant or certified internal auditor. Current Charter also provides that voters set auditor's salary. Amendment would set auditor's salary as four-fifths of a District Court judge's salary.

SECTION 3.

The Director of Elections shall cause the election on the measure to be held in accordance with law.

ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 1988, being the date of its second reading before the Board of County Commissioners of Multnomah County.

BOARD OF COUNTY COMMISSIONERS  
OF MULTNOMAH COUNTY, OREGON

( S E A L )

By \_\_\_\_\_  
Gladys McCoy, County Chair

APPROVED AS TO FORM:

\_\_\_\_\_  
Laurence Kressel, County Counsel

The following language would replace the language in the draft of 8.10(2) starting with "After December 31, 1990" and ending with "shall immediately become vacant." This amendment is offered by Jewel Lansing. 12/20/88

(2) At the general November election in 1966 and at the general November election every four years thereafter an auditor shall be elected. On or before January 1, 1991, the auditor shall be a certified public accountant or certified internal auditor, subject to the following provision. For the 1990 election only, if a person is not a certified public accountant or certified internal auditor at the time of taking office, the person elected or appointed to the office must obtain such certification not later than one year after taking office. The office of auditor shall become vacant when the person serving as auditor is not certified within one year after taking office. Effective January 1, 1991, the salary for the auditor shall be four-fifths of a District Court Judge's salary.

SECTION 2.

The ballot title for the measure in Section 1 shall read:

- CAPTION -

CHARTER AMENDMENT RELATING TO QUALIFICATIONS AND SALARY FOR COUNTY AUDITOR.

- QUESTION -

Shall county auditor be a certified public accountant or certified internal auditor with appropriate salary by December 31, 1991?

- STATEMENT OF PURPOSE -

Current Charter does not require Auditor to be certified public accountant or certified internal auditor. Amendment would add requirement that , as of January 1, 1991, candidate for Auditor ~~must~~ be certified public accountant or certified internal auditor. For 1990 elections only, Auditor would have one year after taking office to obtain certification. Current Charter also provides that voters set auditor's salary. Amendment would set auditor's salary as four-fifths of District Court judge's salary once Auditor certified.

*Approved  
12/20/88*

*R-1*

The following language would replace the language in the draft of 8.10(2) starting with "After December 31, 1990" and ending with "Judge's salary." This amendment is offered by Jewel Lansing.12/20/88

(2) At the general November election in 1966 and at the general November election every four years thereafter an auditor shall be elected. On or before January 1, 1991, the auditor shall be a certified public accountant or certified internal auditor, subject to the following provision. For the 1990 election only, if a person is not a certified public accountant or certified internal auditor at the time of taking office, the person elected or appointed to the office must obtain such certification not later than one year after taking office. The office of auditor shall become vacant when the person serving as auditor ceases to be certified, or in 1991, is not certified within one year after taking office. Effective upon certification, the salary for the auditor shall be four-fifths of a District Court Judge's salary.

*Approved  
12/20/88*

34186



Higgins/Hansraj

12-20-98

Proposed

Question: Shall County Auditor  
be required to be a certified public  
accountant or certified internal auditor  
with commensurate salary effective 1991?

(20)

Makes changes to conform to state law:

1. Changes time frame for DA to draft a ballot title for an initiative or referendum petition. Currently 5 calendar days changed to 5 business days.

Sections II, VII

2. Redefines the structure of ballot titles.

Sections II, VII

3. Requires the elections officer to publish notice of receipt of a ballot title and the period of time available for challenge.

Sections III, VII, X

4. Changes time frame for a person to challenge a ballot title. Currently 5 calendar days changed to 7 business days.

Sections IV, VII, X

New County provisions:

1. Requires a person who files a challenge to a ballot title to also give notice to the elections office.

Sections IV, VII, X

2. Clarifies that signatures on petitions must be verified before the petition can be filed.

Sections V, IX

3. Repeals the provision which allows changes to voters pamphlet arguments after the filing deadline.

Section VI

4. Changes the threshold for number of signatures needed before a petition can be random sampled. Currently need 15,000 change to sampling in a manner approved by the Secretary of State.

Section IX

5. Provides that publication requirements for polls, etc. do not apply when the election is conducted by mail.

Section XII

Jewel Lansing, CPA  
3333 S. W. Arnold  
Portland, OR 97219  
246-6022

November 23, 1988

BOARD OF  
COUNTY COMMISSIONERS  
1988 DEC 19 AM 10:55  
MULTNOMAH COUNTY  
OREGON

Chair Gladys McCoy  
Commissioner Pauline Anderson  
Commissioner Polly Casterline  
Commissioner Gretchen Kafoury  
Commissioner Caroline Miller  
Commissioner-elect Rick Bauman

Re: Report to Board upon Completion of County Auditor Contract

Since Dan Ivancie will be sworn in as newly-elected Auditor next week, my half-time contract to provide management and information services to the County is complete. This memo represents a report to the Board regarding my activities under the contract. Attachments A, B, and C discuss future charter change proposals you may wish to consider.

One of my major projects has been the drafting and discussing of proposed charter and code provisions affecting the County Auditor's office. On November 2, I sent you a letter recommending charter changes to clarify responsibility and authority in the event of vacancies in elected officials' terms. I hope you will address these issues for a March 1989 charter amendment vote. My letter also contained a proposed draft ordinance to specify understanding for how the County Auditor's audit function will be carried out. Attachments to today's letter discuss proposals to:

- A -- Require qualifications of future County Auditors;
- B -- Assign the County Auditor responsibility for monitoring the work of outside auditors (contingent on A); and
- C -- Prohibit the Auditor from running for other County office without resigning.

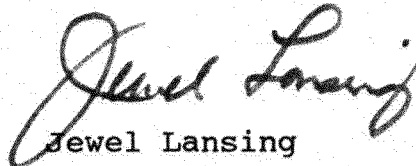
I would be glad to testify at a Board hearing on any of these topics if my schedule permits.

Another of my activities during the contract period was informing candidates and new Auditor regarding County Auditor duties and governmental auditing standards. (It is very strange to have an elective office requiring no special qualifications for which the person elected is required to follow professional

standards!) I also met with the Auditor's Citizens Budget Advisory Committee two times. I notified auditors at the city, county, regional, state, and national level of the Multnomah County Auditor changeover and secured their assistance on various projects. I spent time with CPA auditors on contract to Metro who are outlining a proposed performance audit program for that agency. The Internal Audit Division of the City Auditor's office shared their computerized project-analysis software program with the County Auditor's office staff.

Because of my temporary and tentative status at the County Auditor's office, my involvement in the four audits currently in process was limited to on-call advice. Other activities were varied. In general, I kept abreast of County activities on behalf of the Auditor's office to keep the audit staff free from administrative and bureaucratic chores. I attended selected Board work sessions, including those on the joint programs of Clackamas and Multnomah County Commission regarding a catalogue of County services, the County's legislative agenda meetings, and some Justice Services planning meetings.

I have appreciated the opportunity to be of service, and wish incoming Auditor Dan Ivancie every success.

  
Jewel Lansing

JL:st

Attachments

cc: Auditor-Elect Dan Ivancie  
Auditor's Budget Advisory Committee  
County Counsel Larry Kressel

Report to Board of County Commissioners  
Jewel Lansing, CPA  
November 23, 1988

Attachment A  
Page 1 of 4

PROPOSED HOME RULE CHARTER AMENDMENT re QUALIFICATIONS  
(New language underlined)

CHAPTER VIII -- FINANCE

8.10 AUDITOR

(1) The office of county auditor is hereby established.

(2) At the general November election in 1966 and at the general November election every four years thereafter an auditor shall be elected. The auditor shall be a certified public accountant or certified internal auditor. Candidates shall be certified as such at time of filing and remain certified throughout the term of office, if elected or appointed. If an auditor is elected without such qualifications or ceases to have the same, the office shall immediately become vacant. The salary for the auditor shall be four-fifths of a District Court Judge's salary.

CHAPTER IV -- COUNTY OFFICERS IN GENERAL

4.10 QUALIFICATIONS

(1) ....Additional requirements for auditor candidates are noted at Section 8.10 (2).

4.30 COMPENSATION Except as noted in Section 8.10 (2), ....

CHAPTER XIII -- TRANSITION

13.30 AUDITOR. Prior to 1991, candidates who have passed the national examination for certified public accountant or three parts of the certified internal auditor examination by the filing deadline shall be qualified under Section 8.10(2) if the fourth part of the CIA examination and/or required certification experience are completed by the beginning of the term of office.



Report to Board of County Commissioners  
Jewel Lansing, CPA  
November 23, 1988

Attachment A  
Page 2 of 4

#### DISCUSSION OF AUDITOR QUALIFICATIONS PROPOSAL

The public would be best served, I believe, by requiring CPA or CIA credentials of future elected Auditors. The profession of governmental auditing grows more sophisticated and complex each year. Revised Generally Accepted Government Auditing Standards were issued by the U. S. General Accounting Office earlier this year. The county charter requires adherence to these standards, but leaves to chance the election of a knowledgeable auditor to enforce them. Most arguments for requiring additional qualifications of candidates for Sheriff and District Attorney apply equally to the Auditor.

A Washington County Charter amendment adopted May 1980 providing for an elected County Auditor specifies at Section 43(e): "There shall be an elected, non-partisan county auditor. At the time of election the auditor shall hold the designation of certified public accountant or be a certified internal auditor. His term of office shall be four years and be concurrent with the chairman of the board. Compensation for the county auditor shall be eighty percent of the salary of a District Court Judge."

The Guidelines and Model Authorizing Legislation Regarding Audit of Local Governments published in May 1987 by Local Government Audit Representatives to the National Intergovernmental Audit Forum propose: "If the auditor is not a Certified Public Accountant (CPA), he or she shall appoint at least one deputy who is certified as a CPA."

The City of Portland charter was amended by the voters in May 1984 (Section 2-501) to read: "There shall be an Auditor of the City of Portland who shall possess the same qualifications required of a Commissioner, and in addition, shall at the time of filing a declaration of candidacy, or a nominating petition for the office of Auditor be a Certified Public Accountant and remain certified

ATTACHMENT A

Report to Board of County Commissioners  
Jewel Lansing, CPA  
November 23, 1988

Page 3 of 4

DISCUSSION OF AUDITOR QUALIFICATIONS - continued

as such throughout the term of office, if elected. If an Auditor shall be elected without such qualifications or shall cease to have the same, the office shall immediately become vacant." (This amendment passed by more than a three-to-one margin.)

Occasionally someone suggests that a master's degree or equivalent be included as an alternative to CPA or CIA certification as a County Auditor qualification. I oppose such language because many master's degrees are irrelevant to the work of the Auditor's office, and determining which degrees and degree-granting institutions would be acceptable requires subjective judgement and a ponderous structure to enforce. For example, if a public administration degree, why not business? Economics? Political Science? Mathematics? Law? Etc. Who decides?

As an example of potential difficulties, consider the former Portland Charter requirement that the Auditor be "an expert accountant." Incumbent Auditor Ray E. Smith faced no opposition in the May 1970 primary and "appeared to be on his way to certain re-election to his fourth term. His death by heart attack (on) August 15, just 10 days before the filing deadline, brought on a rush of candidates." (Oregon Journal, October 29, 1970)

In response to candidate and Oregonian demands, City Attorney Marion Rushing issued the following opinion dated November 2, 1970: "...While...the City Charter provides that the Council is the judge of the qualifications and election of its own members, the City Auditor is not a member of the City Council....The degree of expertness in accounting required of the City Auditor is not a matter for Council determination and final decision concerning any contest on qualification of expert accountant must be left to the courts....No cases have been found construing the Portland City Charter in this regard. No cases in other jurisdictions have been found helpful. Therefore any court interpretation would have to come from litigation initiated in the future, if such decision is sought." (In other words, a losing candidate or other interested party would have had to initiate a lawsuit to clarify this provision.)

Report to Board of County Commissioners  
Jewel Lansing, CPA  
November 23, 1988

ATTACHMENT A  
Page 4 of 4

DISCUSSION OF AUDITOR QUALIFICATIONS -- continued

Because of the misunderstandings and misinterpretations which would surely occur if qualifications requirements were adopted which could be interpreted different ways, I urge that professional auditing certification be the only basis for qualification as a future County Auditor.

The CPA and CIA credentials are both nationally-recognized credentials which would, in my opinion, be suitable for the Multnomah County Auditor. Both are directly relevant to the job, are clearly definable, and are verifiable at time of filing with no subjective evaluation required. Further, I believe this kind of proven financial expertise is needed in the Auditor's office.

While newly-elected Auditor Dan Ivancie is not certified, he has a degree in business and his experience in the County Auditor's office would make him eligible to obtain certification as a Certified Internal Auditor in two years. (Work in the County Auditor's office would not presently qualify for CPA certification because it is not performed under the supervision of a CPA). Proposed Transition Section 13.30 is specifically modeled to allow an opportunity for the new Auditor to become certified and seek re-election if he chooses to do so. He could meet the proposed requirements by passing three parts of the CIA exam in 1989 (by the March 1990 filing deadline,) and the fourth part during 1990.

The salary provision in Section 8.10(2) is a necessary adjunct to the qualifications requirement package. It would be unusual for a qualified CPA or CIA to seek this office at the current salary level. If additional qualifications are required of the County Auditor, the charter should provide for commensurate salary. A stipulation in the Washington County charter that the elected Auditor receive four-fifths of a District Court judge's salary is reasonable and has worked well. I recommend that professional qualifications not be required without providing adequately for the Auditor's salary.

Report to Board of County Commissioners  
Jewel Lansing, CPA  
November 23, 1988

Attachment B

PROPOSED HOME RULE CHARTER AMENDMENT re  
MONITORING THE WORK OF EXTERNAL AUDITORS

8.10 AUDITOR (New language underlined)

(5) The auditor shall coordinate and monitor the annual audit of the county's financial statements by external independent auditors specified by state law. The county auditor shall appoint the firm to conduct this audit with the approval of the board of county commissioners.

DISCUSSION:

If professional certification is required of the Auditor as proposed in Attachment A, I recommend you consider placing responsibility with the County Auditor for coordinating and monitoring the annual financial audit required by state law. Since the County Finance Office under the County Chair is the primary auditee of the annual external audit, having a different office coordinate the selection of the CPA firm to perform the audit and to monitor its performance would provide a better system of checks and balances.

The local government auditors' model guidelines state, "Subject to consultation with the [GOVERNING BODY] the auditor shall appoint external Certified Public Accountants to conduct certified financial statement audits, as specified by state or local law. The auditor shall coordinate and monitor the conduct of, and responses to, external financial statement audits. The auditor shall work toward the elimination of duplicative audit work through cooperation with state and federal auditors."

The City of Portland charter was amended in 1986 to provide, in Section 2-505: "The Auditor...shall coordinate and monitor the annual audit of the City's financial statements by external independent auditors." Section 7-106 says: "At the close of each fiscal year the books and accounts and financial affairs and transactions of the City shall be audited by an independent licensed public accountant or firm of accountants appointed by the City Auditor with the approval of Council."

Report to Board of County Commissioners  
Jewel Lansing, CPA  
November 23, 1988

Attachment C

PROPOSED HOME RULE CHARTER AMENDMENT re  
AUDITOR NOT RUNNING FOR OTHER COUNTY OFFICE DURING TERM  
(New language underlined)

8.10 AUDITOR

(2)....The auditor shall not run for any other county elected office during his or her term. The act of filing for another county office will be the same as a resignation, effective as of date of filing.

DISCUSSION:

The County Auditor's office should be as removed from politics as possible. And the appearance of objectivity is nearly as important as independence in fact. I believe the County Auditor's credibility would be strengthened if the Auditor were required to resign before running for any other Multnomah County office.

While the County Charter forbids any County elected official from filing for any other elective office in mid-term [such filing constituting a resignation -- Section 6.50(5)], a provision is needed for the last year of the Auditor's term, and to govern in the event Section 6.50(5) is deleted. Prohibiting the Auditor from running for any other Multnomah County office while maintaining audit jurisdiction is the important concept here.

The model guidelines for local government auditors state: "Filing for another elective office over which the auditor has audit jurisdiction will be the same as resignation, effective as of date of filing."

The City of Portland charter was amended by the voters in May 1986 to state: "The Auditor shall not run for election to any other City office during his or her term. The act of filing for another City office will be the same as a resignation, which shall be effective as of the date of such filing." The other elected officials in City Hall were pleased with this provision. I believe it has fostered trust between the Auditor and other elected officials, whose cooperation is needed if the audit function is to realize its full potential in local government.



PRESS LIST

DATE 12/14/88

THE FOLLOWING WERE CALLED THIS DATE REGARDING:

- a) Meeting 12/15/88 — Unan Consent - 2 ord.  
b) Executive Meeting \_\_\_\_\_ Auditor / VACANCY - elected  
c) Other \_\_\_\_\_ Office

Signed B. J. [Signature]

✓ KOIN	Channel 6	243-6614	Assignment Desk
✓ KGW	Channel 8	226-5111	Assignment Desk
✓ KATU	Channel 2	231-4260	Assignment Desk
✓ KPTV	Channel 12	222-9921	News Desk
✓ KEX	1190 A.M.	222-1929	Newsroom/Message
✓ KSGO	1520 A.M.	223-1441	News Desk
✓ KXL	750 A.M.	231-0750	Newsroom/Message
✓ KGW	62 A.M.	226-5095	News Desk
✓ K-103 FM		643-5103	Newsroom
✓ KXYQ - 105		226-6731	
✓ OREGONIAN		221-8566	Harry Bodine
✓ GRESHAM OUTLOOK	w/call	665-2181	Robin Franzen
✓ SKANNER	w/call	287-3562	Patrick Mazza
✓ CABLE	w/call	667-7636	

12-20-88

~~Handwritten~~  
Dan Swancie's Speech

ELECTED OFFICE SHOULD BE OPEN TO THOSE INTERESTED IN SERVING THE PEOPLE. WE DON'T REQUIRE THE SECRETARY OF STATE TO HAVE AUDITING EXPERIENCE. THE PRIMARY FUNCTION OF THE SECRETARY OF STATE IS THE SUPERVISION OF THE STATE AUDIT DIVISION, WHICH CONDUCTS AUDITS ON STATE AGENCIES. THROUGHOUT THE UNITED STATES FEW ELECTED AUDITORS HAVE YEARS OF TECHNICAL EXPERIENCE. IN ORDER FOR SUCH A DRASTIC MEASURE TO BE ACHIEVED, EXTENSIVE PUBLIC DISCUSSION IS IN ORDER.

THE EXTENT OF DISCUSSION HAS BEEN VERY LIMITED. THE SKILLS OF THE COUNTY AUDITOR'S POSITION IS WELL SUITED FOR SOMEONE WITH STRONG LEADERSHIP AND ADMINISTRATION SKILLS -- NOT SOMEONE WITH LIMITED TECHNICAL BACKGROUND. THE COUNTY AUDITOR MUST HAVE A STRONG UNDERSTANDING HOW COUNTY GOVERNMENT WORKS.

SETTING EXTREME QUALIFICATIONS FOR PEOPLE IN ELECTED OFFICES HAS THE EFFECT TO DISCOURAGE PEOPLE TO RUN FOR OFFICE. ~~and limits the~~ *and in fact, looks out* THOSE OF US IN *many* COUNTY GOVERNMENT HAVE AN OBLIGATION TO INCREASE POLITICAL *who could* PARTICIPATION, NOT DISCOURAGE IT. MY PREDESSOR, ANNE KELLY-FEENEY *serve the* IS AN EXAMPLE OF A NON-TECHNICIAN WHO HAS PERFORMED ABLY FOR THE *county* AS WELL AS *as well as* COUNTY. *if*

*not better than  
someone with these  
certifications.*

OUR SECRETARY OF STATE, BARBARA ROBERTS, IS NOT A PROFESSIONAL AUDITOR BY BACKGROUND, BUT SHE HAS DONE A FINE JOB OF MANAGING THE AUDIT FUNCTION FOR THE STATE OF OREGON.

12-20-18 ~~GB~~ Georgene Bailey's speech

GOOD AFTERNOON, COMMISSIONERS. I AM GEORGENE BAILEY, DEPUTY AUDITOR FOR MULTNOMAH COUNTY. I NEITHER SUPPORT NOR OPPOSE THE MEASURE BEFORE YOU; HOWEVER, I DO WANT TO MAKE TWO POINTS THAT I BELIEVE YOU SHOULD CONSIDER IN MAKING YOUR DECISION.

(1) THE PRIMARY FUNCTION OF THE COUNTY AUDITOR'S OFFICE IS THE CONDUCT OF PERFORMANCE AUDITS. LITTLE IN THE EDUCATION, EXPERIENCE, AND EXAMINATION REQUIREMENTS FOR EITHER THE CERTIFIED INTERNAL AUDITOR OR THE CERTIFIED PUBLIC ACCOUNTANT DIRECTLY RELATE TO THE KNOWLEDGE, SKILLS, AND EXPERIENCE NECESSARY FOR DOING AND DIRECTING EFFECTIVE PERFORMANCE AUDITS. IN FACT, THE STANDARDS FOR AUDIT OF GOVERNMENTAL ORGANIZATIONS, PROGRAMS, ACTIVITIES, AND FUNCTIONS (COMMONLY REFERRED TO AS THE "YELLOW BOOK") REQUIRES A KNOWLEDGE OF METHODS AND TECHNIQUES APPLICABLE TO GOVERNMENT AUDITING. . . AND SKILLS APPROPRIATE FOR THE AUDIT WORK BEING CONDUCTED. UNDER THE STANDARDS, A CERTIFIED PUBLIC ACCOUNTANT WOULD BE REQUIRED ONLY IF THE AUDITOR'S OFFICE WERE TO EXPRESS AN OPINION ON FINANCIAL STATEMENTS.

(2) LIMITING ELIGIBLE CANDIDATES TO ONLY PERSONS WHO ARE CERTIFIED LOCKS OUT ALL POTENTIAL CANDIDATES WHO HAVE DIRECT EXPERIENCE IN CONDUCTING AND DIRECTING PERFORMANCE AUDITS AND WHO ARE EFFECTIVE MANAGERS. I OFFER TWO EXAMPLES: I HAVE BEEN CONDUCTING AND SUPERVISING PERFORMANCE AUDITS SINCE 1975. THIS ORDINANCE WOULD PRECLUDE MY SERVING AS COUNTY AUDITOR IF ELECTED, UNLESS I TOOK AND PASSED ONE OF THE TWO EXAMINATIONS AND RECEIVED

CERTIFICATION FROM THE APPROPRIATE BOARD. HOWEVER, I SUBMIT TO YOU, MY VALUE TO THE COUNTY WOULD NOT BE BECAUSE OF MY PASSING AN EXAM AND BEING CERTIFIED; IT WOULD SPRING FROM MY 13 YEARS' EXPERIENCE DIRECTLY INVOLVED IN PERFORMANCE AUDITS.

TO GIVE YOU ANOTHER EXAMPLE: IN 1980, THE STATE OF CALIFORNIA DECIDED THAT CERTIFICATION WAS NOT REQUIRED OF A PERSON TO COMPETENTLY FILL THE POSITION OF AUDITOR-GENERAL. ALTHOUGH STATE LAW, IN 1979, MANDATED THAT THE AUDITOR GENERAL BE A CERTIFIED PUBLIC ACCOUNTANT, THE LEGISLATURE ELIMINATED THAT REQUIREMENT IN 1980. THE INDIVIDUAL WHO HAS HEADED THAT AGENCY FOR THE LAST 8 YEARS, ALTHOUGH HE IS NEITHER A CPA NOR CIA, IS, NONETHELESS, RECOGNIZED THROUGHOUT THE COUNTRY AS AN AUTHORITY AND EFFECTIVE LEADER OF A HIGHLY REGARDED AUDIT AGENCY. IN FACT, HE PLAYED A PREDOMINANT ROLE IN DEVELOPING AND CLARIFYING THE SINGLE AUDIT ACT OF 1984. UNDER THIS PROPOSED ORDINANCE, THAT INDIVIDUAL WOULD BE PRECLUDED FROM SERVING AS THE COUNTY AUDITOR IN MULTNOMAH COUNTY.

I SUBMIT THESE POINTS FOR YOUR CONSIDERATION. THANK YOU.

NAME

Pat Brown

Date 12-21-88

ADDRESS

Street

City

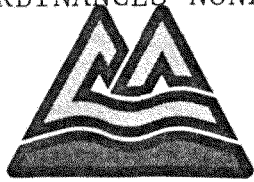
Zip

I wish to speak on Agenda Item # B-2  
Subject

FOR

AGAINST





# MULTNOMAH COUNTY OREGON

59-  
J1162

BOARD OF COUNTY COMMISSIONERS  
ROOM 605, COUNTY COURTHOUSE  
1021 S.W. FOURTH AVENUE  
PORTLAND, OREGON 97204

GLADYS McCOY • Chair • 248-3308  
PAULINE ANDERSON • District 1 • 248-5220  
GRETCHEN KAFOURY • District 2 • 248-5219  
CAROLINE MILLER • District 3 • 248-5217  
POLLY CASTERLINE • District 4 • 248-5213  
JANE MCGARVIN • Clerk • 248-3277

December 20, 1988

Ms. Linda Alexander, Director  
Department of General Services  
1120 SW Fifth  
Portland, OR

Dear Ms. Alexander:

Be it remembered, that at a meeting of the Board of County Commissioners held December 20, 1988, the following action was taken:

Continued First Reading - An Ordinance referring )  
an amendment to the Multnomah County Home Rule )  
Charter to the voters of Multnomah County (re- )  
garding filling vacancies) R-2 )

Commissioner Kafoury moved, duly seconded by Commissioner Anderson, that the above-entitled matter be approved.

Laurence Kressel indicated since this is an Ordinance, the title needs to be read.

Hank Miggins, Chair's Executive Officer read the title of the proposed Ordinance, and said that copies were available for all persons wishing a copy.

A hearing was held.

Jewel Lansing, former County Auditor, explained that there are two major reasons for revising the Charter in the proposed ordinance, 1) the Charter is silent regarding candidate runoff, yet in all other elected County offices, it states the candidate must receive a majority of the vote before being elected. She said that this was, in her opinion, an oversight; 2) the Charter is silent regarding what happens in administrative offices (Chair, Sheriff, Auditor) in the interim between the date of vacancy and the time someone is either elected or appointed to fill that vacancy. County Counsel has advised the Charter does not allow for an "Acting" position during the interim. The proposed substitute ordinance will clarify those questions, and allow the Board to specify what will happen during the interim.

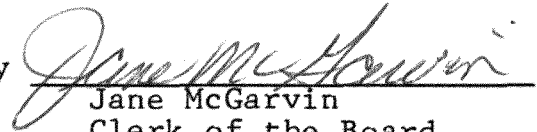
At this time, the motion was considered, and it is unani-  
mously

ORDERED that the First Reading of the above-entitled Ordinance be approved, and the Second Reading be heard Tuesday, December 27, 1988 at 9:30 a.m. in Room 602 of the County Courthouse.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By

  
Jane McGarvin  
Clerk of the Board

jm

cc: County Counsel  
Elections  
Auditor



# MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
ROOM 605, COUNTY COURTHOUSE  
1021 S.W. FOURTH AVENUE  
PORTLAND, OREGON 97204

GLADYS McCOY • Chair • 248-3308  
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POLLY CASTERLINE • District 4 • 248-5213  
JANE MCGARVIN • Clerk • 248-3277

December 20, 1988

Ms. Linda Alexander, Director  
Department of General Services  
1120 SW Fifth  
Portland, OR

Dear Ms. Alexander:

Be it remembered, that at a meeting of the Board of County Commissioners held December 20, 1988, the following action was taken:

First Reading - An Ordinance referring to the )  
voters for their approval, a transfer fee on real )  
estate transactions, revenue dedicated to housing )  
programs R-3 )

Copies of the above-entitled Ordinance were available to all persons wishing a copy. Ordinance was read by title only.

A hearing was held; no one wished to testify.

Commissioner Kafoury moved, duly seconded by Commissioner Anderson, that the above-entitled ordinance dated 12/20/88, be approved.

Commissioner Kafoury noted that she would like to briefly discuss the matter, and then Bob Clay, City of Portland, will give further information. She said that the speed with which the ordinance is submitted is because of the necessity of having the matter included on the March ballot, and the deadline for submission of materials is next week. This is not a new issue, the Board has discussed the matter since last spring, and has worked with various constituencies who are concerned about tax revenues and the need for housing for the homeless. It has become obvious, with the publication of the Governor's budget and other discussions about state-wide legislative agendas, that homeless housing has not been included. The Association of Oregon Counties had considered looking at a real estate transfer tax as a vehicle to fund assessment and taxation state-wide; but AOC will probably not move that issue for legislative consideration this year. In the lengthy list of options, there

are only two available to the Board for new revenue; the first is a serial levy, which she feels is not appropriate because local taxpayers are already struggling with new jail and library serial levies, and to add a third is not possible. The City of Portland has a street lighting levy outside its tax base, and is in a difficult situation as well. The second option is the Real Estate Transfer tax.

Commissioner McCoy remarked that this is an opportunity for the voters to decide whether they want to address the homeless problem. If this matter is approved, it will then go to the voters for their decision. She noted that any tax measure has a ripple effect on everyone, but that it is better to attempt to solve problems in a legal and direct way rather than approaching from a piecemeal effort. This measure may not totally solve the problem, because there is no guarantee how many dollars a tax on real estate transfers will bring; and total monies raised will be reduced by administration costs, which will be approximately \$65,000 each year. There is, at this time, no comprehensive plan to say who will be in charge of this program, but by election time in March, that decision will be made. She suggested that the Housing Authority would be the appropriate agency to administer the program.

Bob Clay, Chief Planner for the Housing Section, Bureau of Planning, City of Portland, said that one of his tasks is to staff the City Housing Advisory Committee, gave background and historical information regarding development of revenue sources for housing of the homeless. Over the last eight to nine years, the Federal housing urban development funding has been reduced about 70%, and at the same time, there has been an increase in homelessness in families, women and children along with the deinstitutionalism of Dammasch and Fairview State Hospitals. There has also been a shrinking of single occupancy housing in apartments and hotels in the core area of Portland (60% since 1970). In the near future, the expiration of a Federal contract for rent subsidy (36 units) is expected. Economic Development, and Health and Safety are all affected by these reductions. He reviewed other revenue programs in other states that have been developed to meet homeless housing needs in those states. However, no information is available about impacts on real estate markets within those areas. He reported that the proposed ordinance is a result of work sessions held last fall, and reviewed the types of people who would receive assistance through this program. He recommended that no new shelter programs should be funded with these monies, and that transitional (70%) and permanent housing (30%) be provided for the homeless. Of these housing monies, 52% should be for families, 38% for singles, and 10% for those with special needs. Two million dollars would provide approximately 534 households with assistance or rental subsidies, which represents approximately 31% of homeless needs.

Commissioner McCoy asked Mr. Clay to share copies of the report with anyone wishing a copy rather than read the whole report today.

Mr. Clay indicated that persons wishing a copy could pick up a copy, and read the Ordinance title. He said that the fee level was based upon how much money should be raised to justify establishing the fund and include administration costs, and still have little impact on the housing or real estate markets. The Ordinance exempts property valued at less than \$20,000, and lists 14 other exemptions. There are limitations regarding use of monies, as well as priorities and procedures for administration and evaluation.

Commissioner Kafoury stated that she has an amendment to be submitted which will provide for uses from other funding sources, and capital needs outside the CDC area which will allow up to 30% for rehabilitation. She requested amendments be discussed later.

Mr. Clay recommended amendments to page 8, Section 16 to change the Caption to read ". . with revenues dedicated to Homeless Housing"; and to change page 9, Question to read ". . in sale of real property be subject to a fee with revenues dedicated to homeless housing."

Discussion was held regarding who would pay the fee, and how the monies could be used.

Commissioner Anderson stated that she wants some accountability provided to the County by the program administrative agency.

Mr. Kressel advised that there is such a provision in the ordinance on page 18, Section 13(B). He read the statement.

(At this time, Commissioner Casterline retired from the meeting.)

Mr. Clay responded to Commissioner Anderson's question regarding federal participation by saying that there is little chance that the Federal Government will cut its funding support since the new proposed federal requirements will be to require a local contribution in order to receive federal funding. He feels that this process could be used as a leverage to obtain federal resources and use proceeds as matching monies.

At this time, Commissioner McCoy requested limiting testimony from the public at three minutes per person.

Mike Wiley, 6230 NE 22nd, Oregon Citizens Alliance County Director, said that he was disappointed in the Board's lack of compassion for the young family, first-time buyer, and the elderly, whom he feels will pay the burden for real estate closing costs. He feels that this action will further depress the housing market in North and Northeast Portland by helping low income people refurbish a home and pay rent and utilities. It is an insult to the hard working people in the community, many of whom are stretching to make ends meet. Welfare transfer programs, over the past few years, have not solved underlying problems. Local government interference in the marketplace has increased over the last few years, and if continued, the Board will have more housing to deal with because people will not be able to sell their homes and will leave them abandoned. He said that the Alliance is opposed to the program, and urged the Board not to place the matter on the ballot.

Rodney Page, 1739 NE Tillamook, testified in support of the Ordinance, and said that he feels this measure would fund housing for the homeless and those near or at poverty level; and will add value to his home, city, and county. He added that doing the right thing is sometimes an act of self interest as well as an economic and social justice. This plan will allow the Housing Authority to become a constructive force within the community with authority to improve existing housing in a way that improves neighborhoods. Federal and State governments have been requiring increasing local match funding, and it can be expected that these funding resources will become increasingly restrictive. This measure will not only provide the ability to provide local match monies to continue receiving federal and state funds, but will also provide a way to leverage private foundation funding for non-profit participation. He suggested raising the \$20,000 exemption to \$40,000. He stated that he feels there is also a spiritual value to the proposal because in working together to serve all citizens, the achievement is to reach dignity, peace and justice for all in Multnomah County.

Fred Young, 733 SW 2nd, Portland Board of Realtors President, testified that the Board opposes the proposed real estate transfer tax; and said that County taxpayers are already paying their share for government services; that Oregon is paying the fourth highest property tax, considering personal income, in the nation; and the 20th from the bottom in income earned. The Realtors Board sees no relationship between the transfer tax and the taxpayers ability to pay the tax. He stated that Washington County not only pays a lower rate, but pays no business income tax as does Multnomah County. Everytime something is added to the cost of owning a home, there are fewer who can afford a home. He feels that all citizens should participate in funding programs for the homeless



rather than charging only one segment of the citizenry. He read from a statement published in The Oregonian May 25, which recommended increasing the tax base rather than adding to real estate costs.

Michelle Schroeder, Portland Development Commission, described the PDC program for providing housing in the downtown area; and stated that 60% of the low income housing has been lost in that area since 1970, and is expected to shrink even further over the next ten years. During this same time, there have been serious cuts in federal housing funding accompanied by increased homelessness in the State of Oregon. In March, the PDC set a goal of providing 750 units of housing over the next few years, and allocated eight million dollars for that program. Five hundred units will be for the homeless and special needs populations. Most of those occupying these housing units will be unable to pay any rent because they are indigent. The goal is to stop the cycle of homelessness, and get these populations off downtown streets. This funding is for construction, but does not provide rental fees or operational subsidies. Shrinkage of federal funding and rental subsidies is becoming an ever increasing threat to these programs. She urged the Board to support the real estate transfer tax.

Blanche Schroeder, 221 NW 2nd, Portland Chamber of Commerce Vice President of Government Relations, related the Chamber has not taken a position on this matter, but has raised some questions. She thanked Commissioner Kafoury for holding meetings to discuss the problem. The Chamber questions the data used for the basis of the Ordinance, and wonders whether the information is valid. Emergency Basic Needs Committee (EBNC) funded a management study in 1988, which cost \$20,000, found a fragmented system without a central focus, no general housing policy or community plan, and no mechanism for developing priorities for housing needs in the community. One of the reasons the Chamber tentatively opposes the tax is that it imposes an unfair burden on one segment of the community for something that is a community problem. She recommended that the housing management study concept be followed with one agency in charge of developing a community plan. At that time, there should be enough support for development a general tax revenue measure. However, raising the money without supporting documentation or a plan for spending the money, does not justify the action.

Donald Clark, Housing Authority Executive Director, expressed his appreciation for the constructive remarks from the Chamber of Commerce. He said that the issue before the Board is different, and is focused on solving the problem of homelessness by generating local funds available to leverage other funding for the increasing need of homelessness. Diminishing federal monies for urban development now provide one dollar for every three available ten

years ago. He does not see an increase in funding for these programs in the future from either the state or federal governments even though he feels it is their responsibility to do so. It is important for local governments to show "good faith" on the part of the communities to address local homeless problems which will provide more than the County's share from other sources when the efforts are made on a local level. He urged the Board to approve the ordinance.

Robin Lindquist, 111 SW Fifth, Portland Association of Building Owners and Managers Vice President, testified in opposition to placing the ordinance before the voters because she disagrees with the language which links a real estate tax with homelessness because it is a state-wide community problem and not necessarily a property-owner-only problem. She listed several taxes being imposed on property owners and the business community; and added that she feels it is contradictory to attempt to attract businesses to relocate to the Portland area when governments are imposing more taxes on businesses. The PDC increment financing program which freezes property taxes and/or removes those taxes from the tax roles forces other taxpayers to pick up those costs for approximately twenty years; therefore, a real estate transfer tax would add another burden to the already overburdened property owner. The Association asked the same questions Ms. Schroeder mentioned, and has requested someone be designated to be in charge of the program. She suggested that the Board work with the business community to make presentations to the Legislature to deal with the state-wide problem. If the ordinance is passed, the Association will oppose the measure.

Lucia Pena, Coalition of Homeless Families, described the goals of the Coalition; and testified in support of the ordinance. She stated that there are few facilities who will accept homeless families with children; and a lack of permanent and/or temporary homes is the largest contributor to a lack of school enrollment. Shelters for the homeless allow only short stays, and resources for assisting children are few in Multnomah County.

Herb Brown, 1546 SE 138th, testified in opposition to the ordinance being referred to the voters because he feels that every-time programs are provided for these populations, there is an influx into the area of populations who live elsewhere. It also falsely raises the assessed value of property because it forces up the market value. He said that the amount is not insignificant when considered in the total amount of taxes assessed, and that he feels it is necessary to live within the amount of monies available, and not further add to totals. Services have been reduced and human resources increased over the past few years in Multnomah County, and he feels the Legislature should be encouraged to handle the problem

rather than foist it on already overburdened County property owners. He feels that an income tax increase or a tax imposed on the real estate business would be more fair. He also objects to the County purchasing properties for agencies and removing properties from the tax rolls thereby placing a greater burden on those paying taxes. He urged the Board not to place this matter on the ballot.

Jean DeMasters, Burnside Projects Director, testified in support of the ordinance, and said that this is the only way to provide stable housing programs for the homeless. She described shelter programs provided for families, single parents, and youth. She said that 1200 people spend each night in 30 transitional housing shelters; and though seven shelters operate through the winter, only two continue through the summer months. Only one third of the youth needing transitional housing can receive it; alcohol-free housing is provided to only 79 of the 180 who need it; overflow shelters provide 150-200 spaces at present, but are funded only until March 1. She described the funding difficulties experienced by the Athens Hotel, and said that if it had remained open from 1984 until now, it could have provided 164,000 shelter nights; but with funding ups and downs, only provided 70,000 shelter nights. Stable low cost housing must be provided in order to assist the homeless to break the cycle of remaining homeless. She urged the Board to approve the ordinance.

Don McCredie, Portland Board of Realtors president, said that the Board sees the need, but feels the amount charged by the proposed tax would take about four months full payment in order to pay \$724 for a \$50,000 home, which is not easily acquired. The Board feels it is not right to charge the home owner to pay for the homeless, and that the tax would be discriminatory. He opposed approval of the ordinance.

Susan Emmons, 1030 SW 3rd, Northwest Pilot Project Director, testified in support of the ordinance, and responded to the allegations that there is a lack of planning and a lead agency designee. She agreed there may not be one designee, but there are a number of private and non-profit agencies working closely together to provide housing, and that there is a planning process going on. Forty service agencies met with PDC to talk about the downtown preservation project, to prioritize housing needs for the elderly, individuals, families, and youth; and to determine who will be able to use facilities once they are developed, how to fund facilities, and who provides services. She said that she resents the allegation that there is no planning being done, and reported there are many concerns. She reported more and more working poor are being seen at NW Pilot Project who are working at minimum-pay jobs, and cannot afford to support their families even on a fulltime-job basis. She described a family situation where temporary support was needed, and urged the Board to support the measure.

Pat Brown, 1546 SE 138th Avenue, testified in opposition to the matter. She asked whether Commissioner Casterline was listening, and was assured by the Clerk she was not. She stated that not many homes in her area were selling for \$60,000 because of the sewer situation in mid county; and added many in her area are elderly people who invested in second and third homes during the real estate boom of the 1960s and 1970s, have had to sell or take great loss because of the sewer assessments recently imposed. She feels that the seller takes the brunt of all imposed taxes; and that the working poor who are having more and more difficulty in maintaining homes and would experience more burden if another tax is imposed. She added that a lot of property is being purchased from owners located outside the country, and suggested that these buyers be asked to pay the tax. She said that people standing in the streets with no place to go, yet program administrators live in the "lap of luxury" and quit poor paying jobs (example - Anne Kelly Feeney) to help the homeless by accepting a higher paying job. She feels these practices present many inequities, and suggested that an income tax increase be considered as an option.

At this time, Commissioner Casterline returned to the meeting via telephone communications.

Margaret Strachan, Central City Concerns Executive Director, stated that she is not living in the "lap of luxury", and thanked the Board for its patience. She noted that payment for building the Broadmoore Hotel (172 units), under the Housing Authority PDC Building Preservation program, was obtained from a grant from the State (\$60,000), a loan from First Interstate Bank (\$300,000); a loan from the City of Portland for rehabilitation (\$1.1 million); and a homeless grant (\$100,000). All funding was not obtained from governments; and that finding grants is not an easy job. The building is located within the City Housing Preservation area which allows the use of Housing Preservation dollars, but if a building is located outside that area, those monies cannot be used. Unless all homeless low cost housing units are located in urban renewal areas, revenue must be located from other sources. There has to be a way to scatter these units throughout the City rather than locate all in one area. Central City Concern operates the Hooper Detox Center, but half of those who go through the program return to the streets because they just cannot stay sober or drug free. Housing is not available for either transition or temporary purposes because clients do not have rent for even 90 days. However, another 90 days for these former abusers makes the difference between success and another turn through the revolving door at Detox. If stabilized housing is not provided for recovering alcohol and drug abusers, society is condemning them to a life of addiction; the same situation holds true for the chronically mentally ill and Vietnam veterans. She

said that she has faith in the voters of Multnomah County, who have the right to decide whether they will be their brothers keepers or not; and urged the Board to approve the ordinance.

Jeffrey Liddicoat, Citizens Group through Clear Vision, testified that he feels this is a regressive tax even with the \$20,000 exemption; and that adding another type of regressive tax upon those already imposed makes it very difficult to get funding for these types of programs in the future. A lack of coordination is a reason for developing that coordination, not a reason for rejecting the legislation. Unstable living arrangements, make unstable families, therefore, providing temporary housing for those who need it promotes stability in living. There is a link between drugs and crime, but jails don't necessarily decrease crime. Social agencies agree that instabilities caused by poverty cause crime, if you reduce those instabilities you provide a more certain path for public safety; and it is appropriate for governments to counterbalance federal and state cuts to programs for low income housing. He feels it is an outrage that those who support spending the millions of dollars to build Convention Centers, Art Centers, and OMSI aquariums, are not willing to spend a few thousand to help those in poverty. He urged the Board to approve the ordinance, even though he feels it doesn't go far enough. He listed areas where schools and disadvantaged neighborhoods are being revitalized, and day care and job training is being provided to low income individuals. He suggested that "sweat equity" be built into the programs.

Commissioner Kafoury stated that Linda Alexander, General Services Director, has some corrections to be made to the ordinance. She proposed continuing the matter to 1:30 p.m. to allow technical amendments to be prepared.

Linda Alexander, General Services Director, said that the changes needed are technical and easily made; and added the concern is that the fund is a revenue fund rather than a trust fund.

Commissioner McCoy asked Commissioner Casterline if she objected to delaying the matter to the afternoon in order to prepare amendments.

Commissioner Casterline stated that she could not be present at the meeting in the afternoon because she has a doctor's appointment.

Following discussion, Commissioner McCoy announced that the Board would continue this afternoon without Commissioner Casterline, and that her final vote would come at the second reading next week.

Following discussion, a five minute break was taken.

Ms. Alexander referred to page six, top paragraph, and said that the way this is written, both the buyer and seller are responsible for paying the tax which then becomes a personal debt. She requested clarification.

Mr. Clay stated that he feels this would permit court action to retain the debt, and the intent was that both buyer and seller would be responsible.

Following discussion, Mr. Kressel advised that would cause more problems than it solves, because the County would have no way of knowing who that person would be. He explained that the statement, as written, implies that the County would sue both buyer and seller for payment, and the negotiated person responsible would then arrange contractual agreement to pay.

Following discussion, Ms. Alexander explained the person cannot be determined by the County, and that, at the time of closing, the persons responsible for costs are determined and listed in closing documents.

Mr. Kressel advised that in drafting the ordinance, a wide net should be cast in order to give lawyers as many options as possible in case enforcement is necessary.

The Board and County Counsel concurred that the language in this paragraph would remain as written.

Commissioner Kafoury reported the committee had recommended the Housing Authority be the designated agency to administer the program under an intergovernmental agreement with the County.

David Warren, Budget & Planning Office, agreed that because it would take another vote of the people to amend the ordinance, it would be better to designate an agency.

Following discussion, it was agreed to leave the language regarding the Housing Authority as the designated agency as written because the Housing Authority could subcontract, if necessary.

Commissioner Kafoury distributed an amendment to Section 14(A) adding a statement regarding whether or not a portion of the funds collected from the fees could be used for rehabilitation. She moved approval of the amendment which adds the following wording, "A portion of the funds may be used for housing rehabilitation in areas outside an urban renewal area." Motion duly seconded by Commissioner Anderson.



Commissioner Anderson stressed that it should be very clear that these funds will be used for housing services only; and that no social services are included.

Mr. Clay agreed, and said that Section 14(B) listed the restrictions.

Commissioner Kafoury read the subsection, and stated that her motion was to move written amendments to the ordinance, Section 14 A-C including the added language change to Section 14(A) regarding housing rehabilitation.

The motion was considered, and it is unanimously

ORDERED that the ordinance be amended as follows: Section 14(A) adds a last sentence "A portion of the funds may be used for housing rehabilitation outside an urban renewal area."; Section 14(B) adds a last sentence, "No funds may be expended for housing acquisition."; and Section 14(C) adds a paragraph, "Account funds may be used for capital assistance rehabilitation needs up to a maximum of 30% of the total funds."

Commissioner Kafoury moved that the amendments read by County Counsel be approved. Motion seconded by Commissioner Anderson, and it is unanimously

ORDERED that the Ordinance be amended as follows: CAPTION: "Real Estate Transfer Fee with Revenues Dedicated to Homeless Housing."; QUESTION: "Shall Transfer documents in [the] sale of real property be subject to a fee with revenues dedicated to homeless housing programs."

Commissioner Anderson referred to Section 14(A), and asked if the amendments proposed would exclude the people with special housing needs.

Commissioner Kafoury and Mr. Clay assured the Commissioner it would not.

Following discussion about the definitions and intent of wording of special needs and homeless housing, Commissioner Kafoury moved, duly seconded by Commissioner Anderson, it is unanimously

ORDERED that SECTION 4(G) be changed to read, "Transfer of real property for which the selling price is [\$20,000] \$40,000 or less."

Commissioner Kafoury questioned whether or not language should be changed regarding persons with special needs or particular disabilities.

Mr. Kressel advised that the language seemed adequate.

The Board concurred the language was adequate, and therefore did not need to be changed.

Ms. Alexander stated that she and Mr. Warren were checking the technical changes with the draft ordinance, and could return shortly with a final version.

Upon motion of Commissioner Kafoury, duly seconded by Commissioner Anderson, it is unanimously

ORDERED that the STATEMENT OF PURPOSE, Page 9, will read, ". . . where sale price is under [\$20,000] \$40,000.

Mr. Kressel requested clarification about what document would be returned to the Board for adoption.

Commissioners McCoy and Kafoury assured him the technical changes, and the agreed upon amendments of this morning would be included in the substitute document the staff is preparing for adoption.

At this time, the meeting was adjourned until 1:30 p.m.

\* \* \* \* \*

The Board reconvened at 1:30 p.m. and continued its discussion of Item R-3:

Commissioner Kafoury clarified that the STATEMENT OF PURPOSE language was changed since this morning. The third sentence now reads, "Revenue is dedicated to housing needs of the homeless and other "low income special needs persons".

Commissioner Kafoury moved approval of the substitute ordinance, duly seconded by Commissioner Anderson.

Mr. Kressel advised that the number on the final page of the ordinance should be changed to read "12/20/88:2" in order to designate the ordinance as the substitute.

The Board concurred.

At this time, the motion was considered, and it is unanimously

ORDERED that the First Reading of the substitute ordinance be approved, and the Second Reading be held Tuesday, December 27, 1988 at 9:30 a.m. in Room 602 of the County Courthouse.

Commissioner Kafoury commended all staff who worked on this ordinance, and added they worked over the weekend to complete a very complex effort.

Commissioner Anderson commended the staff and Commissioner Kafoury for a job well done, and said that she feels it is a very important piece of legislation which she hopes voters will approve.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By Jane McGarvin  
Jane McGarvin  
Clerk of the Board

jm  
cc: County Counsel  
Elections  
Commissioner Kafoury

K- Annual  
12/20/88

Approved

## AMENDMENT TO ALLOW FLIXIBILITY TO FUND REHABILITATION

(Proposed changes underlined )

### SECTION 14

(A) The funds collected from the real estate title transfer fee shall be deposited in a special account for the sole purpose of funding the unmet housing needs of homeless persons and persons with specila housing needs, who have no or very low income, in order to pay maintenance and operating expenses, including rent and expenses for intensive property management typically associated with buildings housing persons with special needs or particular disabilities. A portion of the funds may be used for housing rehabilitation, ~~which shall be used for~~

~~other outside urban renewal areas.~~

(B) This account shall not fund social service program activities or individual client case management. The account funds shall not be used to fund existing fedeerally-subsidized public housing or other activities already funded by governmental general fund support. No funds may be expended for housing acquisition.

C. The program shall give second priority to provide gap-finanacing to those existing projects where funding will prevent tenant displacement or other emergency situations, limited to a one-year contract commitment.

Account funds may be used for capital assistance rehabilitation needs up to a maximum of 30% of the total funds.

*Amended +  
approved by Reading  
12/20/88*

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR THE COUNTY OF MULTNOMAH

ORDINANCE No. \_\_\_\_\_

An Ordinance referring, to the voters of Multnomah County, legislation creating a Homeless Housing Account and imposing a fee on the recording of certain documents transferring real property in Multnomah County.

Multnomah County ordains as follows:

SECTION 1. REFERRAL

Sections 2 through 15 of this ordinance shall be submitted to the voters of Multnomah County at the election of March 28, 1989.

SECTION 2. DEFINITIONS

Definitions: As used in this ordinance, unless the context requires otherwise:

- (A) "Buyer or Purchaser" means any person who is the recipient of a transfer of real property.
- (B) "Date of Tender" means the date of delivering to the Multnomah County Recorder's Office for recording the document transferring, or contracting to transfer, real property.
- (C) "Documents of Transfer" means all deeds, instruments or writings whereby any ownership or title to real property is transferred to or vested in a purchaser or other person at the direction of the purchaser, or contracts to transfer or vest such ownership and/or title in real property.
- (D) "Homeless Housing <sup>Fund</sup> Account" means an account to be specially dedicated for specific purposes limited by the conditions of this ordinance.
- (E) "Housing Authority of Portland" means the agency charged with administering programs for very low and low-income persons in the City of Portland and Multnomah County under cooperation agreements and designated as the agency to administer the Homeless Housing Account Program.
- (F) "Director" means the Director of the Department of General Services or a person designated by the Director to perform functions required by this ordinance.

- (G) "Net Proceeds" means the revenue derived from payment of the fees required under this ordinance, minus the costs of administering and enforcing the ordinance.
- (H) "Person" means individuals, domestic or foreign corporations, societies, joint ventures, associations, firms, partnerships, joint stock companies, clubs or any other legal entity.
- (I) "Real Property" means any estate or interest in real property or contract right thereto, including standing timber (as opposed to contracts for the severance of such timber) and any mobile home affixed to land by permanent plumbing and electrical connections when sold in conjunction with the land upon which it is situated, but excluding leases.
- (J) "Recorder's Office" means the division of Multnomah County government currently known by that name, or any successor to said division.
- (K) "Seller" means any person who is the transferor of an interest in real property.
- (L) "Selling Price" means the consideration, in money or any other thing of value which is paid, delivered or contracted to be paid or delivered in return for the transfer of real property. "Selling price" shall include the amount of cash and the amount of any lien (including tax liens), mortgage, contract, indebtedness or any encumbrance existing against the property, to which the property remains subject and which the purchaser agrees to pay or assume, as stated pursuant to ORS 93.030 [1987 Ed.] on the face of any instrument conveying or contracting to convey fee title to real property. "Selling price" also includes other property or value given or promised for the transfer of real property if such other property or value were either part or whole of the consideration.
- (M) "Transfer of Real Property" means every grant, sale, exchange, assignment, quitclaim, or other conveyance of ownership in or title to real property, including any contract for such sale, exchange, grant, assignment, quitclaim or other conveyance of ownership in or title to real property, excluding leases.

"Transfer of real property" does not include any instrument clearly shown on its face to be any of the following:

- (1) Estoppel deeds;



- (2) deeds in lieu of foreclosure and all transfers of real property effected by order of any court of competent jurisdiction in a mortgage or lien foreclosure proceeding, proceeding for execution of a judgment, proceeding for forfeiture of an interest in real property, bankruptcy proceeding or receivership proceeding;
- (3) vendor's assignments and all transfers or assignments of a seller's interest in a contract for the sale of real property, even though accompanied by a conveyance of the seller's interest in the real property;
- (4) earnest money agreements;
- (5) sheriff's deeds;
- (6) options;
- (7) trustee's deed as a result of foreclosure;
- (8) re-recording of documents;
- (9) fulfillment deeds;
- (10) documents recorded solely for security purposes;
- (11) transfers of real property to effectuate the dissolution of corporation, partnership, or joint venture;
- (12) transfers of real property effected by a deed in lieu of foreclosure to satisfy a mortgage or conveyance to the Federal Housing Administration or Veterans Administration, or their successor agencies;
- (13) a mortgage, trust deed or other transfer of real property merely to secure a debt or an assignment thereof, or in fulfillment of a previously recorded contract for purchase (upon which the transfer fee has already been paid);
- (14) transfers of real property from one spouse to the other in accordance with the terms of a decree of dissolution of marriage or in fulfillment of a property settlement agreement incident thereto;
- (15) transfers of property merely to effectuate a change in identity, form or place of organization where no consideration is contemplated or received from the transfer.

(N) "Very Low Income" means income at or below 25% of area median income.

### SECTION 3. FEE IMPOSED

- (A) A fee is hereby imposed on each transfer of real property located within Multnomah County unless such transfer is specifically exempted by Section 4 below. The fee shall be at the rate of .15 of one percent (fifteen one-hundredth) of the selling price and shall become due and payable upon the date of tender.
- (B) It shall be unlawful for any person to fail to pay all or any portion of the fee imposed by this ordinance.

- (C) It shall be unlawful for any person to fail to state or to misstate the full selling price for any transfer of real property or to make a materially false statement concerning any matter required by this ordinance.

#### SECTION 4. EXEMPTIONS

The following transactions shall be exempted from the provisions of this ordinance upon satisfactory proof of their applicability :

- (A) Transfers of property made by or to the United States or the State of Oregon, or any other public body, or arising from the foreclosure of real property by any public body.
- (B) Transfers of real property effected by condemnation proceeding. For purposes of this ordinance, a copy of the resolution declaring the necessity for acquiring the property shall be presented to the Director at the time of tender before the exemption may be granted.
- (C) Transfers of real property by gift, devise or inheritance.
- (D) Transfers of a grave or cemetery plot.
- (E) Transfers dated prior to the effective date of this ordinance, or deed given in fulfillment of contracts made prior to the effective of this ordinance.
- (F) Transfers of real property lying partly within and partly without the jurisdictional boundaries of Multnomah County shall be partially exempt as to the selling price attributable to that portion of real property lying outside the jurisdictional boundaries of Multnomah County. The purchaser and seller shall be responsible for calculating the portion of the real property subject to fee on forms provided by the Recorder's Office.
- (G) Transfer of real property for which the selling price is ~~\$20,000~~ or less.  
*40,000*

#### SECTION 5. EXEMPTION PROCEDURE

- (A) A document that does not clearly show on its face that it is exempt under Section 4 may be deemed to be exempt if an affidavit is filed demonstrating that the document qualifies for exemption under Section 4.
- (B) The Director shall have authority to grant or deny, or grant in part, any exemption allowed by this ordinance, and may require proof of the applicability of any exemption.
- (C) A decision on an exemption shall be in writing and shall be mailed to the applicant. A denial or partial denial of any exemption shall state the reason(s) therefore and shall advise the applicant of the right to appeal.

- (D) In the event an exemption is denied, the applicant may appeal to the County Hearings Official designated to hear such appeals by filing a written notice of appeal with the Director not later than 10 days following the date the exemption is denied. The Director shall promptly submit to the Hearings Official an appeal that has been timely filed. The Hearings Official shall, within 20 days of receipt of an appeal, set a date for hearing the same.
- (E) At the conclusion of the appeal hearing, the Hearings Official shall issue a written decision, which shall be mailed to the applicant. The decision shall include findings of fact and the reason(s) for the decision.
- (F) Further review shall be to the Circuit Court upon Writ of Review.

#### SECTION 6. RESPONSIBILITY FOR FEE

- (A) The fee shall be the responsibility of every purchaser and seller of real property located within Multnomah County which is transferred, and any person who, as a party to the transaction, makes, signs or issues any document transferring real property or for whose benefit or use such document is made, issued or transferred; provided however that only one fee shall be imposed upon each transfer of real property.
- (B) Upon presenting for recording any document of transfer, the person presenting the same shall state in the selling price, as defined herein, in terms of a dollar value (including the dollar value of "other valuable consideration," "property of equal value" and similar general statement) in order that the fee due may be computed. Failure to state the complete consideration in terms of a dollar value or to tender complete payment of the same, shall be deemed a violation of this ordinance and shall cause the Recorder's Office to stamp a notation of tax lien upon the document offered for recordation.
- (C) Failure, willful or otherwise, to pay the fee within 10 days of the date of tender, or in the case of an exemption application, within 10 days after the Hearings Official denies the exemption, shall result in an automatic fee increase in the amount of 50-percent of the assess fee. Subsequent failure to pay the fee and increase within 60 days of such date of tender or date of exemption denial shall thereafter also result in legal interest accruing on both the fee and increase, all of which shall constitute an immediate additional lien. The interest rate shall accrue at the rate of one and one-half (1-1/2) percent per month. In no event shall the interest charged be less than \$25.
- (D) The fee shall be a specific lien upon each piece of real property transferred from the date of tender until the fee has been paid. If mistake, error or fraud is

discovered subsequent to the payment of or exemption from any fee due under this ordinance, the Director shall be empowered to determine the amount of deficiency in fee payment, and to file a Notice of Lien which shall constitute a lien upon the property from the date of its recordation in the proper County records. Such deficiency shall also constitute a personal debt of the purchaser and seller of the real property transaction giving rise to the transfer fee. Such liens may be foreclosed in the manner prescribed by ORS Chapter 88, ORS Chapter 312 or in any other manner prescribed by law. The County Counsel shall take such action as is appropriate to collect the fee and penalties.

#### SECTION 7. SATISFACTION OF LIEN

Upon payment of any delinquent fee under this subsection and any automatic increase thereof, the Recorder's Office shall prepare, file and record a Satisfaction of Lien form in the proper County records, which Satisfaction shall serve to remove any lien established by stamped Notice of Lien or subsequent Notice of Lien filed for deficient fee payment under this subsection.

#### SECTION 8. PAYMENT OF FEE

- (A) The fee shall be paid to the Recorder's Office, or any successor division of County government, prior to recordation of the documents of transfer. The Recorder shall stamp evidence of payment of the fee and any automatic increase thereof, on the documents of transfer and a receipt evidencing payment of the fee shall be issued to the person paying the fee. Refusal to pay the fee shall not result in non-recordation, but a notation of the lien created by the unpaid fee shall be stamped on the documents of transfer and shall remain valid until a satisfaction of lien form is filed.
- (B) When any person fails to pay the fee within the time provided for payment, there shall be a conclusive presumption, for purposes of computation of the fee, that the selling price is not less than the true cash value as defined by ORS 308.205, as determined by the Multnomah County Department of Assessment and Taxation.

#### SECTION 9. SEVERABILITY

If any portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed severable and shall not affect the validity of the remaining portions of this ordinance.

#### SECTION 10. RULES AND REGULATIONS

The Director may promulgate rules and regulations necessary for the administration and enforcement of this ordinance, including provision for refund of any fee erroneously paid.

#### SECTION 11. ADMINISTRATION AND ENFORCEMENT

- (A) The Director shall be responsible for the administration and enforcement of this ordinance.
- (B) In order to carry out the duties imposed by this ordinance, the Director shall have the authority to do the following acts, which enumeration shall not be deemed to be exhaustive, namely: administer oaths;; certify to all official acts; to subpoena and require attendance of witnesses to determine compliance with the ordinance, rules and regulations; to require production of relevant documents; to swear witnesses; take testimony of any person by deposition; to impose fines as provided in Section 12; and to maintain a civil action in the name of the county to recover such fines and obtain any orders necessary to enforce this ordinance.
- (C) A party may collect attorney fees if it prevails in a civil action for collection of delinquent fees.

#### SECTION 12. PENALTIES

In addition to any civil enforcement provided herein, there may be imposed a fine of not more than \$500 for intentional violation of this ordinance. Violation of this ordinance by any officer, director, partner or other natural person having direction or control over any business entity violating this ordinance shall subject each such natural person to such fine.

#### SECTION 13. USE OF FEE PROCEEDS

- (A) The net proceeds from payment of fees hereunder shall be used exclusively for the purposes established by Section 14 (Homeless Housing Account) and the plan developed by the Housing Authority of Portland. The Housing Authority of Portland is the only agency authorized to draw from and spend funds collected from this account, except that the County may use fund proceeds to pay only those legal and administrative expenses incurred as a result of administering and enforcing this ordinance. It shall be lawful to carry forward from year-to-year any unexpended revenues, so long as their ultimate use is for the purposes specified herein.

- (B) An intergovernmental agreement between Multnomah County and the Housing Authority of Portland shall set forth the procedure by which funds are disbursed to and accounted for by the Housing Authority.

#### SECTION 14. ESTABLISHMENT OF HOMELESS HOUSING ACCOUNT

- (A) The funds collected from the real estate title transfer fee shall be deposited in a special account for the sole purpose of funding the unmet housing needs of homeless persons and persons with special housing needs, who have no or very low income, in order to pay maintenance and operating expenses, including rent, and expenses for intensive property management typically associated with buildings housing persons with special needs or particular disabilities.
- (B) This account shall not fund social service program activities or individual client case management. The account funds shall not be used to fund existing federally-subsidized public housing or other activities already funded by governmental general fund support.
- (C) The Homeless Housing Program shall give first priority to funding projects to pay rent and other operating expenses and intensive property management which maximize economic feasibility for those new or rehabilitated capital projects which add to the supply of housing for persons of no and very low income. The program shall give second priority to provide gap-financing to those existing projects where funding will prevent tenant displacement or other emergency situations, limited to a one-year contract commitment.

#### SECTION 15. ANNUAL HOMELESS HOUSING PLAN

The Housing Authority of Portland shall be required to prepare and submit for County Board approval, in cooperation with housing and social service providers, an annual plan specifying administrative rules, procedures, and criteria to be used to award funding and solicit project applications consistent with this ordinance.

#### SECTION 16. CERTIFICATION OF BALLOT TITLE

The ballot title for the measure in Sections 2 through 15 shall read:

##### CAPTION

Real Estate Transfer Fee with Revenues Dedicated to  
*Homeless* Housing ~~Programs~~.



QUESTION

Shall transfer documents in ~~the~~ sale of real property be subject to a fee with revenues dedicated to homeless housing programs? OK

Special  
needs

STATEMENT OF PURPOSE

Imposes fee on transfer of ownership of real property in Multnomah County. Fee is .15% of selling price of property and is paid when transfer is recorded. Revenue is dedicated to housing needs of homeless and other low income persons. Exempts certain real property transfers, including those where sale price is under \$20,000. Provides for appeal if exemption is denied. Funds are administered by Housing Authority of Portland, which must submit annual plan.

\$40,000

SECTION 17. ELECTION

The Director of Elections shall cause the election on the above measure to be held on March 28, 1989 in accordance with law.

ADOPTED the \_\_\_\_\_ day of \_\_\_\_\_, 1988, being  
the date of its second reading before the Board of County  
Commissioners of Multnomah County.

BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_

Gladys McCoy  
County Chair

APPROVED AS TO FORM:

Laurence Kressel, County Counsel  
For Multnomah County, Oregon

By \_\_\_\_\_

County Counsel

12/20/88: 1 2



# MULTNOMAH COUNTY OREGON


BOARD OF COUNTY COMMISSIONERS  
GLADYS MCCOY, CHAIR  
PAULINE ANDERSON  
POLLY CASTERLINE  
GRETCHEN KAFOURY  
CAROLINE MILLER

DEPARTMENT OF GENERAL SERVICES  
PORTLAND BUILDING  
1120 SW FIFTH, 14TH FLOOR  
PORTLAND, OR 97204-1934  
(503) 248-3300

OFFICE OF THE DIRECTOR	(503) 248-3303
PLANNING AND BUDGET	(503) 248-3883
COUNTY COUNSEL	(503) 248-3138
EMPLOYEE SERVICES	(503) 248-5015
FINANCE	(503) 248-3312
LABOR RELATIONS	(503) 248-5135

## MEMORANDUM

TO: Linda Alexander, Director  
Department of General Services

FROM: Jack Horner, Director  
Planning & Budget Division 

DATE: December 20, 1988

SUBJECT: Real Estate Title Transfer Fee Request from Gretchen Kafoury

My staff have reviewed the proposed ordinance with Dave Boyer in Finance and Jim Czmowski in Assessment & Taxation. They have also computed the revenue impact of the proposal.

Dave Boyer had a number of mechanical concerns with the proposal. (His memo to you is attached.) The major problems were:

- The fund established would not properly be titled a trust fund. It is a special revenue fund, the same kind of fund as the Convention Center Fund which also transfers the proceeds of a dedicated revenue to another jurisdiction. References to the fund should be amended to exclude the word "trust".
- From a long term perspective, it would be advantageous to omit references to the Housing Authority of Portland and substitute "lead agency". This will allow the ordinance to remain unchallenged if the Housing Authority of Portland ceases to be the appropriate agency to handle the program. It will allow a contract to be prepared that defines financial and expenditure reporting procedures.

Jim Czmowski has preliminary estimates of the administrative costs likely to be incurred if the proposal is implemented. These costs will take two forms.

- Enforcement of the ordinance will require tracking and handling delinquencies. This will require computer assistance. ISD has not yet been asked to estimate the costs of such a system. It will require a one-time expenditure to build the system and there will be an ongoing cost to operate it.

- Once such a system is in place, Jim Czmowski believes it will take slightly less than one FTE to handle the tax and that the current year cost of that position would be approximately \$26,500.

The cost of the election would not be significant if it is included on the March special election. The County will incur the proportionate share of the election cost resulting from including the measure with the other issues, about \$15,000 to \$20,000.

The following table shows the estimated receipts that could be expected from the tax assuming it had been in place between September 1987 and September 1988. Actual receipts will vary, of course, depending on the activity of the real estate market.

These amounts do not exclude all the exemptions listed in the ordinance. The exemptions are not all currently part of the data files at ISD. However, the dollar impact of the exemptions listed is not likely to be material.

Estimated Annual Revenues for Title Transfer Fee  
at Alternate Rates

	Value of Sales	Number of Sales	-----Fee Rate-----			
			0.100%	0.150%	0.200%	0.250%
TOTAL ALL SALES	1,811,929,864	16,813	1,811,930	2,717,895	3,623,860	4,529,825
TOTAL NON-RESIDENTIAL SALES	1,068,806,913	3,925	1,068,807	1,603,210	2,137,614	2,672,017
TOTAL RESIDENTIAL SALES	743,122,950	12,888	743,123	1,114,684	1,486,246	1,857,807
EXEMPTS RESIDENTIAL SALES UNDER \$20,000	717,359,642	10,752	1,786,167	2,679,250	3,572,333	4,465,416
EXEMPTS RESIDENTIAL SALES UNDER \$40,000	610,890,530	7,360	1,679,697	2,519,546	3,359,395	4,199,244
EXEMPTS RESIDENTIAL SALES UNDER \$50,000	523,591,485	5,444	1,592,398	2,388,598	3,184,797	3,980,996



## MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
GLADYS MCCOY, CHAIR  
PAULINE ANDERSON  
POLLY CASTERLINE  
GRETCHEN KAFOURY  
CAROLINE MILLER

DEPARTMENT OF GENERAL SERVICES  
PORTLAND BUILDING  
1120 SW FIFTH, 14TH FLOOR  
PORTLAND, OR 97204-1934  
(503) 248-3300

OFFICE OF THE DIRECTOR	(503) 248-3303
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FINANCE	(503) 248-3312
LABOR RELATIONS	(503) 248-5135

### MEMORANDUM

TO: Linda Alexander, Director  
Department of General Services

FROM: David Boyer, Finance Director

DATE: December 20, 1988

SUBJECT: Real Estate Title Transfer Draft Ordinance

We have reviewed the draft Ordinance relating to the Real Estate Transfer Tax. The following are our comments and/or concerns related to the Ordinance:

1. The collection and disbursements of the tax should be accounted for as dedicated revenue in a special revenue fund and not accounted for as trust funds. This change needs to be made throughout the Ordinance.
2. Under Definitions, the Director should be the Director of Department of General Services.
3. Under Definitions, instead of the Housing Authority of Portland we suggest changing the Definition to read Lead Agency.
4. Revenue tracking should be straight forward and easily accounted for using the LGFS Financial System.
5. We should have an Intergovernmental Agreement with the Lead Agency detailing the following financial information requirements:
  - a. What the funds are to be expensed for.
  - b. Auditing requirements, both financial and programmatic.
  - c. Financial reimbursement and reporting requirements and time lines.
6. Under Section 3, 1, are political subdivisions of the State of Oregon exempt from paying this property tax? (County Counsel)
7. Under Section 7, there is no mention of a County Hearings Official in the Definitions and if the Circuit Court is required to perform a review; how would this be implemented?

GRETCHEN KAFOURY  
Multnomah County Commissioner  
District 2



605 County Courthouse  
Portland, Oregon 97204  
(503) 248-5219

December 9, 1988

MEMORANDUM

TO: Linda Alexander  
Director, Department of General Services

FR: Gretchen Kafoury

RE: Real Estate Title Transfer Fee Revenue Estimates

I am preparing to bring to the County Board for consideration at an informal session, a program and ordinance which could refer a ballot measure to Multnomah County voters on whether to establish a Homeless Housing Trust Fund to be funded by a Real Estate Title Recording Fee.

As part of the County Board deliberations, we will want to know your best estimates of how much revenue could be raised from such a program.

The attached draft ordinance uses a fee of .15 percent (fifteen one-hundredths) and exempts property transactions of \$20,000 or less. Using a general methodology, we have estimated that about \$2 million annually could be raised under these conditions. However, I am concerned that this estimate might be very conservative.

Using the ordinance as a guide, please estimate more precisely, within the limits of your automation, the potential revenue to be generated in total and for each class of property at .1, .15, and .2 percent assuming residential property exemptions for transactions below \$20,000, \$40,000, and \$50,000 respectively.

If you have any questions, please call Terry Anderson of my staff, or Bob Clay of the City of Portland Planning Bureau who prepared estimates (796-7713). It would be helpful to have these estimates by December 16 if that is possible. If that is difficult given the time of year, just let me know when I can expect a response. Thank you for your assistance, Linda.

Attachment



Before the County Board of Commissioners for Multnomah County, Oregon

ORDINANCE No. \_\_\_\_\_

An Ordinance creating a Homeless Housing Trust Fund Account and imposing a fee on certain documents transferring real property and recorded in Multnomah County.

Multnomah County ordains as follows:

Section 1.

Definitions. As used in this ordinance, unless the context requires otherwise, the following definitions apply:

Buyer or Purchaser. Any person who is the recipient of a transfer of real property.

Date of Tender. The date of delivering to the Multnomah County Recorder's Office for recording the document transferring, or contracting to transfer, real property.

Director. The Director of the Multnomah County Recorder's Office.

Documents of Transfer. All deeds, instruments or writings whereby any ownership or title to real property is transferred to or vested in a pur-

no much  
title  
✓

chaser or other person at the direction of the purchaser, or contracts to transfer or vest such ownership and/or title in real property.

Homeless Housing Trust Fund Account. An account to be specially dedicated for specific purposes limited by the conditions of this ordinance to be administered by the Housing Authority of Portland in accordance with an Annual Plan approved by the Multnomah County Board of Commissioners.

Housing Authority of Portland. The agency charged with administering programs for very low and low-income persons in the City of Portland and Multnomah County under cooperation agreements and designated as the agency to administer the Homeless Housing Trust Fund Program.

Person. Individuals, domestic or foreign corporations, societies, joint ventures, associations, firms, partnerships, joint stock companies, clubs or any other legal entity.

Real Property. Any estate or interest in real property or contract right thereto, including standing timber (as opposed to contracts for the severance of such timber) and any mobile homes affixed to land by permanent plumbing and electrical connections when sold in conjunction with the land upon which it is situated, but excluding leases.

Recorder's Office. The division of Multnomah County government currently known by that name, or any successor to said division.

Seller. Any person who is the transferor of an interest in real property.

Selling Price. The consideration, in money or any other thing of value which is paid, delivered or contracted to be paid or delivered in return for the transfer of real property. "Selling price" shall include the amount of cash and the amount of any lien (including tax liens), mortgage, contract, indebtedness or any encumbrance existing against the property, to which the property remains subject and which the purchaser agrees to pay or assume, as stated pursuant to ORS 93.030 [1987 Ed.] on the face of any instrument conveying or contracting to convey fee title to real property. "Selling price" also includes other property or value given or promised for the transfer of real property if such other property or value were either part or whole of the consideration.

Transfer of Real Property. Every grant, sale, exchange, assignment, quitclaim or other conveyance of ownership in or title to real property, including any contract for such sale, exchange, grant, assignment, quitclaim or other conveyance of ownership in or title to real property, excluding leases.

Notwithstanding this, "transfer of real property" does not include instruments clearly showing on their face to be the following:

- (a) Estoppel deeds;
- (b) deeds in lieu of foreclosure and all transfers of real property effected by order of any court of competent jurisdiction in a mortgage or lien foreclosure proceeding, proceeding for execution of a judgment, proceeding for forfeiture of an interest in real property, bankruptcy proceeding or receivership proceeding;
- (c) vendor's assignments and all transfers or assignments of a seller's interest in a contract for the sale of real property, even though accompanied by a conveyance of the seller's interest in the real property;
- (d) earnest money agreements;
- (e) sheriff's deeds;
- (f) options;
- (g) trustee's deed as a result of foreclosure;
- (h) re-recording of documents;
- (i) fulfillment deeds;
- (j) documents recorded solely for security purposes;
- (k) transfers of real property to effectuate the dissolution of a corporation, partnership, or joint venture;
- (l) transfers of real property effected by a deed in lieu of foreclosure to satisfy a mortgage or conveyance to the Federal Housing Administration or Veterans Administration, or their successor agencies;
- (m) a mortgage, trust deed or other transfer of real property merely to secure a debt or an assignment thereof, or in fulfillment of a

previously recorded contract for purchase (upon which the transfer tax has already been paid);

- (n) transfers of real property from one spouse to the other in accordance with the terms of a decree of dissolution of marriage or in fulfillment of a property settlement agreement incident thereto;
- (o) transfers of property merely to effectuate a change in identity, form or place of organization where no consideration is contemplated or received from the transfer.

Very Low Income. Persons at or below 25% of area median income.

## Section 2.

### Fee Imposed.

- (1) A fee is hereby imposed on each transfer of real property located within Multnomah County unless such transfer is specifically exempted by Section 3 below. The tax shall be at the rate of .15 of one percent (fifteen one-hundredths) or fraction thereof of the selling price and shall become due and payable upon the date of tender.
- (2) It shall be unlawful for any person to fail to pay all or any portion of the fee imposed by this ordinance.
- (3) It shall be unlawful for any person to fail to state or to misstate the full selling price for any transfer of real property or to make

a materially false statement to the employees of the Recorder's Office.

### Section 3.

#### Exemptions.

The following transactions shall be exempted from the provisions of this ordinance upon satisfactory proof of their applicability having been submitted to the Recorder's Office:

- (1) Transfers of property made by or to the United States or the State or Oregon, or arising from the foreclosure of real property by Multnomah County pursuant to ORS Chapter 312.
- (2) Transfers of real property effected by an condemnation proceedings. For purposes of this ordinance, a copy of the resolution declaring the necessity for acquiring the property shall be presented to the Director at the time of tender before the exemption may be granted.
- (3) Transfers of real property by gift, devise or inheritance.
- (4) Transfers of a grave or cemetery plot.
- (5) Transfers dated prior to the effective date of this subchapter, or deeds given in fulfillment of contracts made prior to the effective date of this subchapter.
- (6) Transfers of real property lying partly within and partly without the jurisdictional boundaries of Multnomah County shall be partially exempt as to the selling price attributable to that



portion of real property lying outside the jurisdictional boundaries of Multnomah County. The purchaser and seller shall be responsible for calculating the portion of the real property subject to tax on forms provided by the Recorder's Office.

- (7) Transfer of real property for which the selling price is \$20,000 or less.

A document that does not clearly show on its face that it is one listed above may be deemed to be exempt if an affidavit is filed demonstrating that the instrument in fact is one so listed.

The Director shall have authority to grant or deny, or grant in part, any exemption allowed by this section, and may require an application or other certification for proof of the applicability of any exemption.

Any party aggrieved by such a decision may appeal to the County Hearings Official designated to hear such appeals by filing a written notice of appeal with such official not later than 10 days following the decision. the Hearings Official shall, within 20 days of receipt of an appeal, set a date for hearing the same pursuant to procedures set forth by Multnomah County. Further review shall be to the Circuit Court upon Writ of Review.

Section 4.

Responsibility for Tax. This tax shall be the responsibility of every purchaser and seller of real property located within Multnomah

County which is transferred, and to any person who, as a party thereto, makes, signs or issues any document transferring real property or for whose benefit or use such document is made, issued or transferred, provided however that only one tax shall be imposed upon each transfer of real property. Upon presentation for recording any document of transfer, the person presenting the same shall state the selling price, as defined herein, in terms of a dollar value (including the dollar value of "other valuable consideration," "property of equal value" and similar general statements) in order that the tax due may be computed. Failure to state the complete consideration in terms of a dollar value or to tender complete payment of the same, shall be grounds for rejecting partial payment of the tax due, and shall cause the Recorder's Office to stamp a notation of tax lien upon the document offered for recordation.

Failure, willful or otherwise, to pay the tax within 10 days of the presentation of the documents of transfer to the Recorder's Office for recordation shall result in an automatic tax increase in the amount of 50-percent of the assessed tax, and subsequent failure to pay the tax and increase within 60 days of such presentation shall thereafter also result in legal interest accruing on both the tax and increase, all of which shall constitute an immediate additional lien. The interest rate shall accrue at the rate of one and one-half (1-1/2) percent per month. In no event shall the interest charged be less than \$25.

Lien. The tax shall be a specific lien upon each piece of real property transferred from the time of sale until the tax has been paid. If mistake, error or fraud is discovered subsequent to the payment of or exemption from any tax due under this subchapter, the Director shall be empowered to determine the amount of deficiency in tax payment, and to file a Notice of Lien which shall constitute a lien upon the property from the date of its recordation in the proper County records. Such deficiency shall also constitute a personal debt of the purchaser and seller of the real property transaction giving rise to the transfer tax. Such liens may be foreclosed in the manner prescribed by ORS Chapter 88, ORS Chapter 312 or in any other manner prescribed by law. The County Counsel shall take such action as is appropriate to collect the tax and penalties.

#### Section 5.

Satisfaction of Liens. Upon payment of any delinquent tax under this subsection and any automatic increase thereof, the Recorder's Office shall prepare, file and record a Satisfaction of Lien form in the proper County records, which Satisfaction shall serve to remove any lien established by stamped Notice of Lien or subsequent Notice of Lien filed for deficient tax payment under this subsection.

#### Section 6.

Payment. The tax shall be paid to the Recorder's Office, or any successor division of County government, prior to recordation of the documents of transfer. The Recorder shall stamp evidence of payment of the tax and any automatic increase thereof, on the documents of transfer and a receipt evidencing payments of the tax shall be issued to the person paying the tax. Refusal to pay the tax shall not result in non-recordation, but a notation of the lien created by the unpaid tax shall be stamped on the documents of transfer and shall remain valid until stamped by the Division as paid.

When any person fails to pay the tax or apply for an exemption as provided herein, within the time provided for payment of the tax, there shall be a conclusive presumption, for purposes of computation of the tax, that the selling price is not less than the true cash value as defined by ORS 308.205, as determined by the Multnomah County Department of Assessment and Taxation.

#### Section 7.

Severability. If any portion of this subchapter is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed severable and shall not affect the validity of the remaining portions of this ordinance.

## Section 8.

Rules and Regulations. The Director of the Recorder's Office may promulgate rules and regulations necessary for the administration and enforcement of this Ordinance.

## Section 9.

Administration and Enforcement.

- (1) The Director shall be responsible for the administration and enforcement of this Ordinance.
- (2) In order to carry out the duties imposed by this Ordinance, the Director or Hearings Official shall have the authority to do the following acts, which enumeration shall not be deemed to be exhaustive, namely: administer oaths; certify to all official acts; to subpoena and require attendance of witnesses at Board meetings or other hearings to determine compliance with the Ordinance, rules and regulations; to require production of relevant documents at public hearings; to swear witnesses; and to take testimony of any person by deposition.
- (3) A party may collect attorney fees if it prevails in a civil action for collection of delinquent taxes.

## Section 10.

Penalties. In addition to any other civil enforcement provided herein, intentional violation of this Ordinance shall be a fine of not more than \$500. Violations of these sections by any officer, director, partner or other person having direction or control over any person violating this Ordinance shall subject each such person to such fine.

## Section 11.

Use of Tax Proceeds. The net proceeds shall be used exclusively for the purposes established by the Homeless Housing Trust Fund Account and the administering agency, the Housing Authority of Portland. The Housing Authority of Portland is the only agency authorized to draw from and spend funds collected from this this account, except that the County may use fund proceeds to pay only those administrative expenses incurred as a result of collecting, administering and enforcing this fund. It shall be lawful to carry forward from year-to-year any unexpended revenues, so long as their ultimate use is for the purposes specified herein.

## Section 12.

Establishment of Homeless Housing Trust Fund Account. The funds collected from the real estate title transfer fee shall be deposited in a special account for the sole purpose of funding the unmet housing



needs of homeless persons and persons with no and very low income and special housing needs in order to pay maintenance and operating expenses, including rent, and expenses for intensive property management typically associated with buildings housing persons with special needs or particular disabilities.

- (1) Homeless Account Restrictions. This account shall not fund social service program activities or individual client case management. The account funds shall not be used to fund existing federally-subsidized public housing or other activities already funded by governmental general fund support.
- (2) Homeless Housing Account Program. The program shall give first priority to funding projects to pay rent and other operating expenses and intensive property management which maximize economic feasibility for those new or rehabilitated capital projects which adds to the supply of housing for persons of no and very low income.

The program shall give second priority to provide gap-financing to those existing projects where funding will prevent tenant displacement or other emergency situations, limited to a one-year contract commitment.

- (3) Annual Homeless Housing Plan. The Housing Authority of Portland shall be required to prepare and submit for County Board approval, in cooperation with housing and social service providers, an annual plan specifying administrative rules, procedures, and criteria to be used to award funding and solicit project applications.

Before the County Board of Commissioners for Multnomah County, Oregon

ORDINANCE No. \_\_\_\_\_

An Ordinance creating a Homeless Housing Trust Fund Account and imposing a fee on certain documents transferring real property and recorded in Multnomah County.

Multnomah County ordains as follows:

Section 1.

Definitions. As used in this ordinance, unless the context requires otherwise, the following definitions apply:

Buyer or Purchaser. Any person who is the recipient of a transfer of real property.

Date of Tender. The date of delivering to the Multnomah County Recorder's Office for recording the document transferring, or contracting to transfer, real property.

Director. The Director of the Multnomah County Recorder's Office.

Documents of Transfer. All deeds, instruments or writings whereby any ownership or title to real property is transferred to or vested in a pur-

chaser or other person at the direction of the purchaser, or contracts to transfer or vest such ownership and/or title in real property.

Homeless Housing Trust Fund Account. An account to be specially dedicated for specific purposes limited by the conditions of this ordinance to be administered by the Housing Authority of Portland in accordance with an Annual Plan approved by the Multnomah County Board of Commissioners.

Housing Authority of Portland. The agency charged with administering programs for very low and low-income persons in the City of Portland and Multnomah County under cooperation agreements and designated as the agency to administer the Homeless Housing Trust Fund Program.

Person. Individuals, domestic or foreign corporations, societies, joint ventures, associations, firms, partnerships, joint stock companies, clubs or any other legal entity.

Real Property. Any estate or interest in real property or contract right thereto, including standing timber (as opposed to contracts for the severance of such timber) and any mobile homes affixed to land by permanent plumbing and electrical connections when sold in conjunction with the land upon which it is situated, but excluding leases.

The following language would replace the language in the draft of 8.10(2) starting with "After December 31, 1990" and ending with "shall immediately become vacant." This amendment is offered by comm. kafoury.12/20/88

(2) At the general November election in 1966 and at the general November election every four years thereafter an auditor shall be elected. On or before January 1, 1991, the auditor shall be a certified public accountant or certified internal auditor, subject to the following provision. If a person is not a certified public accountant or certified internal auditor at the time of taking office, the person elected or appointed to the office must obtain such certification not later than one year after taking office. The office of auditor shall become vacant when the person serving as auditor is not certified within one year after taking office.

HOUSING FUND/ REAL ESTATE TRANSFER FEE -- ORDER OF SCHEDULED SPEAKERS

Bob Clay -- Housing Advisory Committee

Sam Galbraith -- Portland Development Commission

*Doug Pietka*

Don Clark -- Housing Authority of Portland

Jean DeMasters -- Burnside Projects

Lucia Pena -- Coalition for Homeless Families

Rodney Page -- Ecumenical Ministeries of Oregon

Margaret Strachan -- Central City Concern



NAME

Date

ADDRESS

Street

City

Zip

I wish to speak on Agenda Item #

Subject

☒ FOR

☐ AGAINST

Sam Galbraith

Issue today is funding  
for Homeless

Need to leverage local  
funds

Lobby for continued state  
& Fed. Funds.

NAME

ROBIN LINDQUIST

Date \_\_\_\_\_

ADDRESS

90 Portland BOMA

111 SW Fifth #2670

Street

Portland

City

Zip

I wish to speak on Agenda Item #

R-3

Subject

Pen Estate Transfr

FOR

☒ AGAINST

Represents B.M.A.

Community, state problem  
not ours

Downtown businesses  
already doing a lot:

EID

LID

Increment Financing Causes  
additional costs to business

Coordination of all services  
need to be assumed.

3  
Date \_\_\_\_\_

NAME

LUCIA PEÑA

ADDRESS

1907 SE 34

Street

PORT

City

97214

Zip

I wish to speak on Agenda Item #

3

Subject \_\_\_\_\_



FOR

☐ AGAINST

NAME

Herb Brown

Date \_\_\_\_\_

ADDRESS

1546 SE. 138 Ave.

Street

Portland

City

97233

Zip

I wish to speak on Agenda Item #

R-1-R-2-R-3

Subject \_\_\_\_\_

\_\_\_\_ FOR

☒

AGAINST

Primary residence should  
be exempt:



Date 12/20/88

NAME

Jean DeMaster

ADDRESS

435 NW Glisan

Street

Portland

City

Zip

I wish to speak on Agenda Item #

Housing

Subject

X

FOR

AGAINST

Only feasible strategy!

Date 12-20-88

NAME

1  
MIKE WILEY

ADDRESS

6230 NE 22

Street

PORTLAND, OR

City

97211

Zip

I wish to speak on Agenda Item #

R3

Subject

HOUSING

       FOR

2 AGAINST

Cousin for young man  
home buyer

NAME

Rodney Page

Date \_\_\_\_\_

ADDRESS

1739 NE Tillamook

Street

Port

City

97212

Zip

I wish to speak on Agenda Item #

R-3

Subject \_\_\_\_\_

☒

FOR

☐ AGAINST

Raise exemption from

\$ 20,000 to

40,000

Date 12-20-

NAME

4  
FRED YOUNG

ADDRESS

733 SW 2nd #212

Street

Portland, OR

City

97204

Zip

I wish to speak on Agenda Item

R-3

Subject

       FOR

X

AGAINST



Pres. Bd of Renters

Property owners already  
paying more than fair share

Date 12

NAME

Michelle Hargnes

ADDRESS

Portland Development Commission

Street

1120 SW 5th Portland

City

Zip

I wish to speak on Agenda Item #

Subject

B-3

☒ FOR

☐ AGAINST

Preservation program  
Capital financing  
Operational financing needed

5 Date \_\_\_\_\_

NAME

BLANCHE SCHROEDER

ADDRESS

221 N.W. 2nd

Street

PORTLAND OR 97209

City

Zip

I wish to speak on Agenda Item #

HODGING

Subject

FOR

X AGAINST

Chamber opposes

Is 1987 data valid

No Comprehensive plan  
to address all housing  
needs.

Unfair burden on the  
industry

Date 12.20.88

NAME

<sup>10</sup>  
DON McCredie

ADDRESS

305 NE 102nd

Street

Portland, OR

City

97220

Zip

I wish to speak on Agenda Item #

R-3

Subject

transfer tax

       FOR

✓ AGAINST

1989 President Bd Reelton  
Don't appear cause but  
can't support

1  
Tax is discriminatory and  
appears



NAME

8  
SUSAN Emmons

Date

2/20/88

ADDRESS

1030 SW ~~10th~~ 3rd

Street

Portland, Ore

City

Zip

I wish to speak on Agenda Item #

Real Estate

Title Transfer

Subject

Fee

X

FOR

AGAINST

There is a lot of planning  
going on:

Hamilton briefcase

Working poor, min. wage.  
joke.

NAME

Pat Brown

Date

12-21-89

ADDRESS

Street

City

Zip

I wish to speak on Agenda Item #

R-3

Subject

FOR

X

AGAINST

Need \$60,000 exemption

When times were good people  
invested in several projects.  
Now must sell, at a loss, to  
pay for seniors.

Seller takes brnt of all  
transactions.

Bill asks Peter to  
pay Paul. When will Paul  
become Peter.

would prefer income tax on  
all.

Date 12/20

NAME

Margaret Strachan

ADDRESS

222 NW Couch

Street

Portland

City

Ore

97209

Zip

I wish to speak on Agenda Item #

R-3

Subject

☒ FOR

☐ AGAINST

Nuclear Vision

Date 12/12/88

NAME

Jeffrey Liddicoat

ADDRESS

127 NW 6th

Street

Portland

City

97209

Zip

I wish to speak on Agenda Item #

3

Subject

☒

FOR

☐ AGAINST

Add sweat equity into  
program  
Jobs, job training