



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

BOARD OF COMMISSIONERS

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JUNE 17 & 19, 2008 BOARD MEETINGS FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:00 a.m. Tuesday Executive Session
Pg 2	10:00 a.m. Tuesday Status of New North Portland Library Siting Process
Pg 2	10:30 a.m. Tuesday Progress of Citizen and Community Disaster Preparedness Efforts
Pg 3	9:30 a.m. Thursday Public Hearing Approving Annexation of Territory to Pleasant Home Water District
Pg 3	9:35 a.m. Thursday Employee Service Awards
Pg 3	10:00 a.m. Thursday Public Hearing and Board Decision of Taxpayers Raymond and Mary Rask TAX Appeal
Pg 3	10:10 a.m. Thursday Issuance of Revenue Bonds by The Hospital Facilities Authority of Multnomah County and Execution of a Letter of Intent with Mirabella at South Waterfront

Thursday meetings of the Multnomah County Board of Commissioners are cable-cast live and taped and may be seen by Cable subscribers in Multnomah County at the following times:

- Thursday, 9:30 AM, (LIVE) Channel 30
- Saturday, 10:00 AM, Channel 29
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- Tuesday, 8:15 PM, Channel 29

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Tuesday, June 17, 2008 - 9:00 AM
Multnomah Building, Sixth Floor Commissioners Conference Room 635
501 SE Hawthorne Boulevard, Portland

EXECUTIVE SESSION

- E-1 The Multnomah County Board of Commissioners will meet in Executive Session Pursuant to ORS 192.660(2)(d),(e) and/or (h). Only Representatives of the News Media and Designated Staff are allowed to attend. News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Session. No Final Decision will be made in the Session. Presented by County Attorney Agnes Sowle. 15-55 MINUTES REQUESTED.
-

Tuesday, June 17, 2008 - 10:00 AM
Multnomah Building, Sixth Floor Commissioners Conference Room 635
501 SE Hawthorne Boulevard, Portland

BOARD BRIEFINGS

- B-1 Briefing on Status of New North Portland Library Siting Process. Presented by Molly Raphael, Mike Sublett and Karol Collymore. 30 MINUTES REQUESTED.
- B-2 Briefing on the Progress of Citizen and Community Disaster Preparedness Efforts. Presented by Steve Bullock and George Whitney. 30 MINUTES REQUESTED.
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Thursday, June 19, 2008 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:30 AM **DEPARTMENT OF COUNTY MANAGEMENT**

- C-1 RESOLUTION Authorizing Cancellation of Uncollectible Personal Property Taxes for Tax Years 1992/93 through 2007/08

REGULAR AGENDA
PUBLIC COMMENT - 9:30 AM

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

NON-DEPARTMENTAL - 9:30 AM

- R-1 Public Hearing and Consideration of an ORDER Approving Annexation of Territory to Pleasant Home Water District

DEPARTMENT OF COUNTY MANAGEMENT – 9:35 AM

- R-2 Employee Service Award Ceremony Honoring Employees with 5 to 30 Years of Service with Multnomah County
- R-3 Budget Modification NOND-11 Increasing Pass-through Payments to Reflect Additional Revenues Collected
- R-4 RESOLUTION Adopting the Fiscal Year 2008 Multnomah County Supplemental Budget and Making Appropriations as Required by ORS 294.480
- R-5 PUBLIC HEARING and Board Decision of Taxpayers Raymond and Mary Rask's Appeal of the Administrator's Final Determination Regarding their 2003, 2004 and 2005 Multnomah County Income Tax (ITAX) Obligations Pursuant to ITAX Administrative Rule 11-614

HOSPITAL FACILITIES AUTHORITY – 10:10 AM

(Recess as the Multnomah County Board of Commissioners and convene as the Hospital Facilities Authority of Multnomah County, Oregon)

- R-6 RESOLUTION Authorizing Approval of the Issuance of Revenue Bonds, in One or More Series, by The Hospital Facilities Authority of Multnomah County, Oregon in an Aggregate Principal Amount Not to Exceed \$230,000,000; Authorizing the Execution of a Letter of Intent with Mirabella at South Waterfront; Designating an Authorized Representative; and Related Matters

(Adjourn as the Hospital Facilities Authority of Multnomah County, Oregon and reconvene as Multnomah County Board of Commissioners)

DEPARTMENT OF COUNTY MANAGEMENT – 10:15 AM

- R-7 Renewal of Intergovernmental 190 Agreement with the City of Portland to Collect and Administer the County's Business Income Tax
- R-8 NOTICE OF INTENT to Apply for U.S. EPA Environmental Justice Small Grants Program in the Amount of \$20,000
- R-9 NOTICE OF INTENT to Apply for U.S. EPA Solid Waste Management Assistance Grant in the Amount of \$15,000
- R-10 NOTICE OF INTENT to Apply for U.S. EPA West Coast Collaborative Diesel Emissions Reduction Program Grant Funding in the Amount of Up to \$1,000,000

COUNTY ATTORNEY'S OFFICE – 10:30 AM

- R-11 Authorizing Settlement of Lawsuit of Sarah Tyler v. Multnomah County and Richard Arriola
- R-12 Authorizing the Settlement of a Claim for Damages Against the County
- R-13 Authorizing Settlement of Misha Cooper v. Multnomah County, et. al, United States District Court Case No. 07-1014PK

SHERIFF'S OFFICE – 10:35 AM

- R-14 Budget Modification MCSO-15 Appropriating \$10,516 from the Bulletproof Vest Partnership Program to the Sheriff's Office for the Purchase of Bulletproof Vests
- R-15 Budget Modification MCSO-16 Appropriating \$100,000 from the Oregon Department of Transportation (ODOT) for Patrol Services in Work Zones

DEPARTMENT OF COUNTY HUMAN SERVICES – 10:40 AM

- R-16 Budget Modification DCHS-41 Increasing County General Fund Appropriation by \$1,000,000 in Loan Proceeds from the State of Oregon to Assist the County in Making an Emergency Loan to Cascadia Behavioral Healthcare Inc.

BOGSTAD Deborah L

From: ROJO DE STEFFEY Maria
Sent: Thursday, May 29, 2008 5:31 PM
To: BOGSTAD Deborah L
Cc: MARTINEZ David; LASHUA Matthew
Subject: RE: Summer schedule

I will be gone June 16-20 and July 7-11.

From: BOGSTAD Deborah L
Sent: Thu 5/29/2008 10:55 AM
To: ROJO DE STEFFEY Maria; WILLER Barbara; MARTINEZ David; FALKENBERG Keith E; MADRIGAL Marissa D; PETERSON Sam; BOWEN-BIGGS Tara C
Subject: Summer schedule

Departments are asking me about Board attendance during June through August. May I ask for your Commissioner's vacation schedule. Some folks want to be sure to have a full Board when they bring an item forward. Thank you!

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



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 06/19/08
Agenda Item #: C-1
Est. Start Time: 9:30 AM
Date Submitted: 05/15/08

Agenda Title: **RESOLUTION Authorizing Cancellation of Uncollectible Personal Property Taxes for Tax Years 1992/93 through 2007/08**

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

Requested Meeting Date: June 19, 2008 **Amount of Time Needed:** N/A
Department: DCM **Division:** Assessment & Taxation
Contact(s): Rick Teague
Phone: 503-988-3345 **Ext.** 26702 **I/O Address:** 503/200 Collections
Presenter(s): Consent Calendar

General Information

1. What action are you requesting from the Board?

The Division of Assessment and Taxation is requesting the Board approve the cancellation of Uncollectible Personal Property Taxes for 1992/93 through 2007/08 in the amount of \$303,767.37. The Department of County Management recommends approval.

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

Certain personal property taxes have been delinquent and the Multnomah County Tax Collector has determined that these taxes are wholly uncollectible and is requesting the Board for an order directing that the taxes be cancelled pursuant to ORS 311.790. Write Off List is attached.

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

Uncollected or canceled taxes decrease the amount able to be distributed to taxing districts. The majority of these uncollectible taxes are from corporations (\$196,316.50) and bankruptcies (\$69,641.71) which are protected from further collection activity.

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

No legal issues are expected.

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

No citizen participation is anticipated. The taxes will be canceled once Board approval is received.

Required Signature

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

Carol M. Ford

Date: 05/15/08



MULTNOMAH COUNTY OREGON

DIVISION OF ASSESSMENT & TAXATION

501 SE HAWTHORNE BLVD., ROOM 200
PORTLAND OREGON 97214

PHONE (503) 988-3367
FAX (503) 988-3356

DATE: May 15, 2008

TO: Randy Walruff, Director Division of Assessment and Taxation

FROM: Richard Teague

RE: Tax Write Off Criteria

The personal property collection staff is responsible for collection of delinquent taxes on centrally assessed utilities, industrial machinery and equipment, business personal property, manufactured homes, and floating home accounts.

Collection enforcement begins as soon as an account becomes delinquent. Notification is sent stating if taxes are not paid a warrant will be recorded. If the taxes are not paid the warrant is recorded, becoming a lien on any real property. Under Oregon law warrants act as judgments allowing the County to garnish bank accounts and employers. The collectors continue to attempt to contact the taxpayers in an attempt to collect the taxes. Bank accounts are garnished. Tax refunds from the Department of Revenue are garnished including both tax and kicker refunds. In the case of individuals, we search for any employers so we can garnish the taxpayer's paychecks. Research is done to locate any assets that may be seized and sold to recover taxes. We search for property they may own in other counties and record our warrant there. Businesses or individuals that have relocated out of state, or are headquartered out of state, and have a significant amount of delinquent taxes are referred to the County Attorney for possible legal action.

Taxes are determined to be uncollectible when a corporation has dissolved and the personal property has been removed from the site and it cannot be located. Under Oregon law the County cannot pursue corporate officers individually for delinquent property taxes. As an individual, taxes are deemed to be uncollectible when the person is deceased or the judgment warrant is more than twenty years old and the location of any property is unknown. In the case of mobile homes and floating homes, Oregon statutes require us to write off taxes when the home has gone through the statutory abandonment process and it is either demolished or donated. Bankruptcy action will stop all collection activity until it is settled. The amount of taxes that can be collected can be reduced by the Bankruptcy Court and the remainder would be uncollectible.

There is no set period of time that needs to pass before taxes may be written off. In the case of an account in bankruptcy or a manufactured home that is abandoned, the taxes may be determined to be uncollectible quickly. With an individual, taxes can remain on the tax roll until the warrant expires after twenty years. All enforcement options are exhausted before taxes are written off.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing Cancellation of Uncollectible Personal Property Taxes for Tax Years
1992/93 through 2007/08

The Multnomah County Board of Commissioners Finds:

- a. Certain personal property taxes have been delinquent and the Multnomah County Tax Collector has determined that said taxes are wholly uncollectible and have requested the Board for an order directing that the taxes be cancelled pursuant to ORS 311.790.

The Multnomah County Board of Commissioners Resolves:

1. The Multnomah County Tax Collector is directed to cancel those certain personal property taxes which are listed and appended hereto and incorporated herein, for tax years 1992/93 through 2007/08 for the reason that the same are found to be uncollectible.

ADOPTED this 19th day of June, 2008.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
John Thomas, Deputy County Attorney

SUBMITTED BY:

Carol Ford – Director, Department of County Management

UNCOLLECTIBLE PERSONAL PROPTERY ACCOUNTS - MAY 2007

PROP.ID	REPORT.CODE	WARRANT#	TAX & INTEREST	Tax Due
M355810	WRO	041658	\$ 139.77	\$ 28.59
P429140	WRO	000111	\$ 912.78	\$ 400.83
P377118	WRO	962705	\$ 217.64	\$ 64.87
M356950	WRO	010167	\$ 218.48	\$ 85.74
P351758	WRO	021567	\$ 1,143.48	\$ 442.66
P379538	WRO	961988	\$ 215.63	\$ 64.87
P423738	WRO	993259	\$ 988.19	\$ 406.46
P388039	WRO	962122	\$ 293.48	\$ 93.29
P371580	WRO	001937	\$ 1,192.77	\$ 531.54
P442932	WRO	962566	\$ 2,385.44	\$ 845.80
P489028	WRO	010338	\$ 1,125.40	\$ 539.20
P427080	WRO	942234	\$ 349.85	\$ 101.60
P527300	WRO	032623	\$ 1,197.89	\$ 685.05
P375954	WRO	953384	\$ 1,201.23	\$ 400.88
P375878	WRO	050264	\$ 613.13	\$ 457.96
P410595	WRO	942143	\$ 695.77	\$ 196.80
P363426	WRO	961852	\$ 313.56	\$ 100.57
P418352	WRO	923141	\$ 306.90	\$ 78.75
M359054	WRO	961131	\$ 281.84	\$ 45.14
M355188	WRO	060198	\$ 438.23	\$ 350.79
P435838	WRO	962520	\$ 1,185.99	\$ 392.54
P419248	WRO	942182	\$ 344.56	\$ 94.71
P351122	WRO	031360	\$ 27.00	\$ 15.00
M357174	WRO	061061	\$ 551.96	\$ 322.65
M355659	WRO		\$ 67.87	\$ 65.26
P529904	WRO	032938	\$ 212.35	\$ 98.42
M357692	WRO	061384	\$ 84.39	\$ 31.16
P425992	WRO	962423	\$ 406.41	\$ 128.36
P402514	WRO	930418	\$ 1,122.87	\$ 343.50
P399593	WRO	961523	\$ 960.80	\$ 343.14
P368224	WRO	920095	\$ 105.83	\$ 29.73
P424552	WRO	011117	\$ 467.57	\$ 236.54
M354616	WRO		\$ 211.84	\$ 203.69
M353423	WRO		\$ 41.07	\$ 39.49
P521864	WRO	020623	\$ 544.84	\$ 302.69
M354348	WRO	032981	\$ 271.41	\$ 133.58
M353408	WRO	041778	\$ 1,753.65	\$ 691.74
M356712	WRO	061396	\$ 108.24	\$ 54.60
P435346	WRO	942578	\$ 1,119.60	\$ 307.61
M353878	WRO	061145	\$ 137.55	\$ 75.46
P373254	WRO	961936	\$ 1,560.36	\$ 527.41
P376598	WRO	961960	\$ 317.20	\$ 114.93
M355445	WRO	061149	\$ 2,692.16	\$ 1,416.97
P412280	WRO	980574	\$ 1,172.33	\$ 438.90
M357525	WRO	061152	\$ 401.28	\$ 317.61
M359171	WRO	041788	\$ 203.68	\$ 68.46
M354774	WRO	011303	\$ 305.80	\$ 123.05
M357720	WRO	061125	\$ 2,344.43	\$ 1,113.66
P419298	WRO	962362	\$ 248.52	\$ 76.51

UNCOLLECTIBLE PERSONAL PROPTERY ACCOUNTS - MAY 2007

PROP.ID	REPORT.CODE	WARRANT#	TAX & INTEREST	Tax Due
P438100	WRO	961660	\$ 73.05	\$ 26.26
M353761	WRO	041795	\$ 144.58	\$ 64.20
P368238	WRO	952066	\$ 1,048.17	\$ 345.58
M355734	WRO	011392	\$ 733.35	\$ 307.25
M355935	WRO	994398	\$ 106.44	\$ 25.62
M357293	WRO	041802	\$ 75.86	\$ 18.98
P352514	WRO	050955	\$ 898.64	\$ 626.21
P509077	WRO	040825	\$ 4,993.55	\$ 3,254.31
P379900	WRO	980189	\$ 914.37	\$ 354.18
M357662	WRO		\$ 100.24	\$ 96.39
P531430	WRO	050987	\$ 9.37	\$ 7.10
P509086	WRO	011573	\$ 489.50	\$ 221.25
M354716	WRO	061440	\$ 1,212.45	\$ 628.34
M359472	WRO	060384	\$ 3,340.21	\$ 2,271.42
P382250	WRO	962028	\$ 1,509.36	\$ 532.11
P383488	WRO	962059	\$ 216.20	\$ 64.87
P444690	WRO	961679	\$ 1,009.19	\$ 306.40
P351656	WRO	011762	\$ 5,502.30	\$ 2,381.20
M354382	WRO	041849	\$ 172.67	\$ 82.67
M358980	WRO	060734	\$ 295.44	\$ 284.07
P384884	WRO	980258	\$ 11,639.76	\$ 3,877.57
P424834	WRO	953202	\$ 209.22	\$ 59.59
M353462	WRO	051296	\$ 165.16	\$ 86.88
P390370	WRO	002419	\$ 304.86	\$ 119.38
P548062	WRO	061241	\$ 17.40	\$ 15.00
M355777	WRO	041586	\$ 188.36	\$ 93.00
P543079	WRO	041158	\$ 18.40	\$ 12.43
M358712	WRO	060892	\$ 30.64	\$ 26.41
M488326	WRO	041898	\$ 223.91	\$ 77.44
P419090	WRO	962360	\$ 195.29	\$ 55.91
P424446	WRO	961618	\$ 475.80	\$ 157.07
P350206	WRO	051476	\$ 9,160.52	\$ 5,232.94
M356608	WRO	033539	\$ 1,387.12	\$ 443.23
M360837	WRO	033540	\$ 123.29	\$ 45.41
M353337	WRO	033541	\$ 107.09	\$ 35.77
M353830	WRO	033542	\$ 117.60	\$ 42.02
M354918	WRO	033168	\$ 210.41	\$ 97.27
M359727	WRO	033543	\$ 1,397.00	\$ 453.84
M354296	WRO	033544	\$ 113.36	\$ 39.49
M354430	WRO	061269	\$ 81.84	\$ 78.70
P545950	WRO	041630	\$ 471.26	\$ 282.47
M357864	WRO	995338	\$ 1,639.30	\$ 550.17
WRO - 91 Accounts			\$ 84,325.55	\$ 37,809.16
<i>(No avenue to collect from officers)</i>				
U529027	WRO CORP	050005	\$ 76.79	\$ 21.91
M354744	WRO CORP		\$ 20.39	\$ 19.60
P554129	WRO CORP	060993	\$ 5.92	\$ 5.10

UNCOLLECTIBLE PERSONAL PROPERTERY ACCOUNTS - MAY 2007

PROP.ID	REPORT.CODE	WARRANT#	TAX & INTEREST	Tax Due
P519056	WRO CORP	040013	\$ 1,629.12	\$ 1,033.52
P490175	WRO CORP	010035	\$ 1,304.62	\$ 621.84
P534426	WRO CORP	041643	\$ 66.32	\$ 12.71
P558670	WRO CORP	050045	\$ 376.00	\$ 241.91
P370593	WRO CORP	032816	\$ 1,300.87	\$ 746.66
P543472	WRO CORP	070042	\$ 1,846.66	\$ 1,542.17
P456394	WRO CORP	020057	\$ 1,348.88	\$ 707.54
P516450	WRO CORP	010117	\$ 1,648.75	\$ 800.88
P484861	WRO CORP	032378	\$ 2,934.11	\$ 1,535.16
P484509	WRO CORP	040099	\$ 903.90	\$ 551.36
P484593	WRO CORP	040100	\$ 1,502.68	\$ 957.68
P532481	WRO CORP	041318	\$ 247.18	\$ 131.70
P564820	WRO CORP	060087	\$ 20.72	\$ 17.86
P499651	WRO CORP	001923	\$ 3,227.63	\$ 1,501.94
P516468	WRO CORP	050166	\$ 606.49	\$ 411.40
P483612	WRO CORP	000237	\$ 2,263.82	\$ 1,026.30
P560258	WRO CORP	050230	\$ 3,127.48	\$ 2,265.05
M355227	WRO CORP	061326	\$ 47.22	\$ 45.41
R295997	WRO CORP		\$ 553.12	\$ 212.74
P491259	WRO CORP	040194	\$ 354.69	\$ 202.42
P501492	WRO CORP	040195	\$ 805.72	\$ 499.16
P501636	WRO CORP	040196	\$ 684.93	\$ 419.69
P382042	WRO CORP	061338	\$ 57.31	\$ 8.89
P385310	WRO CORP	020255	\$ 4,055.92	\$ 2,078.57
P559263	WRO CORP	060193	\$ 1,243.51	\$ 984.89
P405522	WRO CORP	010517	\$ 23,542.10	\$ 11,252.08
P403872	WRO CORP	032238	\$ 417.42	\$ 220.48
P507947	WRO CORP	050347	\$ 63.51	\$ 48.12
P545963	WRO CORP	051559	\$ 11,401.51	\$ 7,989.73
P380307	WRO CORP	032152	\$ 862.19	\$ 456.49
P541240	WRO CORP	060248	\$ 640.50	\$ 494.58
P544159	WRO CORP	050445	\$ 25.01	\$ 18.95
P519732	WRO CORP	033372	\$ 55.76	\$ 5.28
R538099	WRO CORP		\$ 17,679.71	\$ 13,013.22
M353273	WRO CORP		\$ 84.33	\$ 81.09
P469699	WRO CORP	982181	\$ 928.29	\$ 344.64
P469707	WRO CORP	982187	\$ 590.34	\$ 229.41
P469708	WRO CORP	982188	\$ 1,135.86	\$ 427.41
P544097	WRO CORP	060416	\$ 54.52	\$ 47.00
P424505	WRO CORP	011083	\$ 1,967.46	\$ 958.02
P529658	WRO CORP	020566	\$ 1,378.41	\$ 723.59
P366631	WRO CORP		\$ 1,632.14	\$ 703.51
P395635	WRO CORP		\$ 1,224.41	\$ 528.34
P531323	WRO CORP	060438	\$ 45.23	\$ 38.99
P483797	WRO CORP	994107	\$ 114.23	\$ 49.48
P497471	WRO CORP	021672	\$ 79.67	\$ 37.58
P497476	WRO CORP	002611	\$ 925.91	\$ 414.58
P530868	WRO CORP	050751	\$ 613.66	\$ 416.66
P394607	WRO CORP	061142	\$ 732.61	\$ 568.14

UNCOLLECTIBLE PERSONAL PROPTERY ACCOUNTS - MAY 2007

PROP.ID	REPORT.CODE	WARRANT#	TAX & INTEREST	Tax Due
P496849	WRO CORP		\$ 16.22	\$ 7.51
P496850	WRO CORP		\$ 11.79	\$ 5.46
P496851	WRO CORP		\$ 133.89	\$ 61.99
P496852	WRO CORP		\$ 21.04	\$ 9.74
P435093	WRO CORP		\$ 942.24	\$ 471.12
P509267	WRO CORP	050809	\$ 73,801.44	\$ 46,197.38
P381739	WRO CORP	032164	\$ 9,907.25	\$ 5,041.98
P417790	WRO CORP	040723	\$ 827.06	\$ 513.20
P562692	WRO CORP	050834	\$ 521.90	\$ 349.19
P399307	WRO CORP		\$ 1,519.03	\$ 1,309.51
P413028	WRO CORP	011317	\$ 8,029.28	\$ 3,952.49
P415602	WRO CORP	020744	\$ 16,546.54	\$ 8,967.13
P416813	WRO CORP	050889	\$ 2,094.01	\$ 1,494.39
P578005	WRO CORP	061170	\$ 152.55	\$ 87.96
P509738	WRO CORP	050913	\$ 488.92	\$ 324.94
P424067	WRO CORP	020784	\$ 1,855.05	\$ 982.64
P399776	WRO CORP	040808	\$ 3,523.17	\$ 2,658.53
P390080	WRO CORP	032200	\$ 23,223.45	\$ 12,263.85
P500526	WRO CORP	032442	\$ 1,290.72	\$ 740.31
P519379	WRO CORP	032570	\$ 1,954.29	\$ 1,135.30
P369570	WRO CORP	050969	\$ 4,144.34	\$ 3,012.75
P426780	WRO CORP	070692	\$ 2,289.25	\$ 2,141.38
P427567	WRO CORP	070693	\$ 585.70	\$ 517.98
P535152	WRO CORP	051012	\$ 15.55	\$ 11.78
P383602	WRO CORP	942506	\$ 237.22	\$ 65.90
P396409	WRO CORP	060643	\$ 32.98	\$ 28.43
P381166	WRO CORP	051036	\$ 13.20	\$ 10.00
P559014	WRO CORP	051068	\$ 445.29	\$ 292.86
P560890	WRO CORP	061196	\$ 84.73	\$ 73.05
P551787	WRO CORP	051085	\$ 8.79	\$ 6.66
P559076	WRO CORP	051089	\$ 12.71	\$ 9.63
P502118	WRO CORP	032459	\$ 19,639.66	\$ 11,455.84
P501622	WRO CORP	051094	\$ 832.90	\$ 570.02
P580830	WRO CORP	061198	\$ 1,030.38	\$ 819.48
P483976	WRO CORP	002329	\$ 1,816.02	\$ 820.68
P504234	WRO CORP	051121	\$ 831.23	\$ 565.87
P431992	WRO CORP	060702	\$ 617.09	\$ 462.87
P406039	WRO CORP		\$ 22.88	\$ 12.71
P446698	WRO CORP	021034	\$ 1,058.64	\$ 549.80
P563128	WRO CORP	051203	\$ 960.34	\$ 671.57
P517555	WRO CORP	041011	\$ 10.33	\$ 6.98
P498967	WRO CORP	011812	\$ 390.84	\$ 171.92
P542290	WRO CORP	051225	\$ 36.96	\$ 28.00
P558442	WRO CORP	060758	\$ 919.06	\$ 788.77
P544636	WRO CORP	051284	\$ 328.01	\$ 206.62
R318045	WRO CORP		\$ 1,134.38	\$ 488.95
P545854	WRO CORP	051359	\$ 501.49	\$ 333.65
P545860	WRO CORP	051360	\$ 629.09	\$ 428.01
P545076	WRO CORP	051361	\$ 1,344.93	\$ 861.04

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P540115	WRO CORP	041164	\$ 3,800.39	\$ 2,406.76
P478156	WRO CORP	021637	\$ 109.45	\$ 20.75
P492723	WRO CORP	001714	\$ 1,945.79	\$ 864.88
P516842	WRO CORP	032533	\$ 535.82	\$ 290.97
P559196	WRO CORP	051413	\$ 2,536.69	\$ 1,830.65
P427828	WRO CORP	060907	\$ 2,929.23	\$ 1,955.99
P546200	WRO CORP	061490	\$ 119.89	\$ 60.74
P558140	WRO CORP	071000	\$ 2,093.88	\$ 1,953.53
P532688	WRO CORP	060933	\$ 840.97	\$ 661.65
P536081	WRO CORP	041906	\$ 138.03	\$ 59.89
P546730	WRO CORP	051465	\$ 438.04	\$ 287.52
P488910	WRO CORP	021249	\$ 4,878.89	\$ 2,669.73
P540616	WRO CORP	041240	\$ 14,865.90	\$ 9,220.41
P480986	WRO CORP	002516	\$ 258.79	\$ 98.05
P365396	WRO CORP	061498	\$ 66.07	\$ 16.44
P428966	WRO CORP	051527	\$ 1,218.84	\$ 889.91
WRO CORP - 121 Accounts			\$ 327,109.15	\$ 196,316.50
U343854	B11 WRO CORP	032784	\$ 11.45	\$ 9.87
P507370	B11 WRO CORP		\$ 802.66	\$ 671.49
P497869	B11 WRO CORP	000724	\$ 666.05	\$ 338.70
P566493	B11 WRO CORP	060415	\$ 60.38	\$ 52.05
P363920	B11 WRO CORP		\$ 128.64	\$ 110.90
P389393	B11 WRO CORP	994481	\$ 1,991.18	\$ 838.01
P406683	B11 WRO CORP	995571	\$ 727.90	\$ 343.29
P409743	B11 WRO CORP		\$ 1,043.65	\$ 636.37
P395961	B7 WRO CORP		\$ 1,233.77	\$ 532.71
P422343	B7 WRO CORP	032306	\$ 1,344.51	\$ 847.37
P561823	B7 WRO CORP	050832	\$ 685.04	\$ 469.15
R274175	B7 WRO CORP		\$ 127,695.87	\$ 64,791.80
WRO - 12 Bankruptcy Accounts			\$ 136,391.10	\$ 69,641.71
GRAND TOTAL			\$ 547,825.80	\$ 303,767.37

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 08-089

Authorizing Cancellation of Uncollectible Personal Property Taxes for Tax Years
1992/93 through 2007/08

The Multnomah County Board of Commissioners Finds:

- a. Certain personal property taxes have been delinquent and the Multnomah County Tax Collector has determined that said taxes are wholly uncollectible and have requested the Board for an order directing that the taxes be cancelled pursuant to ORS 311.790.

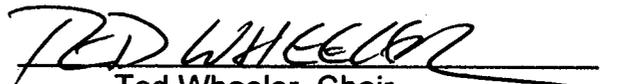
The Multnomah County Board of Commissioners Resolves:

1. The Multnomah County Tax Collector is directed to cancel those certain personal property taxes which are listed and appended hereto and incorporated herein, for tax years 1992/93 through 2007/08 for the reason that the same are found to be uncollectible.

ADOPTED this 19th day of June, 2008.

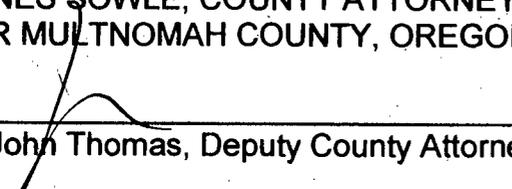


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
John Thomas, Deputy County Attorney

SUBMITTED BY:
Carol Ford – Director, Department of County Management

UNCOLLECTIBLE PERSONAL PROPTERY ACCOUNTS - MAY 2007

PROP.ID	REPORT.CODE	WARRANT#	TAX & INTEREST	Tax Due
M355810	WRO	041658	\$ 139.77	\$ 28.59
P429140	WRO	000111	\$ 912.78	\$ 400.83
P377118	WRO	962705	\$ 217.64	\$ 64.87
M356950	WRO	010167	\$ 218.48	\$ 85.74
P351758	WRO	021567	\$ 1,143.48	\$ 442.66
P379538	WRO	961988	\$ 215.63	\$ 64.87
P423738	WRO	993259	\$ 988.19	\$ 406.46
P388039	WRO	962122	\$ 293.48	\$ 93.29
P371580	WRO	001937	\$ 1,192.77	\$ 531.54
P442932	WRO	962566	\$ 2,385.44	\$ 845.80
P489028	WRO	010338	\$ 1,125.40	\$ 539.20
P427080	WRO	942234	\$ 349.85	\$ 101.60
P527300	WRO	032623	\$ 1,197.89	\$ 685.05
P375954	WRO	953384	\$ 1,201.23	\$ 400.88
P375878	WRO	050264	\$ 613.13	\$ 457.96
P410595	WRO	942143	\$ 695.77	\$ 196.80
P363426	WRO	961852	\$ 313.56	\$ 100.57
P418352	WRO	923141	\$ 306.90	\$ 78.75
M359054	WRO	961131	\$ 281.84	\$ 45.14
M355188	WRO	060198	\$ 438.23	\$ 350.79
P435838	WRO	962520	\$ 1,185.99	\$ 392.54
P419248	WRO	942182	\$ 344.56	\$ 94.71
P351122	WRO	031360	\$ 27.00	\$ 15.00
M357174	WRO	061061	\$ 551.96	\$ 322.65
M355659	WRO		\$ 67.87	\$ 65.26
P529904	WRO	032938	\$ 212.35	\$ 98.42
M357692	WRO	061384	\$ 84.39	\$ 31.16
P425992	WRO	962423	\$ 406.41	\$ 128.36
P402514	WRO	930418	\$ 1,122.87	\$ 343.50
P399593	WRO	961523	\$ 960.80	\$ 343.14
P368224	WRO	920095	\$ 105.83	\$ 29.73
P424552	WRO	011117	\$ 467.57	\$ 236.54
M354616	WRO		\$ 211.84	\$ 203.69
M353423	WRO		\$ 41.07	\$ 39.49
P521864	WRO	020623	\$ 544.84	\$ 302.69
M354348	WRO	032981	\$ 271.41	\$ 133.58
M353408	WRO	041778	\$ 1,753.65	\$ 691.74
M356712	WRO	061396	\$ 108.24	\$ 54.60
P435346	WRO	942578	\$ 1,119.60	\$ 307.61
M353878	WRO	061145	\$ 137.55	\$ 75.46
P373254	WRO	961936	\$ 1,560.36	\$ 527.41
P376598	WRO	961960	\$ 317.20	\$ 114.93
M355445	WRO	061149	\$ 2,692.16	\$ 1,416.97
P412280	WRO	980574	\$ 1,172.33	\$ 438.90
M357525	WRO	061152	\$ 401.28	\$ 317.61
M359171	WRO	041788	\$ 203.68	\$ 68.46
M354774	WRO	011303	\$ 305.80	\$ 123.05
M357720	WRO	061125	\$ 2,344.43	\$ 1,113.66
P419298	WRO	962362	\$ 248.52	\$ 76.51

UNCOLLECTIBLE PERSONAL PROPERTY ACCOUNTS - MAY 2007

PROP.ID	REPORT.CODE	WARRANT#	TAX & INTEREST	Tax Due
P519056	WRO CORP	040013	\$ 1,629.12	\$ 1,033.52
P490175	WRO CORP	010035	\$ 1,304.62	\$ 621.84
P534426	WRO CORP	041643	\$ 66.32	\$ 12.71
P558670	WRO CORP	050045	\$ 376.00	\$ 241.91
P370593	WRO CORP	032816	\$ 1,300.87	\$ 746.66
P543472	WRO CORP	070042	\$ 1,846.66	\$ 1,542.17
P456394	WRO CORP	020057	\$ 1,348.88	\$ 707.54
P516450	WRO CORP	010117	\$ 1,648.75	\$ 800.88
P484861	WRO CORP	032378	\$ 2,934.11	\$ 1,535.16
P484509	WRO CORP	040099	\$ 903.90	\$ 551.36
P484593	WRO CORP	040100	\$ 1,502.68	\$ 957.68
P532481	WRO CORP	041318	\$ 247.18	\$ 131.70
P564820	WRO CORP	060087	\$ 20.72	\$ 17.86
P499651	WRO CORP	001923	\$ 3,227.63	\$ 1,501.94
P516468	WRO CORP	050166	\$ 606.49	\$ 411.40
P483612	WRO CORP	000237	\$ 2,263.82	\$ 1,026.30
P560258	WRO CORP	050230	\$ 3,127.48	\$ 2,265.05
M355227	WRO CORP	061326	\$ 47.22	\$ 45.41
R295997	WRO CORP		\$ 553.12	\$ 212.74
P491259	WRO CORP	040194	\$ 354.69	\$ 202.42
P501492	WRO CORP	040195	\$ 805.72	\$ 499.16
P501636	WRO CORP	040196	\$ 684.93	\$ 419.69
P382042	WRO CORP	061338	\$ 57.31	\$ 8.89
P385310	WRO CORP	020255	\$ 4,055.92	\$ 2,078.57
P559263	WRO CORP	060193	\$ 1,243.51	\$ 984.89
P405522	WRO CORP	010517	\$ 23,542.10	\$ 11,252.08
P403872	WRO CORP	032238	\$ 417.42	\$ 220.48
P507947	WRO CORP	050347	\$ 63.51	\$ 48.12
P545963	WRO CORP	051559	\$ 11,401.51	\$ 7,989.73
P380307	WRO CORP	032152	\$ 862.19	\$ 456.49
P541240	WRO CORP	060248	\$ 640.50	\$ 494.58
P544159	WRO CORP	050445	\$ 25.01	\$ 18.95
P519732	WRO CORP	033372	\$ 55.76	\$ 5.28
R538099	WRO CORP		\$ 17,679.71	\$ 13,013.22
M353273	WRO CORP		\$ 84.33	\$ 81.09
P469699	WRO CORP	982181	\$ 928.29	\$ 344.64
P469707	WRO CORP	982187	\$ 590.34	\$ 229.41
P469708	WRO CORP	982188	\$ 1,135.86	\$ 427.41
P544097	WRO CORP	060416	\$ 54.52	\$ 47.00
P424505	WRO CORP	011083	\$ 1,967.46	\$ 958.02
P529658	WRO CORP	020566	\$ 1,378.41	\$ 723.59
P366631	WRO CORP		\$ 1,632.14	\$ 703.51
P395635	WRO CORP		\$ 1,224.41	\$ 528.34
P531323	WRO CORP	060438	\$ 45.23	\$ 38.99
P483797	WRO CORP	994107	\$ 114.23	\$ 49.48
P497471	WRO CORP	021672	\$ 79.67	\$ 37.58
P497476	WRO CORP	002611	\$ 925.91	\$ 414.58
P530868	WRO CORP	050751	\$ 613.66	\$ 416.66
P394607	WRO CORP	061142	\$ 732.61	\$ 568.14

UNCOLLECTIBLE PERSONAL PROPTERY ACCOUNTS - MAY 2007

PROP.ID	REPORT.CODE	WARRANT#	TAX & INTEREST	Tax Due
P496849	WRO CORP		\$ 16.22	\$ 7.51
P496850	WRO CORP		\$ 11.79	\$ 5.46
P496851	WRO CORP		\$ 133.89	\$ 61.99
P496852	WRO CORP		\$ 21.04	\$ 9.74
P435093	WRO CORP		\$ 942.24	\$ 471.12
P509267	WRO CORP	050809	\$ 73,801.44	\$ 46,197.38
P381739	WRO CORP	032164	\$ 9,907.25	\$ 5,041.98
P417790	WRO CORP	040723	\$ 827.06	\$ 513.20
P562692	WRO CORP	050834	\$ 521.90	\$ 349.19
P399307	WRO CORP		\$ 1,519.03	\$ 1,309.51
P413028	WRO CORP	011317	\$ 8,029.28	\$ 3,952.49
P415602	WRO CORP	020744	\$ 16,546.54	\$ 8,967.13
P416813	WRO CORP	050889	\$ 2,094.01	\$ 1,494.39
P578005	WRO CORP	061170	\$ 152.55	\$ 87.96
P509738	WRO CORP	050913	\$ 488.92	\$ 324.94
P424067	WRO CORP	020784	\$ 1,855.05	\$ 982.64
P399776	WRO CORP	040808	\$ 3,523.17	\$ 2,658.53
P390080	WRO CORP	032200	\$ 23,223.45	\$ 12,263.85
P500526	WRO CORP	032442	\$ 1,290.72	\$ 740.31
P519379	WRO CORP	032570	\$ 1,954.29	\$ 1,135.30
P369570	WRO CORP	050969	\$ 4,144.34	\$ 3,012.75
P426780	WRO CORP	070692	\$ 2,289.25	\$ 2,141.38
P427567	WRO CORP	070693	\$ 585.70	\$ 517.98
P535152	WRO CORP	051012	\$ 15.55	\$ 11.78
P383602	WRO CORP	942506	\$ 237.22	\$ 65.90
P396409	WRO CORP	060643	\$ 32.98	\$ 28.43
P381166	WRO CORP	051036	\$ 13.20	\$ 10.00
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P427828	WRO CORP	060907	\$ 2,929.23	\$ 1,955.99
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P422343	B7 WRO CORP	032306	\$ 1,344.51	\$ 847.37
P561823	B7 WRO CORP	050832	\$ 685.04	\$ 469.15
R274175	B7 WRO CORP		\$ 127,695.87	\$ 64,791.80
WRO - 12 Bankruptcy Accounts			\$ 136,391.10	\$ 69,641.71
GRAND TOTAL			\$ 547,825.80	\$ 303,767.37



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 06/19/08
Agenda Item #: R-1
Est. Start Time: 9:30 AM
Date Submitted: 06/02/08

Agenda Title: **Public Hearing and Consideration of an ORDER Approving Annexation of Territory to Pleasant Home Water District**

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

Requested Meeting Date: June 19, 2008 **Amount of Time Needed:** 5 mins
Department: Non-Departmental **Division:** Chair Wheeler
Contact(s): Kenneth S. Martin / Assistant County Attorney Matt Ryan
Phone: 503 222-0955 **Ext.** 83138 **I/O Address:** 503/600
Presenter(s): Kenneth S. Martin and Assistant County Attorney Matt Ryan

General Information

1. **What action are you requesting from the Board?**
 Public Hearing and Consideration of an ORDER Approving Annexation of Territory to Pleasant Home Water District.
2. **Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.**
 See Staff Report attached hereto.
3. **Explain the fiscal impact (current year and ongoing).**
 None.
4. **Explain any legal and/or policy issues involved.**
 None.
5. **Explain any citizen and/or other government participation that has or will take place.**
 Notice of this hearing invites testimony from any interested party. Notice consisted of posting three notices near the territory and one notice in the Multnomah Building lobby twenty days prior to the hearing; publishing notice twice in the Daily Journal of Commerce; and mailed notice sent to affected local governments, all property owners within 100 feet of the area to be annexed.

Required Signature

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

TED WHEELER

Date: 06/02/08

TO: Board of County Commissioners

FROM: Ken Martin - Local Government Boundary Change Consultant

Date: May 30, 2008

RE: Boundary Change Proposal No. CL-1308, Annexation to the Pleasant Home Water District Set For June 19, 2008 Hearing

1. **Recommend./Action Requested:** Approval
2. **Background/Analysis:** See Attached Staff Report
3. **Financial Impact:** None
4. **Legal Issues:** None
5. **Controversial Issues:** None
6. **Link to Current County Policies:** The relationship to the Clackamas County Comprehensive Framework Plan is covered in the attached staff report.
7. **Citizen Participation:** Notice of this hearing invites testimony from any interested party. Notice consisted of: 1) Posting 3 notices near the territory and one notice by the County hearing room 20 days prior to the hearing; 2) Publishing notice twice in the Daily Journal of Commerce; 3) Mailed notice sent to affected local governments, all property owners within 100 feet of the area to be annexed.
8. **Other Government Participation:** The Pleasant Home Water District has endorsed the annexation prior to the hearing as it is required to do by statute.

TO: Board of County Commissioners

FROM: Ken Martin - Local Government Boundary Change Consultant

Date: May 30, 2008

RE: Boundary Change Proposal No. CL-1308, Annexation to the Pleasant Home Water District Set For June 19, 2008 Hearing

1. Recommend./Action Requested: Approval
2. Background/Analysis: See Attached Staff Report
3. Financial Impact: None
4. Legal Issues: None
5. Controversial Issues: None
6. Link to Current County Policies: The relationship to the Clackamas County Comprehensive Framework Plan is covered in the attached staff report.
7. Citizen Participation: Notice of this hearing invites testimony from any interested party. Notice consisted of: 1) Posting 3 notices near the territory and one notice by the County hearing room 20 days prior to the hearing; 2) Publishing notice twice in the Daily Journal of Commerce; 3) Mailed notice sent to affected local governments, all property owners within 100 feet of the area to be annexed.
8. Other Government Participation: The Pleasant Home Water District has endorsed the annexation prior to the hearing as it is required to do by statute.

PROPOSAL NO. CL-1308 – Pleasant Home Water District - Annexation

Petitioners: Property Owner – Ronald Johnston

Proposal No. CL-1308 was initiated by a consent petition of the property owners and registered voters. The petition meets the requirement for initiation set forth in ORS 198.855 (3) (double majority annexation law), ORS 198.750 (section of statute which specifies contents of petition) and Metro Code 3.09.040 (a) (lists Metro's minimum requirements for petition). If the Board approves the proposal the boundary change could become effective immediately.

The territory to be annexed is located on the south edge of the District, on the north edge of SE Bluff Road east of SE 327th Avenue. The territory contains 24.3 acres, one vacant single family dwelling and is evaluated at \$561,274.

JURISDICTION

The property to be annexed lies within Clackamas County. According to State statute the Board of the County containing the largest proportion of the assessed value of the annexing district shall be the decision maker. The bulk of the assessed value of the Pleasant Home Water District lies within Multnomah County.

REASON FOR ANNEXATION

The property owner desires water service to serve the existing home site and to facilitate development of one additional single family dwelling.

CRITERIA

Oregon Revised Statute Chapter 198 directs the Board to "consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district."

LAND USE PLANNING

REGIONAL PLANNING

This territory is outside of Metro's jurisdictional boundary and outside the regional Urban Growth

Boundary (UGB).

COUNTY PLANNING

The territory is zoned RRFF-5 (Tax Lots 700, 702 and the southern edge of Tax Lot 600) and EFU (the northern part of Tax Lot 600). The property owner has received approval for a partition creating these three lots. Tax Lots 700 and 702 will each be allowed to contain one single family dwelling while Tax Lot 600, in combination with an additional 7.61 acre parcel in Multnomah County to the north, will remain in Exclusive Farm Use zoning. The Clackamas County Plan contains no prohibitions against extension of water service in rural or natural resource areas.

Chapter 4, Land Use, of the County's Plan states:

Public facilities should be expanded or developed only when consistent with maintaining the rural character of the area.

The Clackamas County Comprehensive Plan contains the following Policies in the section on Public Facilities and Services (Chapter 7):

14.0 Require all public water purveyors to design the extension of water facilities at levels consistent with the land use element of the Comprehensive Plan. Capacity suitable for fire protection needs to be included.

17.0 Require water service purveyors to provide water services for non-urban areas at levels appropriate for non-urban use.

FACILITIES AND SERVICES

Water - The Pleasant Home Water District provides water service in the rural area east and south of Gresham primarily in Multnomah County. The District has a 6 inch water line in SE Bluff Road adjacent to the property to be annexed. Extensions from this line, paid for by the property owner, will serve the two lots.

Sewer. The two lots will be served by subsurface sewage disposal systems.

Fire. The territory is within the Boring Rural Fire Protection District.

Police. The site is served by the Clackamas County Sheriff's Office.

Other services are provided generally by Clackamas County.

RECOMMENDATION.

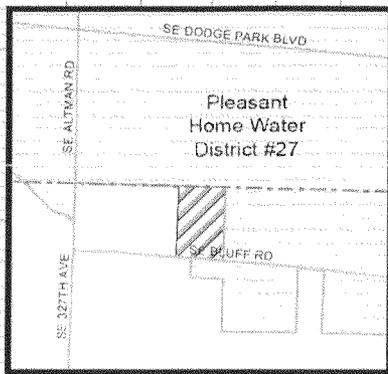
Based on the study and the Proposed Findings and Reasons for Decision attached in Exhibit A, the staff recommends Proposal No. CL-1308 be **approved**.

Proposal No. CL1308

1S4E28

Annexation to Pleasant Home Water District #27

Clackamas County



Data Resource Center
600 NE Grand Ave
Portland, OR 97232-2736
(503) 797-1742
<http://www.metro-region.org/drc>

- County Boundary
- Area to be Annexed
- Pleasant Home Water District

Figure 1

1:6,400

Ken Martin Consulting
P.O. Box 29079
Portland, OR 97296-9079
(503) 222-0955

K M C

FINDINGS AND REASONS FOR DECISION

Based on the staff report and the public hearing, the Commission found that:

1. The territory to be annexed contains 24.3 acres, one vacant single family dwelling and is evaluated at \$561,274.
2. The property to be annexed lies within Clackamas County. According to State statute the Board of the County containing the largest proportion of the assessed value of the annexing district shall be the decision maker. The bulk of the assessed value of the Pleasant Home Water District lies within Multnomah County.
3. The property owner desires water service to serve the existing home site and to facilitate development of one additional single family dwelling.
4. Oregon Revised Statute Chapter 198 directs the Board to "consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district."
5. This territory is outside of Metro's jurisdictional boundary and outside the regional Urban Growth Boundary (UGB).
6. The territory is zoned RRFF-5 (Tax Lots 700, 702 and the southern edge of Tax Lot 600) and EFU (the northern part of Tax Lot 600). The property owner has received approval for a partition creating these three lots. Tax Lots 700 and 702 will each be allowed to contain one single family dwelling while Tax Lot 600, in combination with an additional 7.61 acre parcel in Multnomah County to the north, will remain in Exclusive Farm Use zoning. The Clackamas County Plan contains no prohibitions against extension of water service in rural or natural resource areas.

Chapter 4, Land Use, of the County's Plan states:

Public facilities should be expanded or developed only when consistent with maintaining the rural character of the area.

The Clackamas County Comprehensive Plan contains the following Policies in the section on Public Facilities and Services (Chapter 7):

14.0 Require all public water purveyors to design the extension of water facilities at levels consistent with the land use element of the Comprehensive Plan. Capacity suitable for fire protection needs to be included.

17.0 Require water service purveyors to provide water services for non-urban areas

at levels appropriate for non-urban use.

7. The Pleasant Home Water District provides water service in the rural area east and south of Gresham primarily in Multnomah County. The District has a 6 inch water line in SE Bluff Road adjacent to the property to be annexed. Extensions from this line, paid for by the property owner, will serve the two lots.
8. The two lots will be served by subsurface sewage disposal systems
9. The territory is within the Boring Rural Fire Protection District.
10. The site is served by the Clackamas County Sheriff's Office.
11. Other services are provided generally by Clackamas County.

CONCLUSIONS AND REASONS FOR DECISION

Based on findings, the Board concluded that:

1. ORS 198 requires consideration of the applicable comprehensive plan and any service agreements affecting the area. The Board has reviewed the Clackamas County Comprehensive Plan and determined that extension of water service to the area in question is compatible with the Plan. Therefore this annexation to the Pleasant Home Water District is found to be appropriate.
2. The Pleasant Home Water District has water service available to the area proposed for annexation and the District has endorsed the annexation.

PROPOSAL NO. CL-1308 – Pleasant Home Water District - Annexation

Petitioners: Property Owner – Ronald Johnston

Proposal No. CL-1308 was initiated by a consent petition of the property owners and registered voters. The petition meets the requirement for initiation set forth in ORS 198.855 (3) (double majority annexation law), ORS 198.750 (section of statute which specifies contents of petition) and Metro Code 3.09.040 (a) (lists Metro's minimum requirements for petition). If the Board approves the proposal the boundary change could become effective immediately.

The territory to be annexed is located on the south edge of the District, on the north edge of SE Bluff Road east of SE 327th Avenue. The territory contains 24.3 acres, one vacant single family dwelling and is evaluated at \$561,274.

JURISDICTION

The property to be annexed lies within Clackamas County. According to State statute the Board of the County containing the largest proportion of the assessed value of the annexing district shall be the decision maker. The bulk of the assessed value of the Pleasant Home Water District lies within Multnomah County.

REASON FOR ANNEXATION

The property owner desires water service to serve the existing home site and to facilitate development of one additional single family dwelling.

CRITERIA

Oregon Revised Statute Chapter 198 directs the Board to "consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district."

LAND USE PLANNING

REGIONAL PLANNING

This territory is outside of Metro's jurisdictional boundary and outside the regional Urban Growth

Boundary (UGB).

COUNTY PLANNING

The territory is zoned RRF-5 (Tax Lots 700, 702 and the southern edge of Tax Lot 600) and EFU (the northern part of Tax Lot 600). The property owner has received approval for a partition creating these three lots. Tax Lots 700 and 702 will each be allowed to contain one single family dwelling while Tax Lot 600, in combination with an additional 7.61 acre parcel in Multnomah County to the north, will remain in Exclusive Farm Use zoning. The Clackamas County Plan contains no prohibitions against extension of water service in rural or natural resource areas.

Chapter 4, Land Use, of the County's Plan states:

Public facilities should be expanded or developed only when consistent with maintaining the rural character of the area.

The Clackamas County Comprehensive Plan contains the following Policies in the section on Public Facilities and Services (Chapter 7):

14.0 Require all public water purveyors to design the extension of water facilities at levels consistent with the land use element of the Comprehensive Plan. Capacity suitable for fire protection needs to be included.

17.0 Require water service purveyors to provide water services for non-urban areas at levels appropriate for non-urban use.

FACILITIES AND SERVICES

Water - The Pleasant Home Water District provides water service in the rural area east and south of Gresham primarily in Multnomah County. The District has a 6 inch water line in SE Bluff Road adjacent to the property to be annexed. Extensions from this line, paid for by the property owner, will serve the two lots.

Sewer. The two lots will be served by subsurface sewage disposal systems.

Fire. The territory is within the Boring Rural Fire Protection District.

Police. The site is served by the Clackamas County Sheriff's Office.

Other services are provided generally by Clackamas County.

RECOMMENDATION.

Based on the study and the Proposed Findings and Reasons for Decision attached in Exhibit A, the staff recommends Proposal No. CL-1308 be **approved**.

PUBLIC HEARING

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN THAT AT 9:30 AM ON THURSDAY, JUNE 19, 2008, IN THE FIRST FLOOR COMMISSIONER'S BOARDROOM, MULTNOMAH BUILDING, 501 SE HAWTHORNE, PORTLAND, OREGON, THERE SHALL BE A PUBLIC HEARING BY AND BEFORE THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS ON THE BOUNDARY CHANGE PROPOSAL LISTED BELOW. INTERESTED PERSONS MAY APPEAR AND WILL BE GIVEN REASONABLE OPPORTUNITY TO BE HEARD.

PROPOSAL NO. CL-1308 - ANNEXATION TO THE PLEASANT HOME WATER DISTRICT of territory located generally on the south edge of the District on the north edge of SE Bluff Road east of SE 327th Avenue, more particularly: *Partition Plat 2008-001* located in Clackamas County, Oregon.

May 22, 2008

TED WHEELER, CHAIR

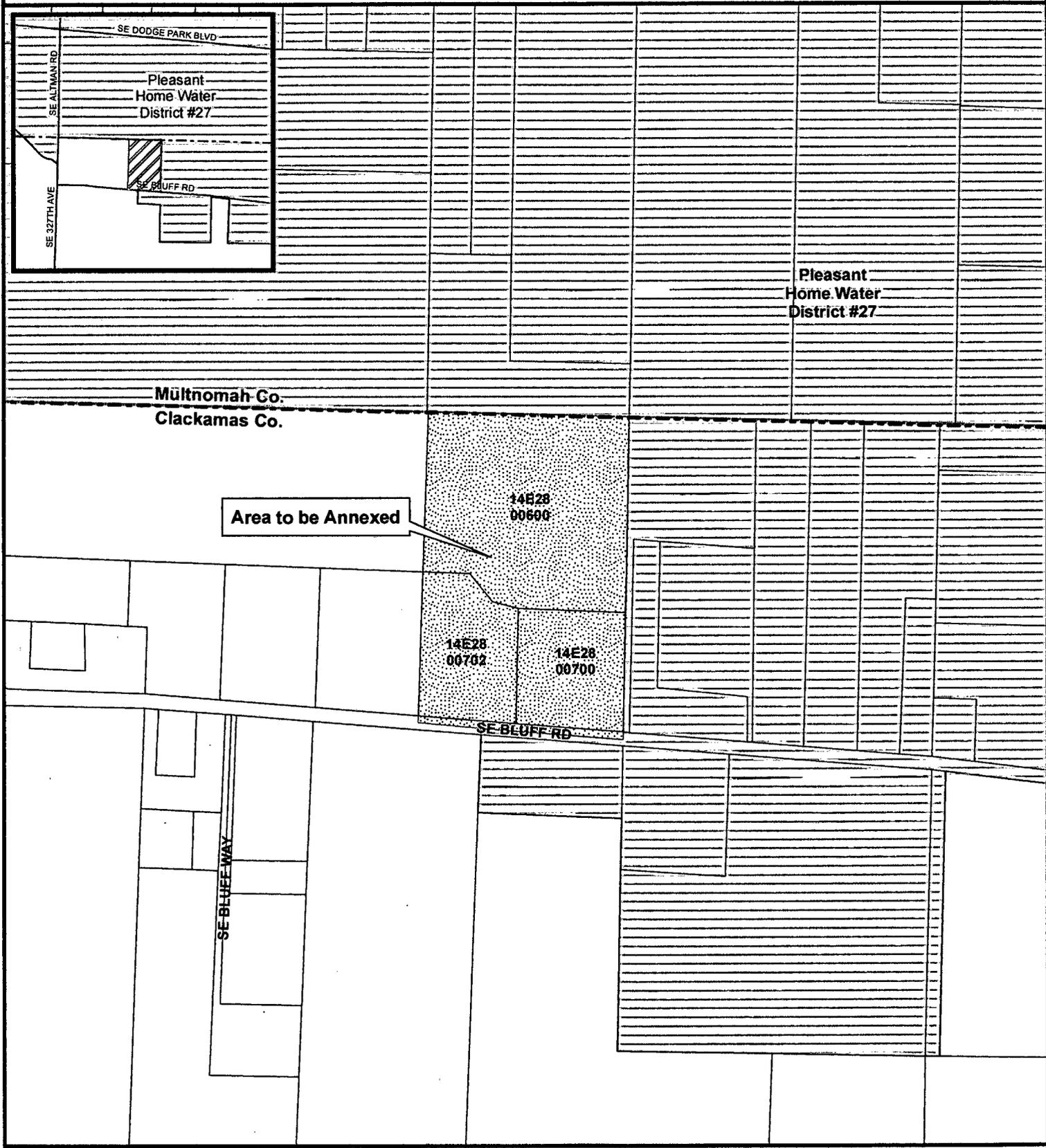
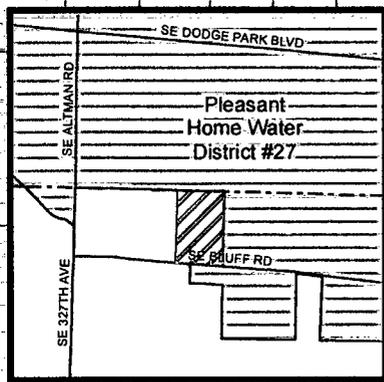
GENERAL INFORMATION AND/OR A COPY OF THE STAFF REPORT MAY BE OBTAINED BY CALLING 503 222-0955.

Proposal No. CL1308

1S4E28

Annexation to Pleasant Home Water District #27

Clackamas County



Data Resource Center
600 NE Grand Ave
Portland, OR 97232-2736
(503) 797-1742
<http://www.metro-region.org/drc>

-  County Boundary
-  Area to be Annexed
-  Pleasant Home Water District

Figure 1

1:6,400

Ken Martin Consulting
P.O. Box 29079
Portland, OR 97296-9079
(503) 222-0955



BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

Approving Annexation of Territory to Pleasant Home Water District

The Multnomah County Board of Commissioners Finds:

- a. A petition for annexation pursuant to procedures set forth in ORS 198.857; was received with respect to certain property located in Clackamas County, more particularly described as follows:

Partition Plat 2008-001, Clackamas County, Oregon
- b. On March 19, 2008, the Board of the Pleasant Home Water District adopted Resolution No. 2008-3; endorsing the proposed annexation of the above described property into the District, by of as required under ORS 198.857 (1).
- c. A staff report containing the "Findings and Reasons For Decision" identified as Exhibit A; a copy of which is attached hereto; addresses the statutory requirements and was presented to the County Board prior to this hearing.
- d. A public hearing was held before the Board of County Commissioners on June 19, 2008 to determine whether the boundary change was appropriate as required by ORS 198.857.

The Multnomah County Board of Commissioners Orders:

1. On the basis of the Findings and Conclusions listed in Exhibit "A", Proposal No. CL-1308 is approved.
2. The above described property as shown on the attached map is annexed to the Pleasant Home Water District. To the extent there is a conflict between the property as described above and as shown on the map the above written legal description shall prevail.

3. The staff is directed to file this document with the required parties.

ADOPTED this 19th day of June, 2008.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By

Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:
Chair Ted Wheeler

FINDINGS AND REASONS FOR DECISION

Based on the staff report and the public hearing, the Multnomah County Board of Commissioners found that:

1. The territory to be annexed contains 24.3 acres, one vacant single family dwelling and is evaluated at \$561,274.
2. The property to be annexed lies within Clackamas County. According to State statute the Board of the County containing the largest proportion of the assessed value of the annexing district shall be the decision maker. The bulk of the assessed value of the Pleasant Home Water District lies within Multnomah County.
3. The property owner desires water service to serve the existing home site and to facilitate development of one additional single family dwelling.
4. Oregon Revised Statute Chapter 198 directs the Board to "consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district."
5. This territory is outside of Metro's jurisdictional boundary and outside the regional Urban Growth Boundary (UGB).
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14.0 Require all public water purveyors to design the extension of water facilities at levels consistent with the land use element of the Comprehensive Plan. Capacity suitable for fire protection needs to be included.

17.0 Require water service purveyors to provide water services for non-urban areas at levels appropriate for non-urban use.

7. The Pleasant Home Water District provides water service in the rural area east and south of Gresham primarily in Multnomah County. The District has a 6-inch water line in SE Bluff Road adjacent to the property to be annexed. Extensions from this line, paid for by the property owner, will serve the two lots.
8. The two lots will be served by subsurface sewage disposal systems.
9. The territory is within the Boring Rural Fire Protection District.
10. The site is served by the Clackamas County Sheriff's Office.
11. Other services are provided generally by Clackamas County.

CONCLUSIONS AND REASONS FOR DECISION

Based on findings, the Board concluded that:

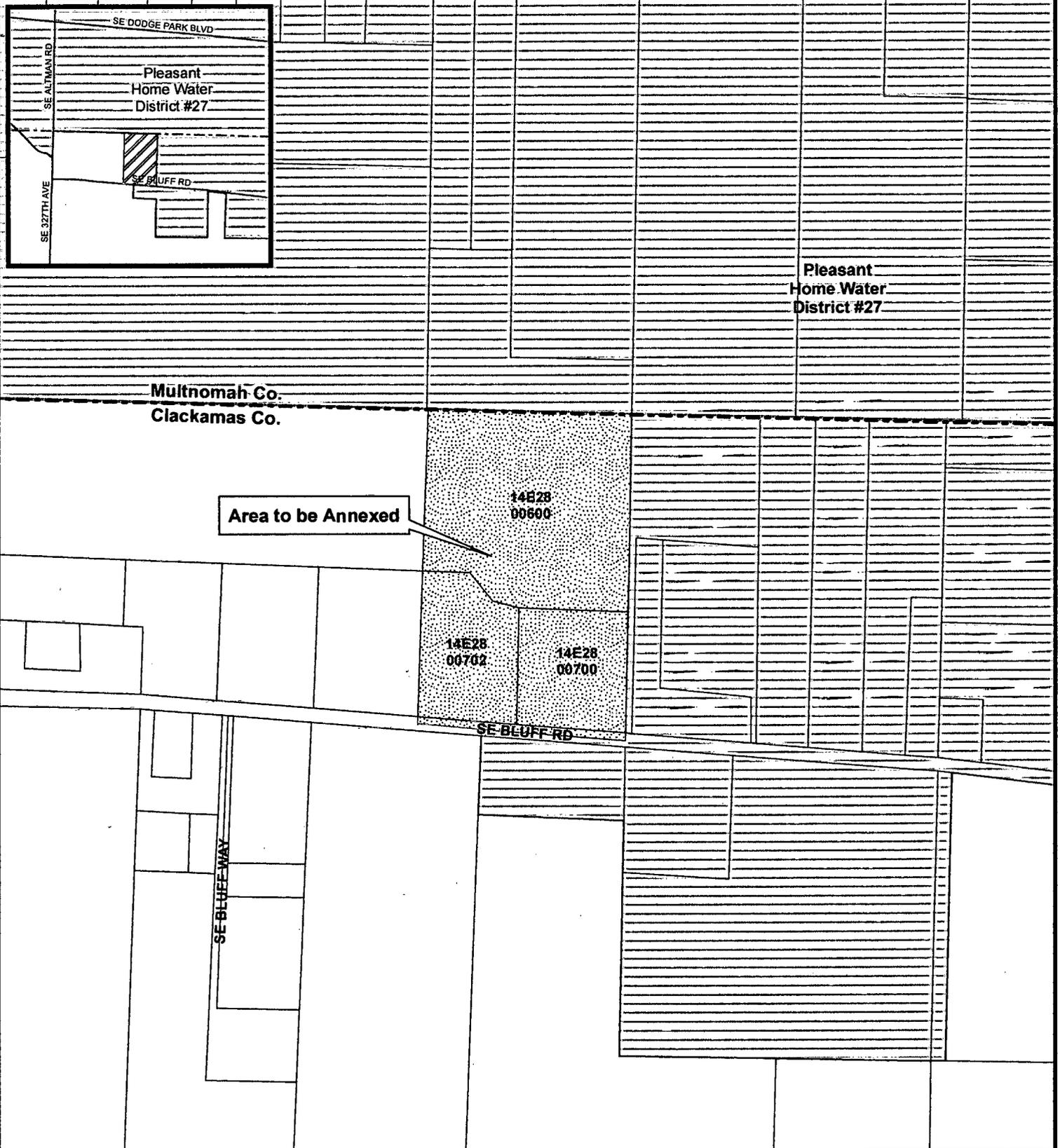
1. ORS 198 requires consideration of the applicable comprehensive plan and any service agreements affecting the area. The Board has reviewed the Clackamas County Comprehensive Plan and determined that extension of water service to the area in question is compatible with the Plan. Therefore this annexation to the Pleasant Home Water District is found to be appropriate.
2. The Pleasant Home Water District has water service available to the area proposed for annexation and the District has endorsed the annexation.

Proposal No. CL1308

1S4E28

Annexation to Pleasant Home Water District #27

Clackamas County



Data Resource Center
600 NE Grand Ave
Portland, OR 97232-2736
(503) 797-1742
<http://www.metro-region.org/drc>

- County Boundary
- Area to be Annexed
- Pleasant Home Water District

Figure 1

1:6,400

Ken Martin Consulting
P.O. Box 29079
Portland, OR 97296-9079
(503) 222-0955

K M C

BOGSTAD Deborah L

From: RYAN Matthew O
Sent: Friday, June 13, 2008 7:56 AM
To: BOGSTAD Deborah L
Cc: KINOSHITA Carol
Subject: FW: Another Annexation

Deb,

First off the APR on the earlier email looked fine. However I tweaked the Order to follow more the format of the Dunthorpe-Riverdale, which actually is a more accurate recitation of what occurs in these matters. I didn't before follow exactly what Ken M. presented, e.g. I thought the staff report was part of the "Findings and Reasons For Decision", but actually it is prepared by Ken to be the County Board's "Findings and Reasons For Decision", which of course is why it is attached to the decision. Also in this case the map Ken provided needs to be identified as Exhibit B. Only two exhibits this time because the legal is in the body of the Order. Thanks.

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

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From: BOGSTAD Deborah L
Sent: Thursday, June 12, 2008 6:29 PM
To: RYAN Matthew O
Cc: KINOSHITA Carol
Subject: RE: Another Annexation

I realized I used the wrong exhibit for Exhibit A on the attached Order.

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



Please consider the environment before printing this e-mail

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

From: BOGSTAD Deborah L
Sent: Thursday, June 12, 2008 4:23 PM
To: RYAN Matthew O
Cc: KINOSHITA Carol
Subject: Another Annexation

Matt, I prepared the attached APR for the June 19 Annexation. Will you make sure I did everything okay? Thank you!

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



Please consider the environment before printing this e-mail

BOGSTAD Deborah L

From: RYAN Matthew O
Sent: Thursday, June 05, 2008 7:54 AM
To: 'Alfred, Roger A. (Perkins Coie)'
Cc: HANSELL Tom J; PEOPLES Kim E; 'ksmconsult@comcast.net'; BOGSTAD Deborah L; KINOSHITA Carol
Subject: RE: Pinda-Allen / Riverdale District Annexation

Roger,

The District agrees to move forward with the annexation on June 12th without the conditions or contingencies imposed in the draft annexation order attached to my email of May 12, 2008; provided the District receives prior to June 12, 2008; the **\$5008.00** in service charges and fees due the District; plus the **\$3,258.00** the District has to collect and pay to the City of Portland. Under Portland City Code Title 17; Section 17.32.015; (See Title 17, Figure 5) the City imposes on new residential connections, the Equivalent Dwelling Unit ("EDU") Fee. This EDU fee is the same fee as the Unit Capacity Fee ("UCF") referenced in my May 21, 2008 email. It is my understanding there may be at least one or more additional fees or charges imposed by Portland directly to your client related to the review/inspection of the private sewer line connection to the District's manhole in Iron Mountain Blvd.

Although the EDU/UCF charge is a City of Portland imposed fee, the District through an intergovernmental agreement with the City is obligated to collect the \$3,258.00 fee and pay Portland any time a new EDU is added to the District's service area. Portland maintains the lines and equipment in the District's service area. The new Pinda-Allen connection is a new EDU to be added. It is our understanding that as of July 1, 2008 there will be a 3+% increase in the City's EDU fee. So if your client doesn't pay it now it will be more expensive after July 1.

The District is not willing to endorse the annexation without the total \$8,266.00 paid in advance. Please advise at your earliest convenience if this is acceptable to your client. Thanks.

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

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From: Alfred, Roger A. (Perkins Coie) [mailto:RAlfred@perkinscoie.com]
Sent: Tuesday, June 03, 2008 2:07 PM
To: RYAN Matthew O
Subject: Pinda-Allen / Riverdale District Annexation

6/5/2008

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

Approving Annexation of Territory to Pleasant Home Water District

The Multnomah County Board of Commissioners Finds:

- a. A petition for annexation pursuant to procedures set forth in ORS 198.857 and Metro Code Section 3.09; was received with respect to certain property located in Clackamas County, more particularly described as follows:

Partition Plat 2008-001, Clackamas County, Oregon
- b. On March 19, 2008, the Board of the Pleasant Home Water District adopted Resolution No. 2008-3; endorsing the proposed annexation of the above described property into the District, as required under ORS 198.857 (1).
- c. A staff report which addressed all the applicable conditions and factors as required under the Metro Code and ORS Chapter 198 was presented to this Board 15 days prior to the hearing as required by the Metro Code, with the recommendation to approve the proposed annexation.
- d. Based on the staff report this Board has made certain findings and conclusions with respect to this proposed annexation that are further explained in the attached "FINDINGS AND REASONS FOR DECISION" identified as Exhibit A.
- e. A public hearing was held before the Board of County Commissioners on June 19, 2008 to determine whether the boundary change was appropriate as required by ORS 198.857 and the Metro Code.

The Multnomah County Board of Commissioners Orders:

1. On the basis of the Findings and Conclusions listed in Exhibit "A", Proposal No. CL-1308 is approved.
2. The above described property as shown on the attached map identified as Exhibit B is annexed to the Pleasant Home Water District. To the extent there is a conflict between the property as described above and as shown on the map the above written legal description shall prevail.

3. The staff is directed to file this document with the required parties.

ADOPTED this 19th day of June, 2008.

**BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

Ted Wheeler, Chair

REVIEWED:

**AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON**

By _____
Matthew O. Ryan, Assistant County Attorney

**SUBMITTED BY:
Chair Ted Wheeler**

FINDINGS AND REASONS FOR DECISION

Based on the staff report and the public hearing, the Multnomah County Board of Commissioners found that:

1. The territory to be annexed contains 24.3 acres, one vacant single family dwelling and is evaluated at \$561,274.
2. The property to be annexed lies within Clackamas County. According to State statute the Board of the County containing the largest proportion of the assessed value of the annexing district shall be the decision maker. The bulk of the assessed value of the Pleasant Home Water District lies within Multnomah County.
3. The property owner desires water service to serve the existing home site and to facilitate development of one additional single family dwelling.
4. Oregon Revised Statute Chapter 198 directs the Board to "consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district."
5. This territory is outside of Metro's jurisdictional boundary and outside the regional Urban Growth Boundary (UGB).
6. The territory is zoned RRF-5 (Tax Lots 700, 702 and the southern edge of Tax Lot 600) and EFU (the northern part of Tax Lot 600). The property owner has received approval for a partition creating these three lots. Tax Lots 700 and 702 will each be allowed to contain one single family dwelling while Tax Lot 600, in combination with an additional 7.61 acre parcel in Multnomah County to the north, will remain in Exclusive Farm Use zoning. The Clackamas County Plan contains no prohibitions against extension of water service in rural or natural resource areas.

Chapter 4, Land Use, of Clackamas County's Plan states:

Public facilities should be expanded or developed only when consistent with maintaining the rural character of the area.

The Clackamas County Comprehensive Plan contains the following Policies in the section on Public Facilities and Services (Chapter 7):

14.0 Require all public water purveyors to design the extension of water facilities at levels consistent with the land use element of the Comprehensive Plan. Capacity suitable for fire protection needs to be included.

17.0 Require water service purveyors to provide water services for non-urban areas at levels appropriate for non-urban use.

7. The Pleasant Home Water District provides water service in the rural area east and south of Gresham primarily in Multnomah County. The District has a 6-inch water line in SE Bluff Road adjacent to the property to be annexed. Extensions from this line, paid for by the property owner, will serve the two lots.
8. The two lots will be served by subsurface sewage disposal systems.
9. The territory is within the Boring Rural Fire Protection District.
10. The site is served by the Clackamas County Sheriff's Office.
11. Other services are provided generally by Clackamas County.

CONCLUSIONS AND REASONS FOR DECISION

Based on findings, the Board concluded that:

1. ORS 198 requires consideration of the applicable comprehensive plan and any service agreements affecting the area. The Board has reviewed the Clackamas County Comprehensive Plan and determined that extension of water service to the area in question is compatible with the Plan. Therefore this annexation to the Pleasant Home Water District is found to be appropriate.
2. The Pleasant Home Water District has water service available to the area proposed for annexation and the District has endorsed the annexation.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 08-090

Approving Annexation of Territory to Pleasant Home Water District

The Multnomah County Board of Commissioners Finds:

- a. A petition for annexation pursuant to procedures set forth in ORS 198.857 and Metro Code Section 3.09; was received with respect to certain property located in Clackamas County, more particularly described as follows:

Partition Plat 2008-001, Clackamas County, Oregon
- b. On March 19, 2008, the Board of the Pleasant Home Water District adopted Resolution No. 2008-3; endorsing the proposed annexation of the above described property into the District, as required under ORS 198.857 (1).
- c. A staff report which addressed all the applicable conditions and factors as required under the Metro Code and ORS Chapter 198 was presented to this Board 15 days prior to the hearing as required by the Metro Code, with the recommendation to approve the proposed annexation.
- d. Based on the staff report this Board has made certain findings and conclusions with respect to this proposed annexation that are further explained in the attached "FINDINGS AND REASONS FOR DECISION" identified as Exhibit A.
- e. A public hearing was held before the Board of County Commissioners on June 19, 2008 to determine whether the boundary change was appropriate as required by ORS 198.857 and the Metro Code.

The Multnomah County Board of Commissioners Orders:

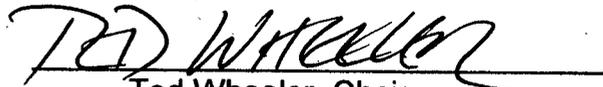
1. On the basis of the Findings and Conclusions listed in Exhibit "A", Proposal No. CL-1308 is approved.
2. The above described property as shown on the attached map identified as Exhibit B is annexed to the Pleasant Home Water District. To the extent there is a conflict between the property as described above and as shown on the map the above written legal description shall prevail.

3. The staff is directed to file this document with the required parties.

ADOPTED this 19th day of June, 2008.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:
Chair Ted Wheeler

FINDINGS AND REASONS FOR DECISION

Based on the staff report and the public hearing, the Multnomah County Board of Commissioners found that:

1. The territory to be annexed contains 24.3 acres, one vacant single family dwelling and is evaluated at \$561,274.
2. The property to be annexed lies within Clackamas County. According to State statute the Board of the County containing the largest proportion of the assessed value of the annexing district shall be the decision maker. The bulk of the assessed value of the Pleasant Home Water District lies within Multnomah County.
3. The property owner desires water service to serve the existing home site and to facilitate development of one additional single family dwelling.
4. Oregon Revised Statute Chapter 198 directs the Board to "consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district."
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6. The territory is zoned RRFF-5 (Tax Lots 700, 702 and the southern edge of Tax Lot 600) and EFU (the northern part of Tax Lot 600). The property owner has received approval for a partition creating these three lots. Tax Lots 700 and 702 will each be allowed to contain one single family dwelling while Tax Lot 600, in combination with an additional 7.61 acre parcel in Multnomah County to the north, will remain in Exclusive Farm Use zoning. The Clackamas County Plan contains no prohibitions against extension of water service in rural or natural resource areas.

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The Clackamas County Comprehensive Plan contains the following Policies in the section on Public Facilities and Services (Chapter 7):

14.0 Require all public water purveyors to design the extension of water facilities at levels consistent with the land use element of the Comprehensive Plan. Capacity suitable for fire protection needs to be included.

17.0 Require water service purveyors to provide water services for non-urban areas at levels appropriate for non-urban use.

7. The Pleasant Home Water District provides water service in the rural area east and south of Gresham primarily in Multnomah County. The District has a 6-inch water line in SE Bluff Road adjacent to the property to be annexed. Extensions from this line, paid for by the property owner, will serve the two lots.
8. The two lots will be served by subsurface sewage disposal systems.
9. The territory is within the Boring Rural Fire Protection District.
10. The site is served by the Clackamas County Sheriff's Office.
11. Other services are provided generally by Clackamas County.

CONCLUSIONS AND REASONS FOR DECISION

Based on findings, the Board concluded that:

1. ORS 198 requires consideration of the applicable comprehensive plan and any service agreements affecting the area. The Board has reviewed the Clackamas County Comprehensive Plan and determined that extension of water service to the area in question is compatible with the Plan. Therefore this annexation to the Pleasant Home Water District is found to be appropriate.
2. The Pleasant Home Water District has water service available to the area proposed for annexation and the District has endorsed the annexation.

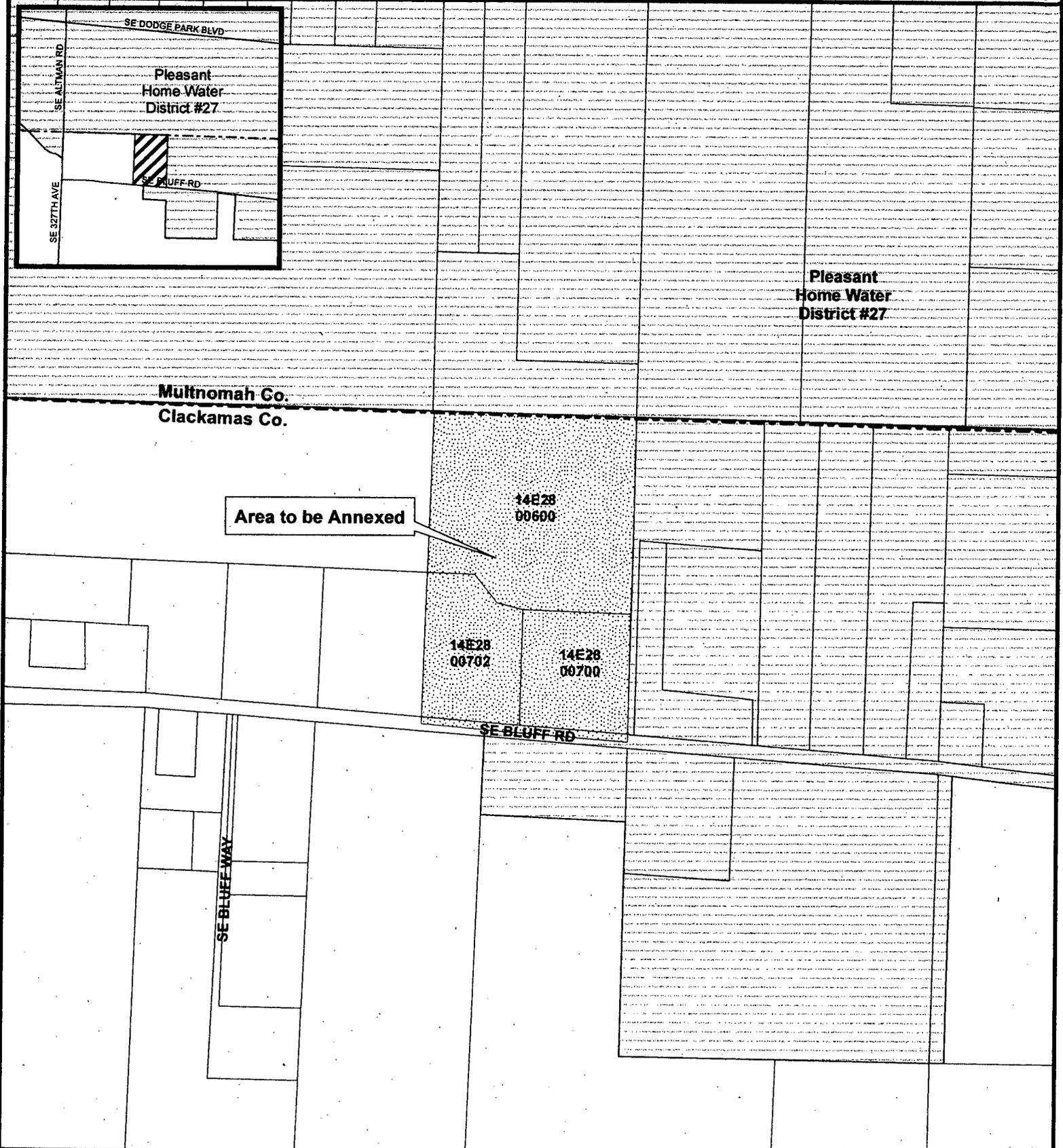
Proposal No. CL1308

Exhibit B

1S4E28

Annexation to Pleasant Home Water District #27

Clackamas County



Data Resource Center
600 NE Grand Ave
Portland, OR 97232-2736
(503) 797-1742
<http://www.metro-region.org/drc>

- County Boundary
- Area to be Annexed
- Pleasant Home Water District

Figure 1

1:6,400

Ken Martin Consulting
P.O. Box 29079
Portland, OR 97296-9079
(503) 222-0955

K M C



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 06/19/08
Agenda Item #: R-2
Est. Start Time: 9:35 AM
Date Submitted: 05/20/08

Agenda Title: **Employee Service Award Ceremony Honoring Employees with 5 to 30 Years of Service with the County for July 1, 2007 through December 31, 2007 Anniversary Dates**

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

Requested Meeting Date: June 19, 2008 **Amount of Time Needed:** 30 minutes
Department: Department of County Management **Division:** Human Resources
Contact(s): Travis Graves or Patsy Moushey
Phone: 503.988.5015 **Ext.** 28198 **I/O Address:** 503/400 HR
Presenter(s): Carol Brown, Senior Labor Relations Manager

General Information

1. What action are you requesting from the Board?

The department recommends the Board recognize and appreciate employees' dedicated tenure with Multnomah County. Employees who have an anniversary date that falls between July 1, 2007 and December 31, 2007 will be recognized.

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

Employees' service, with awards and certificates, is acknowledged twice a year. The award ceremony usually occurs in the Spring and Fall. Employees and family are invited to come to the award ceremony at the Board Meeting. A reception for these employees is immediately following the presentation in basement training room.

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

There are expenses for recognition materials and for the reception. These costs are expensed in the Central HR Division.

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

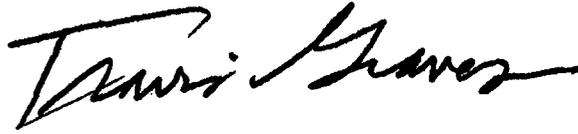
N/A

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

N/A

Required Signature

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



Date: 05/20/08

Service Award Attendees
June 19th, 2008
9:30am Multnomah Bldg. Board Room

5 Years

DA Laetitia J. Dreyer
 DA Jamila K. Harris

 DCHS Wilma J. Goudy

 DCS Elizabeth A. Buchanan
 DCS Jesse L. Leininger

 DCJ Briana G. Farmer
 DCJ Troy A. Fluke
 DCJ Jocelyn M. Mendoza
 DCJ Harold Niblack Jr.
 DCJ Elizabeth P. Turner

 DCM Molly L. Chidsey
 DCM Michael O. Hanna
 DCM Michelle Y. Barwick

 HD Nicola Dino-Dawson
 HD Dianna H. Gates
 HD Leslie E. Jacobs
 HD Gloria A. Martinez
 HD Byanka Ramos *MICHAEL*
 HD Ivalu Reeves *SAVALLO*
 HD Julia Rogel
 HD Angelica M. Ruiz
 HD Catherine Salmon
 HD Felipe N. Sanchez Yanez
 HD Jimmy Thao

 Library David C. Jensen
 Library Tiffany Scott Gardner

 ND Joshua L. Todd

10 Years

DCHS Michael J. Faulkner
 DCHS Debra J. Stone
 DCHS Claire Weiss Officer
 DCHS Joy A. Lamka
 DCHS Paula A. Zaninovich

 DCS Curtis R. Black
 DCS Lee A. Brandt
 DCS Charles R. Maggio

 DCJ Florene Bradley
 DCJ Deidra L. Gibson Cairns
 DCJ David B. Riley
 DCJ Jeremiah P. Stromberg

 DCM Caroline L. Carver
 DCM Margaret M. Duerscherl
 DCM Marilyn F. Hughes
 DCM Edna J. Martinez
 DCM Laura L. McNeel
 DCM Julie A. Neburka
 DCM Aimee Ortiz

 HD Miguel A. Canales Ochoa
 HD Elizabeth D. Elkin
 HD Walter S. Hufugio
 HD Debra L. Newton
 HD Randi C. Pittman
 HD Lavonne G. Rogers
 HD Anna C. Wolfe-Perez
 HD Xin Zhang

 Library Peter Ford
 Library Ann L. Knutson
 Library Gordon B. Long
 Library Karen N. Nguyen
JENNA SCOTT

**Service Award Attendees
June 19th, 2008
9:30am Multnomah Bldg. Board Room**

15 Years

DCHS Joslyn R. Baker
DCHS Mary A. George

DCS Stuart Farmer
DCS John M. Rowton

DCJ OB Addy
DCJ Heather C. McGillivray
DCJ Karen T. Rhein

DCM Rene E. Grier
DCM Stanley A. Mason
DCM Ariel J. Moore
DCM Brian R. Smith

HD Ruth I. Calderon
HD Jean Custer
HD Diane Dickey
HD Leann L. Dooley
HD Pamela J. Hiller
HD Ricky B. Holt
HD Esperanza Martin

JASON TOB DCS
JAMES DCS

MIKE DESSENGER

LEANN DOOLEY

20 Years

DA Amy H. Hehn

DCHS Julie L. Groth
DCHS Jeaneen S. McGaw
DCHS E. Claire Ochs

DCS Dianna L. Rabetoy *Michelle LUCKEY*

DCJ John A. Turner

DCM Willie J. Graham
DCM Kathy L. Hogland
DCM Catheraine L. James
DCM Rebecca A. Steward

MONICA GIBSON-HD

25 yrs DCS LARRY SMITH
SHARON TAYLOR

25 Years

DCHS Larry H. Smith
DCHS Sharron L. Taylor

30 Years

DCHS William F. Toomey

DCS Michael L. Oswald

DCM Sandra J. Moorhead

DCS - MIKE MITCH



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (long form)

APPROVED : MULTNOMAH COUNTY
 BOARD OF COMMISSIONERS
 AGENDA # R-3 DATE 06-19-08
 DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 06/19/08
Agenda Item #: R-3
Est. Start Time: 9:50 AM
Date Submitted: 06/11/08

BUDGET MODIFICATION: NOND- 11

Agenda Title: Budget Modification NOND-11 Increasing Pass-through Payments to Reflect Additional Revenues Collected

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

Requested Meeting Date: June 19, 2008 **Amount of Time Needed:** 5 minutes
Department: Non-Departmental **Division:** _____
Contact(s): Mark Campbell
Phone: 503-988-3883 **Ext.** 24213 **I/O Address:** 503/501
Presenter(s): Julie Neburka

General Information

1. What action are you requesting from the Board?

Approve budget modification Non-Departmental 11, which increases County Business Income Tax (BIT) pass-through payments to East County cities by \$600,000 due to increased collections; and which increases pass-through payments to County school districts by \$1,000,000 due to increased collection of prior-year Personal Income Taxes (ITAX).

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

The County shares 25% of the first 0.6% of BIT collections with the east county cities of Fairview, Troutdale, Gresham, and Wood Village, based on an intergovernmental tax-sharing agreement with them. Despite the slowing economy, FY 2008 BIT collections have exceeded original estimates. This budget action increases the appropriation for BIT pass-through payments to allow the County to pass funds through per the terms of the agreement, without incurring a budget violation.

The ITAX was created when voters approved Ballot Measure 26-48 in May, 2003. It was a temporary, three-year measure that raised local funds to prevent further cuts to Multnomah County's

public schools and to programs that help the County's most vulnerable residents. The bulk of the revenue was divided equally on a per-pupil basis to all County public school districts. While the ITAX expired on December 31, 2005, the County has continued to pursue collection of past-due amounts. Collections of past-due taxes in FY 2008 exceeded original estimates. This budget action increases the appropriation for ITAX pass-through payments to allow the County to pass an additional 1,000,000 through per the terms of the ITAX, without incurring a budget violation.

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

This action increases the County's General Fund appropriation by \$1.6 million to reflect the increased collection of BIT and ITAX. The increased appropriation will allow us to pass-through the taxes we've collected without overspending our appropriations. This is a one-time action that only affects FY 2008.

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

The County is legally obligated to pass these payments through to the east county cities and to the County school districts.

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

N/A

ATTACHMENT A

Budget Modification

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

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

Business Income Tax revenue is increased by \$600,000. Personal Income Tax revenue is increased by \$1,000,000. Collections of these taxes to date have exceeded original estimates.

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

The Non-Departmental General Fund budget is increased by \$1.6 million. \$600,000 is increased in pass-through payments to the four east county cities; and \$1,000,000 is increased in pass-through payments to public school districts operating in Multnomah County.

- **What do the changes accomplish?**

These changes allow us to complete our legally required pass-through payments in FY 2008 without overspending our appropriations.

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

None.

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

None.

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

This revenue is one-time-only.

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

N/A

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

N/A

ATTACHMENT B

BUDGET MODIFICATION: NOND - 11

Required Signatures

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

Carol M. Ford

Date: 06/11/08

Budget Analyst:

Debra

Date: 06/11/08

Department HR:

Date:

Countywide HR:

Date:

	FY 08	% of total	1,000,000 NEW
itax.schools.centennial	158,142	0.070	69,988
itax.schools.corbett	15,659	0.007	6,930
itax.schools.daviddoug	253,652	0.112	112,258
itax.schools.greshambar	267,720	0.118	118,484
itax.schools.parkrose	93,379	0.041	41,326
itax.schools.portland	1,177,445	0.521	521,098
itax.schools.reynolds	277,976	0.123	123,023
itax.schools.riverdale	12,078	0.005	5,345
itax.schools.victory	1,441	0.001	638
itax.schools.scappoose	<u>2,055</u>	<u>0.001</u>	<u>909</u>
	2,259,547	100%	1,000,000

Budget Modification ID: **Nond-11**

EXPENDITURES & REVENUES

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

Budget/Fiscal Year: 2008

Line No.	Fund Center	Fund Code	Program #	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Internal Order	Cost Center	WBS Element						
1	10-02	1000		20		108650		50160	(600,000)	(600,000)		Increase BIT revenue	
2	10-02	1000		20		108650		60160	600,000	600,000	0	Increase pass-thru paymt	
3									0				
4	19	1000		20		9500001000		50165	(1,000,000)	(1,000,000)		Increase Itax revenue	
5	10-02	1000		20				60160	69,988	69,988		Increase Itax to schools	
6	10-02	1000		20				60160	6,930	6,930			
7	10-02	1000		20				60160	112,258	112,258			
8	10-02	1000		20				60160	118,484	118,484			
9	10-02	1000		20				60160	41,326	41,326			
10	10-02	1000		20				60160	521,098	521,098			
11	10-02	1000		20				60160	123,023	123,023			
12	10-02	1000		20				60160	5,345	5,345			
13	10-02	1000		20				60160	909	909			
14	10-02	1000		20				60160	638	638	0		
15									0				
16									0				
17									0				
18									0				
									0		0	Total - Page 1	
									0		0	GRAND TOTAL	



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 06/19/08
Agenda Item #: R-4
Est. Start Time: 9:55 AM
Date Submitted: 06/02/08

Agenda Title: **RESOLUTION Adopting the Fiscal Year 2008 Multnomah County Supplemental Budget and Making Appropriations as Required by ORS 294.480**

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

Date Requested:	<u>June 19, 2008</u>	Time Requested:	<u>3 minutes</u>
Department:	<u>County Management</u>	Division:	<u>Budget Office</u>
Contact(s):	<u>Julie Neburka</u>		
Phone:	<u>503-988-3312</u>	Ext.: <u>27351</u>	I/O Address: <u>503/531</u>
Presenter(s):	<u>Julie Neburka</u>		

General Information

1. What action are you requesting from the Board?

The Budget Office recommends that the Board adopt the FY 2008 Supplemental budget, make appropriations pursuant to ORS .294.480, and direct the Budget Director to file the necessary documentation with the Tax Supervising & Conservation Commission.

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

A supplemental budget is the vehicle allowed by ORS Chapter 294 for the Board to address changes in financial conditions not anticipated at the time the budget was adopted. The Board is required to go through the following process:

<u>Date Completed</u>	<u>Step</u>
May 8, 2008	Approve the supplemental budget,
May 8, 2008	Submit the approved supplemental budget to Tax Supervising,
May 28, 2008	Attend a Tax Supervising hearing on the supplemental budget,
May 28, 2008	Tax Supervising certifies that the supplemental budget is legal,
June 19, 2008	Today's Action: Adopt the supplemental budget and file a copy of the

adopted supplemental budget with Tax Supervising within fifteen (15) days of adoption.

Tax Supervising met last month, to review, discuss, and conduct a public hearing on the supplemental budget pursuant to ORS 294.480, and certified the budget. The next step is for the board of County Commissioners to adopt the supplemental budget and direct the Budget Director to file it with Tax Supervising within fifteen days of adoption.

Summary of Supplemental Budget Actions

The FY 2008 Supplemental Budget is a relatively small “housekeeping” measure, and it recommends several actions to account for the following items in four County funds. Each of these items affects FY 2008 only; there is no ongoing fiscal impact.

- Add the SCAAP grant—which is not a grant, really, but a partial reimbursement from the federal government to pay for the costs associated with holding undocumented immigrants in our County jails—to the Sheriff’s Office General Fund budget. (472,219)
- Add prior-year grant revenue to County Human Services Developmental Disabilities program to be used for residential capacity development and supplements to transportation providers to offset the gas crisis. (357,391)
- Add additional funds from the State of Oregon from collected Telephone Tax for supporting Multnomah County’s emergency communications. The additional revenue received will be applied to the City of Portland IGA payments for 911 dispatch/radio access fees with the Bureau of Emergency Communications.(80,000)
- Add additional revenue from the Federal Timber payments program to be passed on to local school districts. This item reflects the one-year extension in timber payments (245,524).

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

Expenditures and revenues will be changed as outlined above in order to keep the County’s budget within the bounds of Oregon Budget Law and/or generally accepted accounting principles. None of these expenditure or revenue changes are designed to be ongoing. These actions have no impact on the FY 2009 budget.

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

Supplemental budgets for the purposes outlined above are required by ORS Chapter 294, Local Budget Law.

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

The Tax Supervising & Conservation Commission held a public hearing on the supplemental budget on May 28, 2008. Notice of this hearing was published in the Oregonian on May 21st, 2008, one week in advance of the hearing.

SUPPLEMENTAL BUDGET FY 2008

Required Signatures

**Department/
Agency Director:**

Carol M. Ford

Date: 06/02/08

Budget Analyst:

Debra

Date: 06/02/08

Department HR:

Date:

Countywide HR:

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Adopting the Fiscal Year 2008 Multnomah County Supplemental Budget and Making Appropriations as Required by ORS 294.480

The Multnomah County Board of Commissioners Finds:

- a. The Supplemental Budget addresses the following actions to:
 - Record additional fee and grant revenues and increase appropriations in the General Fund,
 - Record additional beginning working capital and increase appropriations in the Federal-State Fund,
 - Record Telephone Tax revenue and increase appropriations in the Emergency Communications Fund; and
 - Record additional Federal Timber Payments revenue and increase appropriations in the County School Fund.
- b. The Supplemental Budget is on file in the Office of the Chair of Multnomah County.
- c. The change in the Supplemental Budget includes requirements in the sum of \$1,155,134.
- d. The appropriations authorized are attached to this resolution as Attachment A.
- e. The Tax Supervising and Conservation Commission has certified the budget.

The Multnomah County Board of Commissioners Resolves:

1. The FY 2008 Supplemental Budget, including Attachment A, is adopted.
2. The attached appropriations are authorized for the fiscal year July 1, 2007 to June 30, 2008.

ADOPTED this 19th day of June, 2008.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Agnes Sowle, County Attorney

SUBMITTED BY:

Carol Ford, Director, Department of County Management
Page 1 of 2 – FY 2008 Supplemental Budget Resolution

ATTACHMENT A

APPROPRIATIONS SCHEDULE

General Fund			
	2007-2008 Adopted Budget	This Action	2007-2008 Revised Budget
Resources			
Direct Federal Sources	1,700	466,874	468,574
Indirect Revenue	7,725,955	5,345	7,731,300
All Other Revenues as Adopted	360,202,857	0	360,202,857
Total Resources	367,930,512	472,219	368,402,731
Requirements			
Materials & Supplies	118,638,266	470,509	119,108,775
All Other Expenditures as Adopted	240,930,832	0	240,930,832
Total Expenditures	359,569,098	470,509	360,039,607
Contingency	8,361,414	1,710	8,363,124
Total Requirements	367,930,512	472,219	368,402,731
Federal-State Fund			
Resources			
Beginning Working Capital	36,052	357,391	393,443
All Other Revenues as Adopted	268,034,831	0	268,034,831
Total Resources	268,070,883	357,391	268,428,274
Requirements			
Direct Client Assistance	66,470,158	357,391	66,827,549
All Other Expenditures as Adopted	201,600,727	0	201,600,727
Total Expenditures	268,070,885	357,391	268,428,276
Total Requirements	268,070,885	357,391	268,428,276
Emergency Communications Fund			
Resources			
Direct State Sources	240,000	80,000	320,000
Total Resources	240,000	80,000	320,000
Requirements			
Materials & Supplies	240,000	80,000	320,000
Total Expenditures	240,000	80,000	320,000
Total Requirements	240,000	80,000	320,000
County School Fund			
Resources			
Shared Government	75,000	245,524	320,524
Total Resources	75,000	245,524	320,524
Requirements			
Pass Thru Payments	75,000	245,524	320,524
Total Expenditures	75,000	245,524	320,524
Total Requirements	75,000	245,524	320,524

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 08-091

Adopting the Fiscal Year 2008 Multnomah County Supplemental Budget and Making Appropriations as Required by ORS 294.480

The Multnomah County Board of Commissioners Finds:

- a. The Supplemental Budget addresses the following actions to:
- Record additional fee and grant revenues and increase appropriations in the General Fund,
 - Record additional beginning working capital and increase appropriations in the Federal-State Fund,
 - Record Telephone Tax revenue and increase appropriations in the Emergency Communications Fund; and
 - Record additional Federal Timber Payments revenue and increase appropriations in the County School Fund.
- b. The Supplemental Budget is on file in the Office of the Chair of Multnomah County.
- c. The change in the Supplemental Budget includes requirements in the sum of \$1,155,134.
- d. The appropriations authorized are attached to this resolution as Attachment A.
- e. The Tax Supervising and Conservation Commission has certified the budget.

The Multnomah County Board of Commissioners Resolves:

1. The FY 2008 Supplemental Budget, including Attachment A, is adopted.
2. The attached appropriations are authorized for the fiscal year July 1, 2007 to June 30, 2008.

ADOPTED this 19th day of June, 2008.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Agnes Sowle, County Attorney

SUBMITTED BY:

Carol Ford, Director, Department of County Management

Page 1 of 2 – FY 2008 Supplemental Budget Resolution 08-091

ATTACHMENT A

APPROPRIATIONS SCHEDULE

General Fund			
	2007-2008 Adopted Budget	This Action	2007-2008 Revised Budget
Resources			
Direct Federal Sources	1,700	466,874	468,574
Indirect Revenue	7,725,955	5,345	7,731,300
All Other Revenues as Adopted	360,202,857	0	360,202,857
Total Resources	367,930,512	472,219	368,402,731
Requirements			
Materials & Supplies	118,638,266	470,509	119,108,775
All Other Expenditures as Adopted	240,930,832	0	240,930,832
Total Expenditures	359,569,098	470,509	360,039,607
Contingency	8,361,414	1,710	8,363,124
Total Requirements	367,930,512	472,219	368,402,731
Federal-State Fund			
Resources			
Beginning Working Capital	36,052	357,391	393,443
All Other Revenues as Adopted	268,034,831	0	268,034,831
Total Resources	268,070,883	357,391	268,428,274
Requirements			
Direct Client Assistance	66,470,158	357,391	66,827,549
All Other Expenditures as Adopted	201,600,727	0	201,600,727
Total Expenditures	268,070,885	357,391	268,428,276
Total Requirements	268,070,885	357,391	268,428,276
Emergency Communications Fund			
Resources			
Direct State Sources	240,000	80,000	320,000
Total Resources	240,000	80,000	320,000
Requirements			
Materials & Supplies	240,000	80,000	320,000
Total Expenditures	240,000	80,000	320,000
Total Requirements	240,000	80,000	320,000
County School Fund			
Resources			
Shared Government	75,000	245,524	320,524
Total Resources	75,000	245,524	320,524
Requirements			
Pass Thru Payments	75,000	245,524	320,524
Total Expenditures	75,000	245,524	320,524
Total Requirements	75,000	245,524	320,524



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 06/19/08
Agenda Item #: R-5
Est. Start Time: 10:00 AM
Date Submitted: 05/29/08

Agenda Title: **PUBLIC HEARING and Board Decision of Taxpayers Raymond and Mary Rask's Appeal of the Administrator's Final Determination Regarding their 2003, 2004 and 2005 Multnomah County Income Tax (ITAX) Obligations Pursuant to ITAX Administrative Rule 11-614**

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

Requested Meeting Date: June 19, 2008 **Amount of Time Needed:** 15 mins
Department: County Management **Division:** Finance/ITAX Administration
Contact(s): Mindy Harris
Phone: (503) 988-3786 **Ext.** 83786 **I/O Address:** 503/531
Presenter(s): Mindy Harris

General Information

1. What action are you requesting from the Board?

Taxpayers Raymond and Mary Rask challenged the Administrator's final determination regarding their 2003, 2004 and 2005 ITAX obligations, and timely notified the Administrator of their wish to appeal to the Board of County Commissioners pursuant to ITAX Administrative Rule 11-614 Appeal Rights. In each case, the Board must determine whether the taxpayer is subject to the tax, and the amount of their obligation. The Board's decision regarding the taxpayer's obligation is final.

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

Taxpayers have the right to appeal any determination of the Administrator of the Multnomah County Income Tax by filing written protest. Mr. Raymond. Rask filed such a protest, and is entitled to a hearing before the Board of County Commissioners.

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

If the Board determines taxpayers were full year residents in Multnomah County for tax years 2003,

2004 and 2005, the outstanding balance owed for all three years is \$3,805.00.

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

The Board will determine whether the ITAX Administrator properly found that the taxpayers' primary residence was in Multnomah County for tax years 2003, 2004 and 2005

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

The Administrator has provided a written response to the taxpayers' appeal. The taxpayers may present relevant testimony and oral argument to the Board, and the Administrator may respond with relevant testimony and oral argument.

Required Signature

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

Mindy Harris

Date: 05/29/08



Deborah Bogstad, Board Clerk

MULTNOMAH COUNTY OREGON

Multnomah County Board of Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, Oregon 97214
(503) 988-3277 phone
(503) 988-3013 fax

May 29, 2008

Mr. and Mrs. Raymond Rask
14741 NE Stanton Court
Portland, OR 97230-3757

RE: NOTICE OF HEARING ON MULTNOMAH COUNTY INCOME TAX
APPEAL [Account Numbers 26483284285 and 26483284294]

Greetings Mr. and Mrs. Rask:

You filed a Notice of Appeal from the Final Letter of
Determination regarding your 2003, 2004, 2005 Multnomah County
Income Taxes.

A hearing has been scheduled for you to present your appeal
before the Multnomah County Board of Commissioners on **Thursday,
June 19, 2008, at 10:00 a.m. in the first floor Commissioners
Boardroom at 501 SE Hawthorne Boulevard, Portland.** At that
time you may present relevant testimony and oral argument regarding
your appeal. The ITAX Administrator will also be in attendance to
present relevant testimony and oral argument.

The decision of the Multnomah County Board of Commissioners
shall be final and no further administrative appeal shall be provided.

This Notice is provided pursuant to ITAX Administrative Rules
for the Multnomah County Personal Income Tax, Section 11-614,
Appeal Rights.

Sincerely,

Deborah L. Bogstad, Board Clerk
Multnomah County Commissioners

cc: Mindy Harris
Jacquie Weber



Department of County Management

MULTNOMAH COUNTY OREGON

Mindy Harris, CFO, ITAX Administrator

501 SE Hawthorne, Suite 531

Portland, Oregon 97214

(503) 988-3786 phone

(503) 988-5725 fax

TO: Board of County Commissioners

FROM: Mindy Harris, Chief Financial Officer, ITAX Administrator

DATE: May 14, 2008

SUBJECT: Multnomah County Personal Income Tax Appeal of
Raymond and Mary Rask
Account # 26483284285 & 26483284294
Tax years 2003, 2004 and 2005

Issue

Mr. and Mrs. Rask (Appellants) did not file Multnomah County Personal Income Tax (ITAX) returns for the tax years listed above. Further, they are appealing ITAX Administrator's assessment to pay ITAX as full-year County Residents.

Facts

For state income tax purposes, the appellants have filed as full-year residents of the State of Oregon for the tax years 2003, 2004 and 2005, using the address of 14741 NE Stanton Court. They purchased this residence in August of 2002 and updated their Oregon driver's licenses and their Multnomah County voter's registrations to this address soon after. According to Multnomah County Elections office, they have voted, and continue to vote, as Multnomah County residents.

Discussion

The Appellants claim that they should not have to pay the ITAX as they are not residents of Multnomah County, having retired to their beach home in Manzanita, Oregon in 2002. However, Mr. Rask states he continued to work part-time with his law firm after retirement. The couple sold their large family home in the same year and purchased a condominium on NE Stanton. They admit that they spend two to three days a week in this condo. They also state that this condo on NE Stanton is kept only for the convenience of their family and to receive mail since there is no mail service at their Manzanita residence.

Voting records indicate that both appellants have voted in Multnomah County from 1992 through 2006. In order to vote as a Multnomah County resident, a signed declaration must be made that the voter is domiciled in Multnomah County. The Appellants also maintain the Multnomah County address as their legal address for purposes of their

Oregon Driver's licenses and use that address for registration of all vehicles, although several of them show Tillamook County as county of use.

According to Oregon Revised Statute 316.027 which is specifically adopted into the ITAX Administrative Rules, individuals may have many residences but only one legal domicile. Once a domicile is established, it is never changed until one intends to abandon the old domicile; acquires a new specific domicile and is physically present in the new domicile.

Conclusion

Based on the above facts, the appellants are deemed to be full-year Multnomah County residents and are subject to the ITAX. They have not abandoned Multnomah County as their county of residence as is required to change domicile. Voting records as well as driver's licenses and automobile registration support the conclusion that Multnomah County is their county of residence. The appellants did not take any of the steps required by law to establish a change in their domicile.

Based on these conclusions, the Multnomah County ITAX Administrator is correct in assessing ITAX on all income for tax years 2003, 2004, and 2005.

cc Mr. & Mrs. Raymond Rask
Satish Nath – Finance & Risk
Jacquie Weber – County Attorney's Office

Multnomah County Personal Income Tax

PO Box 279
Portland, OR 97207-0279
503-988-ITAX (4829)
www.multcotax.org



The notice of appeal shall state the name and address of the taxpayer(s) and include a copy of the final determination.

The written notice of appeal should be directed to the Multnomah County Board of Commissioners, P.O. Box 279, Portland, Oregon 97207-0279.

You have 90 days from the date the final determination was mailed to you to file a written statement with the Multnomah County Board of Commissioners which should indicate:

- The reason(s) the Administrator's determination is incorrect.
- What the correct determination should be.

Failure to file this statement within the 90 day time period shall be deemed to be a waiver of any objections and the appeal will be dismissed.

The Administrator has 150 days from the date the final determination was mailed to file a written response to your statement with the Multnomah County Board of Commissioners. You will receive a copy of this response.

The Multnomah County Board of Commissioners will hear the appeal on the basis of the written statements and any additional statements as required. You will be given not less than 7 days prior written notice of the hearing date and location. You will have the opportunity to present relevant testimony and oral arguments.

You will be notified of the Multnomah County Board of Commissioner's determination in writing. The decision of the Commissioners is the only administrative appeal and their decision is final.

Extensions

The Administrator may extend the time for filing of the protest or the written statement of appeal for good cause. If the Administrator extends the time for filings on its own behalf, you will be notified in writing.

The filing of a protest or an appeal with the Multnomah County Board of Commissioners suspends the obligation to pay any tax, penalty or interest that is the subject of the protest or appeal until such time as the protest determination or appeal decision is issued.

Multnomah County Personal Income Tax

PO Box 279
Portland, OR 97207-0279
503-988-ITAX (4829)
www.multcotax.org



**MULTNOMAH
COUNTY**

Your Right to Appeal

You have the right to appeal the determination of the Administrator that you owe additional Multnomah County personal income tax. Your appeal rights are defined in the ITAX Administrative Rules in § 11-614. The following discusses the various steps and procedures in the Appeals Process.

FILE A WRITTEN PROTEST WITH THE ADMINISTRATOR

You have 30 days after you receive the initial letter of determination to file a protest with the Administrator. This protest must be in writing and should explain the reason that you disagree with the determination and should include any necessary evidence to support your position. Your protest will be reviewed by the Administrator, or his designee, as quickly as possible. If the review will take more than 30 days, the Administrator will notify you of this in writing.

The Administrator will either issue you a revised initial letter of determination or issue a final letter of determination after reviewing your protest and evidence.

Revised Initial Letter of Determination If the Administrator's review finds that there were errors in the initial determination under protest or that you were not a County resident, the Administrator will correct the errors and issue a revised initial letter of determination. If you disagree with the revised billing, you have 30 days to renew your protest, in writing with supportive evidence. If you agree with the revised initial letter of determination, you have 30 days to make payment.

Final Letter of Determination A final letter of determination will be issued by the Administrator if, as a result of the review of your protest, no errors were made and the billing was in accordance with the Multnomah County personal income tax law. The letter will explain the sections of the County law and Administrative Rules that support the Administrator's position and reaffirm the previous billing.

If you disagree with this final determination you have 30 days to file a written notice of appeal with the Multnomah County Board of Commissioners.

If you agree with the final letter of determination, you have 30 days to make payment.

FILE AN APPEAL WITH THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

You may appeal a final letter of determination made by the Administrator by filing a written notice of appeal within 30 days after the final determination was mailed or delivered to you.

Multnomah County Personal Income Tax
ITAX Administrator
PO Box 279
Portland, OR 97207-0279
503-988-ITAX (4829)
www.multcotax.org



January 2, 2008

Final Letter of Determination

The ITAX Administrator has reviewed your protest under the provisions of ITAX Administrative Rule § 11-614(A) and has denied your protest and issues this Final Letter of Determination.

Based on the evidence submitted, the Administrator has determined that you are a Multnomah County resident for the 2005 tax year as defined in § 11-605 and subject to the ITAX under § 11-625. While an individual may have more than one residence, an individual can only have one legal domicile, and that domicile determines taxation status. In order to change domiciles, an individual must demonstrate a clear intent to abandon the old domicile and establish a new one.

It is clear that, although you changes residences within Multnomah County in 2002, you never abandoned Multnomah County as your legal domicile. You have maintained your Oregon Driver's Licenses at your Multnomah County address, your vehicles were registered under your name at that address, and you use that address for official mailing purposes, including your Oregon income tax returns. In addition, you both continue to vote as Multnomah County residents. By voting in Multnomah County, you have made a legal declaration that you are domiciled in Multnomah County.

You have 30 days from the date of this letter to pay this billing or to file a written notice of appeal. If you file a written notice of appeal within the 30 days allowed by the administrative rules, you must then file a written statement with the facts and legal issues relating to your appeal to the Multnomah County Board of Commissioners within 90 days from the date of this letter.

You may refer to "Your Right to Appeal" for information regarding the content of this statement and the appeals process at our website at www.multcotax.org or call the Help Desk at (503) 988 - ITAX (4829) for any clarification.



DETACH AND RETURN WITH PAYMENT



MULTNOMAH COUNTY ITAX
PO BOX 279
PORTLAND, OR 97207-0279

ACCOUNT	DUE DATE	AMOUNT DUE
26483284285		
26483284294	2/1/08	\$197.00

TAX YEAR 2005

*Please make your check payable to Multnomah County ITAX.
Please do not include any other correspondence with your payment.
Payments due on weekends or holidays must be received the previous business day.
Postmark is not receipt.*

AMOUNT ENCLOSED
\$

RAYMOND RASK & M RASK
14741 NE STANTON CT
PORTLAND OR 97230-3757

MULTNOMAH COUNTY ITAX
PO BOX 279
PORTLAND, OR 97207-0279

Multnomah County Personal Income Tax
ITAX Administrator
PO Box 279
Portland, OR 97207-0279
503-988-ITAX (4829)
www.multcotax.org



January 2, 2008

Final Letter of Determination

The ITAX Administrator has reviewed your protest under the provisions of ITAX Administrative Rule § 11-614(A) and has denied your protest and issues this Final Letter of Determination.

Based on the evidence submitted, the Administrator has determined that you are Multnomah County residents for the 2003 tax year as defined in § 11-605 and subject to the ITAX under § 11-625. While an individual may have more than one residence, an individual can only have one legal domicile, and that domicile determines taxation status. In order to change domiciles, an individual must demonstrate a clear intent to abandon the old domicile and establish a new one.

It is clear that, although you changes residences within Multnomah County in 2002, you never abandoned Multnomah County as your legal domicile. You have maintained your Oregon Driver's Licenses at your Multnomah County address, your vehicles were registered under your name at that address, and you use that address for official mailing purposes, including your Oregon income tax returns. In addition, you both continue to vote as Multnomah County residents. By voting in Multnomah County, you have made a legal declaration that you are domiciled in Multnomah County.

You have 30 days from the date of this letter to pay this billing or to file a written notice of appeal. If you file a written notice of appeal within the 30 days allowed by the administrative rules, you must then file a written statement with the facts and legal issues relating to your appeal to the Multnomah County Board of Commissioners within 90 days from the date of this letter.

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DETACH AND RETURN WITH PAYMENT



MULTNOMAH COUNTY ITAX
PO BOX 279
PORTLAND, OR 97207-0279

ACCOUNT NUMBER	DATE	AMOUNT DUE
26483284285		
26483284294	2/1/08	\$3,502.00

TAX YEAR 2003

*Please make your check payable to Multnomah County ITAX.
Please do not include any other correspondence with your payment.
Payments due on weekends or holidays must be received the previous business day.
Postmark is not receipt.*

AMOUNT ENCLOSED
\$

RAYMOND RASK & M RASK
14741 NE STANTON CT
PORTLAND OR 97230-3757

MULTNOMAH COUNTY ITAX
PO BOX 279
PORTLAND, OR 97207-0279

Multnomah County Personal Income Tax
ITAX Administrator
PO Box 279
Portland, OR 97207-0279
503-988-ITAX (4829)
www.multcotax.org



January 2, 2008

Final Letter of Determination

The ITAX Administrator has reviewed your protest under the provisions of ITAX Administrative Rule § 11-614(A) and has denied your protest and issues this Final Letter of Determination.

Based on the evidence submitted, the Administrator has determined that you are a Multnomah County resident for the 2004 tax year as defined in § 11-605 and subject to the ITAX under § 11-625. While an individual may have more than one residence, an individual can only have one legal domicile, and that domicile determines taxation status. In order to change domiciles, an individual must demonstrate a clear intent to abandon the old domicile and establish a new one.

It is clear that, although you changes residences within Multnomah County in 2002, you never abandoned Multnomah County as your legal domicile. You have maintained your Oregon Driver's Licenses at your Multnomah County address, your vehicles were registered under your name at that address, and you use that address for official mailing purposes, including your Oregon income tax returns. In addition, you both continue to vote as Multnomah County residents. By voting in Multnomah County, you have made a legal declaration that you are domiciled in Multnomah County.

You have 30 days from the date of this letter to pay this billing or to file a written notice of appeal. If you file a written notice of appeal within the 30 days allowed by the administrative rules, you must then file a written statement with the facts and legal issues relating to your appeal to the Multnomah County Board of Commissioners within 90 days from the date of this letter.

You may refer to "Your Right to Appeal" for information regarding the content of this statement and the appeals process at our website at www.multcotax.org or call the Help Desk at (503) 988 – ITAX (4829) for any clarification.

of DETACH AND RETURN WITH PAYMENT -----



MULTNOMAH COUNTY ITAX
PO BOX 279
PORTLAND, OR 97207-0279

COUNT	DATE	AMOUNT
26483284285		
26483284294	2/1/08	\$106.00

TAX YEAR 2004

*Please make your check payable to Multnomah County ITAX.
Please do not include any other correspondence with your payment.
Payments due on weekends or holidays must be received the previous business day.
Postmark is not receipt.*

AMOUNT ENCLOSED
\$

RAYMOND RASK & M RASK
14741 NE STANTON CT
PORTLAND OR 97230-3757

MULTNOMAH COUNTY ITAX
PO BOX 279
PORTLAND, OR 97207-0279

540 - 38 - 4907

RAYMOND M. RASK
1200 SW MAIN
PORTLAND, OR 97205
(503) 221-1772

no ck
RECEIVED MAR 27 2008

March 26, 2008

Multnomah County Personal Income Tax
ITAX Administrator
P. O. Box 279
Portland, OR 97207-0279

Re: **Appeal of Assessment on Account Nos. 26483284285 and 26483284294**

Dear Sir/Madam:

In considering my appeal, please review my letters to you of October 12, 2004 with the exhibits and my letter of December 11, 2007, as well as my Notice of Appeal dated January 9, 2008.

To supplement the above, I would add that recently we spend more time in Multnomah County, since my wife was diagnosed with incurable cancer so our plans have changed for her to receive the medical treatment she requires.

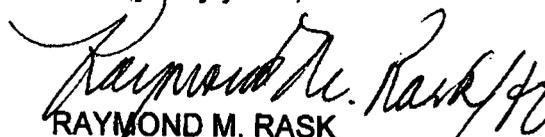
But to reiterate, I went on adjusted status with my law firm in 2002. Our intention was always to retire to our home in Manzanita, Tillamook County, Oregon. We sold our large home in Portland and purchased a small condominium in Portland to stay approximately 2 to 3 days a week. We purchased our home in Manzanita in the late 1980s. It was our intention to live there on a full time basis with occasional visits to Portland for family reasons. This happened until 2007 when my wife's health changed our intention.

Factually and legally, I would advise that during the time in question, we were not residents domiciled in Multnomah County. Thus, the assessments must not be allowed.

If I can furnish any further information, including oral testimony, I would be pleased to comply. Thank you for considering this matter.

I remain

Very truly yours,


RAYMOND M. RASK

RAYMOND M. RASK
1200 SW MAIN
PORTLAND, OR 97205
(503) 221-1772

January 9, 2008

Multnomah County Personal Income Tax
ITAX Administrator
P. O. Box 279
Portland, OR 97207-0279

Re: **Appeal of Assessment on Account Nos. 26483284285 and
26483284294**

NOTICE OF APPEAL

Dear Sir/Madam:

This letter is to serve notice of appeal of the above assessments. This appeal is based on the fact that during the time in question we elected to be domiciled in Tillamook County, that was our intention, although we maintained a small condo in Portland to receive our mail and to stay when we were in Portland. Our vehicles were registered in Tillamook County. Our home in Manzanita does not have mail service so we kept the Portland address for our mail.

I am attaching earlier correspondence to you regarding this matter. In Oregon, the determining factor as to where a party is domiciled is the intent of the parties. It was our intent to be domiciled in Manzanita, Tillamook County, Oregon. Our autos were registered there and we spend about 4 to 5 days a week there. We have maintained the condo in Multnomah County for a convenience to our family.

If you will review the attached letters sent to you along with this formal notice of appeal, I am confident that you will come to the conclusion, based on our intent, that we were domiciled during that certain period of time in Tillamook County, Oregon.

I remain

Very truly yours,

RAYMOND M. RASK

RAYMOND M. RASK
1200 SW MAIN
PORTLAND, OR 97205
(503) 221-1772

December 11, 2007

Multnomah County Personal Income Tax
ITAX Administrator
P. O. Box 279
Portland, OR 97207-0279

Re: **Account Nos. 26483284285 and 26483284294**

Dear Sir/Madam:

I have received your most current correspondence indicating that I have a delinquency for the Multnomah County Personal Income Tax.

It is my position that I do not owe this tax because I was not a resident of Multnomah County during the years in question.

On October 12, 2004, I wrote you a letter wherein I explained that in 2002 we sold our primary residence in Portland and considered the property at 8890 Gleneslin Lane, Manzanita, Tillamook County, Oregon, as our primary residence, although we do maintain a small condominium in Portland at 14741 NE Stanton Court. I also enclosed copies of our real property tax statement for Tillamook County, Oregon demonstrating during the years July 1, 2002 to the present that we paid property taxes in Tillamook County, Oregon. I also enclosed copies of utility bills.

In late 2002, I adjusted my status at the law firm where I work, and only work on a part time basis. Therefore, it is my position that I do not owe this tax.

I remain

Very truly yours,

RAYMOND M. RASK

COPY

RAYMOND M. RASK
1200 SW MAIN
PORTLAND, OR 97205
(503) 221-1772

October 12, 2004

Multnomah County Personal Income Tax
ITAX Administrator
P. O. Box 279
Portland, OR 97207-0279

Re: **Account Nos. 26483284285 and 26483284294**

Dear Sir/Madam:

My wife and I did not file a Multnomah County Personal Income Tax return for the year 2003 for the following reasons:

Beginning in late 2002, we sold our primary residence in Portland and considered the property at 8890 Gleneslin Lane, Manzanita, Tillamook County, Oregon, as our primary residence, although we do maintain a small condominium in Portland at 14741 N. E. Stanton Court, Portland, Oregon. In support of this contention that our primary residence now is in Tillamook County, Oregon, I am enclosing copies of the real property tax statement from Tillamook County, Oregon demonstrating during the years July 1, 2002 to June 30, 2003 and July 1, 2003 to June 30, 2004 showing that we paid property taxes in Tillamook County, Oregon.

Initially, I just picked up a copy of some of our utility bills for that residence for that period of time.

Although we do have a secondary residence in Multnomah County, Oregon, it is our view that our primary residence is in Tillamook County, Oregon, and therefore would not be subjected to the Multnomah County Personal Income Tax.

If you feel differently about this, please advise.

I remain

Very truly yours,

RAYMOND M. RASK

Enclosures

COPY

Script/Procedure for ITAX Hearing Before the Multnomah County Board of Commissioners

INTRODUCTION:

Chair: This is the time set for public hearing on the claim of **RAYMOND AND MARY RASK** under Administrative Rule Section 11-614 for the ITAX. Are **RAYMOND AND MARY RASK** present? Please come forward and have a seat at the presenter table. I am Ted Wheeler, Chair of the Multnomah County Board of Commissioners. Also in attendance are Vice-Chair Jeff Cogen Commissioners Lisa Naito and Lonnie Roberts. Commissioner Maria Rojo de Steffey is excused.

All information relevant to your appeal may be submitted and will be considered in this hearing. The evidence may be in any form including oral and written testimony, letters, documents, case law, other written materials or other items.

The Commission will base its decision on the evidence presented, along with the information on the appeal in your file. The Board decision will be by Order adopted by the Board.

DISCLOSURES: [Any ex parte contacts or conflicts of interest by the Board should be disclosed at this time.]

Chair: I have no ex parte contacts or conflicts of interest to disclose.

or if the Chair has disclosures to make

I have the following disclosures to make: _____

Chair: Commissioner Naito? Commissioner Roberts? Commissioner Cogen? [If there are *none*, each Commissioner should say “*none*” on the record.]

[If there are disclosures of ex parte contacts, participants should be given an opportunity to rebut the substance of any disclosure. “Does anyone have any rebuttal testimony relating to any disclosure?”]

[If there are any disclosures of conflicts of interest, the Commissioner in question shall state whether he/she can still be fair in conducting the hearing and making a decision.]

CONDUCT OF THE HEARING:

Chair: I will ask for testimony and other evidence in the following order:

1. ITAX Staff Report from ITAX Administrator Mindy Harris
2. Taxpayer/Appellant **RAYMOND AND MARY RASK** testimony/evidence presentation
3. Commission discussion, questions, deliberation, and possible decision
4. Future scheduling (continued hearing) if necessary

BOARD DECISION:

Following the hearing testimony, discussion, questions and deliberations, the commissioners will move, second and vote on a motion approving or denying **RAYMOND AND MARY RASK'S** appeal of the ITAX Administrator's Final Determination regarding his/her/their Multnomah County Income Tax Obligations; directing the County Attorney to prepare an Order memorializing the Board's decision; and adopting said Order.

The Board Clerk will provide a true copy of the executed Order memorializing the Board's decision to the Taxpayer/Appellant.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

Order Denying Appeal of Raymond and Mary Rask of ITAX Administrator's Final Determination

The Multnomah County Board of Commissioners Finds:

- a. Raymond and Mary Rask timely filed a Notice of Appeal from the Administrator's Final Letter of Determination of their 2003, 2004, 2005 Multnomah County Income Tax.
- b. Appellants challenge the County's imposition of the Multnomah County Income Tax (ITAX) as unlawfully applied to them as they maintained two homes during the tax years, living for a greater fraction of each year outside Multnomah County. The ITAX was approved by the voters as an income tax on taxable income under Oregon law. The evidence submitted to the Board established that the Appellants were registered to vote in Multnomah County and did vote in Multnomah County from 1992 through 2006. In order to vote as a Multnomah County resident, a signed declaration must be made that the voter is domiciled in Multnomah County. Appellants also maintain the Multnomah County address as their legal address for purposes of their Oregon Driver's licenses and use that address for registration of all of their vehicles, although several show Tillamook County as the county of use. In addition, the taxpayers did not sell or otherwise abandon their Multnomah County residence and testified that they spend two to three days each week at their condominium on NE Stanton in Portland. Oregon law states that once a domicile is established, it is not lost until all of the following happen: the resident intends to abandon the old domicile, the resident intends to acquire a new specific domicile and the resident is physically present in the new domicile.
- c. The County's decision to apply the tax to the taxpayers as full year residents for each tax year was appropriate, because taxpayers did not establish a domicile as defined by Oregon law outside of Multnomah County during any of the three tax years.
- d. The imposition of the ITAX on Appellants is lawful.

The Multnomah County Board of Commissioners Orders:

1. Raymond and Mary Rask's Appeal of the Administrator's Determination of their 2003, 2004, 2005 Multnomah County Income Tax liability is denied.

ADOPTED this 19th day of June, 2008.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Jacqueline A. Weber, Assistant County Attorney

SUBMITTED BY:
Agnes Sowle, Multnomah County Attorney



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 06/19/08
 Agenda Item #: R-6
 Est. Start Time: 10:10 AM
 Date Submitted: 06/05/08

RESOLUTION Authorizing Approval of the Issuance of Revenue Bonds, in One or More Series, by The Hospital Facilities Authority of Multnomah County, Oregon in an Aggregate Principal Amount Not to Exceed \$230,000,000;
Agenda Title: Authorizing the Execution of a Letter of Intent with Mirabella at South Waterfront; Designating an Authorized Representative; and Related Matters

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

Requested Meeting Date: June 19, 2008 **Amount of Time Needed:** 15 minutes
Department: County Management **Division:** Finance & Risk Mgmt
Contact(s): Mindy Harris
Phone: 503-988-3786 **Ext** 83786 **I/O Address:** 503/531
Presenter(s): Mindy Harris

General Information

1. What action are you requesting from the Board?

The Department of County Management recommends approval of the Resolution of the Hospital Authority of Multnomah County authorizing issuance of tax exempt revenue bonds in an aggregate principal amount not to exceed \$230,000,000 for the purpose of improving real property in the South Waterfront area near OHSU; authorizing the execution of a Letter of Intent with Mirabella at south Waterfront; Designating an Authorized Representative to execute the transactions; and related matters.

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

In June 2007, the Hospital Facilities Authority of Multnomah County, Oregon approved the sale of tax exempt bonds by Pacific Mirabella Portland, LLC, a non-profit corporation, for the purpose of acquiring unimproved real property in the South Waterfront area in SW Portland. The intended use of the property is to develop a continuing care retirement community. The financing was executed,

and the land was purchased.

This Resolution authorizes the sale of up to \$230,000,000 in tax exempt revenue bonds to finance the construction of the continuing care retirement facility on the property. The facility will include a total of 284 units, including independent living apartments, residential living apartments, private dementia care suites, and private skilled nursing beds. During the construction, an estimated 150 full time jobs will be created to staff the project.

As required by the Hospital Authority, Pacific Mirabella Portland has provided their financial statements to both the County and to bond counsel for review. The financial statements indicate that the organization appears to be in a strong financial position and fully capable of repaying the bonds at this time.

The principal and interest on the bonds will not constitute a debt of Multnomah County, Oregon or the Hospital Authority of Multnomah County, nor shall the bonds be payable from a tax of any nature levied upon any property within Multnomah County, Oregon, nor any other political subdivision of the State of Oregon. The bonds will be payable only from the revenues and resources provided by Pacific Mirabella Portland, from the sales of the apartments in the project.

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

Per the by-laws of the Hospital Authority, borrowers will be assessed a fee to compensate the Hospital Authority for its administrative expenses. The fee revenue becomes a revenue of the general fund of Multnomah County. The fee is .10% of the amount of the bond issue. If the maximum amount of the bonds are issued, the County general fund would receive proceeds of \$230,000 for its administrative expenses.

The project is located in the Urban Renewal District in the South Waterfront area, and once the District expires, the County will receive an estimated \$500,000 in property tax, annually.

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

Neither the Hospital Authority of Multnomah County, nor Multnomah County as a political subdivision of the State of Oregon, have legal or financial responsibility for the repayment of these bonds.

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

Pursuant to the provisions of Section 147(f) of the Internal Revenue Code of 1986, a public hearing must be conducted prior to the authorization of the issuance of the bonds. The hearing was held on June 4, 2008, and a report is included with this packet.

Required Signature

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

Carol M. Ford

Date: 06/04/08

**BEFORE THE HOSPITAL FACILITIES AUTHORITY
OF MULTNOMAH COUNTY, OREGON**

RESOLUTION NO. 08-_____

Authorizing Approval of the Issuance of Revenue Bonds, in One or More Series, by The Hospital Facilities Authority of Multnomah County, Oregon in an Aggregate Principal Amount Not to Exceed \$230,000,000; Authorizing the Execution of a Letter of Intent with Mirabella at South Waterfront; Designating an Authorized Representative; and Related Matters

The Board of Directors of The Hospital Facilities Authority of Multnomah County, Oregon Finds:

- a. The Board of Directors of The Hospital Facilities Authority of Multnomah County, Oregon (the "Authority"), a public authority organized and existing pursuant to Oregon Revised Statutes ("ORS") Sections 441.525 to 441.595, inclusive (the "Act"), has received a request from Mirabella at South Waterfront, an Oregon nonprofit corporation (the "Borrower"), whose sole member is Pacific Retirement Services, Inc., a nonprofit corporation organized and existing under the laws of the State of Oregon and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 ("PRS"), to execute and deliver revenue bonds, in one or more series, in an aggregate principal amount not to exceed \$230,000,000 (the "Series 2008 Bonds") to finance the costs of the following projects (collectively, the "Project"):
1. currently refunding the Tax-Exempt Note dated July 2, 2007, issued by the Authority to provide funds to Pacific Mirabella Portland, LLC to acquire property located at 3550 S.W. Bond Avenue, Portland, Oregon 97239;
 2. currently refunding a taxable Loan Agreement dated December 26, 2007 between the Borrower and Sovereign Bank, the proceeds of which were used to finance marketing, development and site work costs relating to the facility described in 3. below;
 3. designing, constructing, acquiring, equipping and furnishing an approximately 30-story building located at 3550 S.W. Bond Avenue, Portland, Oregon 97239 that will provide a continuing care retirement facility including independent living apartments, residential living apartments, private dementia care suites and private skilled nursing beds, together with underground parking and common areas; and
 4. funding a debt service reserve fund, if required, paying capitalized interest and certain costs of issuance of the Bonds, including, if applicable, credit enhancement.
- b. The Authority has received an application from the Borrower in support of its request for financing the Project. The application includes the following:

1. A letter from the Borrower dated May 30, 2008 requesting issuance of the Series 2008 Bonds on behalf of the Borrower and describing the Project;
 2. Financial Statements for PRS for fiscal years ended September 30, 2007 and 2006, and Independent Auditors' Report, and Financial Statements for Mirabella at South Waterfront for fiscal year ended September 30, 2007;
 3. Preliminary Financing Schedule;
 4. Distribution list of financing participants; and
 5. Preliminary schedule of sources and uses of funds and proposed debt service schedule.
- c. ORS Section 441.550 authorizes the Authority to borrow money and to issue revenue bonds for the purpose of carrying out its powers on such terms as the Board of Directors deems necessary or advisable. The Authority has determined that the execution and delivery of the financing documents described below and the use of the proceeds thereof by the Borrower to finance the Project is necessary and desirable and that such financing documents and the Project are in the best interest of the citizens of Multnomah County, Oregon.
- d. Section 147(f) of the Internal Revenue Code of 1986 (the "Code") requires that qualified 501(c)(3) bonds be approved by the Chair of the Board of County Commissioners of Multnomah County, Oregon as the chief applicable elected representative of the governmental unit issuing the Series 2008 Bonds and having jurisdiction over the area in which the Project is located.
- e. Section 147(f) also requires that a public hearing be conducted to provide the opportunity for members of the public to express their view, orally, or in writing, regarding the issuance of the Series 2008 Bonds and the Project. The Authorized Representative, as hereinafter defined, conducted a public hearing on June 4, 2008 and has provided a hearing officer's report to the Chair of the Board of County Commissioners. Notice of the public hearing was published May 21, 2008 in *The Oregonian*.
- f. The Authority will issue the Series 2008 Bonds under the following financing documents (collectively, the "Financing Documents"), which may include, but are not limited to:
1. one or more Bond Indentures between the Authority and U.S. Bank National Association, as bond trustee (the "Bond Trustee");
 2. one or more Loan Agreements between the Authority and the Borrower;
 3. Preliminary and Final Official Statements;
 4. a Bond Purchase Agreement between the Borrower and Herbert J. Sims & Co., Inc., and Cain Brothers & Company LLC, as Co-Underwriters (collectively, the "Underwriters"); and

5. a Deed of Trust, Security Agreement and Assignment of Leases and Rents.
- g. The Series 2008 Bonds may be issued in any combination of tax-exempt and taxable fixed rate bonds or variable rate bonds. All or any portion of the Series 2008 Bonds may be secured by a letter of credit or other credit or liquidity facility. The Borrower may enter into an interest rate swap agreement in connection with all or any portion of the Series 2008 Bonds as described in the Series 2008 Financing Documents. The Borrower intends to enter into certain additional documents with various parties in connection with the issuance of the Series 2008 Bonds that may include, but are not limited to master and supplemental master trust indentures, reimbursement and credit agreements, a tender agent agreement, a remarketing agreement, loan agreements and an interest rate swap agreement.
- h. The principal of and interest on the Series 2008 Bonds will not constitute a debt of the Authority or Multnomah County, Oregon, nor shall the Series 2008 Bonds be payable from a tax of any nature levied upon any property within Multnomah County, Oregon nor within any other political subdivision of the State of Oregon. The Authority has no taxing power. The Series 2008 Bonds will be payable only from the revenues and resources provided or arranged by the Borrower.
- i. The Board determines that it is in the best interest for the Authority to provide adequate adult congregate care facilities and related services within Multnomah County, Oregon and to proceed with the issuance of the Series 2008 Bonds. Capitalized terms not defined herein shall have the meanings set forth in the Financing Documents.

The Board of Directors of The Hospital Facilities Authority of Multnomah County, Oregon Resolves:

Section 1. The Authority does authorize and approve of the provisions of and directs the execution, sale, delivery and issuance by the Authority of the Series 2008 Bonds, in one or more series, in an aggregate principal amount not to exceed \$230,000,000 to finance the Project.

Section 2. The Authority designates each of the Chair, Vice Chair, Secretary, the Assistant Secretary, Chief Financial Officer of the County, County Treasurer or the Authority's designee as "Authorized Representatives," collectively, and as an "Authorized Representative," individually, of the Authority to negotiate the terms and the sale of the Series 2008 Bonds and to determine and designate the dated date, the series designation, the maturity dates and amounts, the interest rates and interest rate modes, the optional and mandatory redemption provisions, with or without premium, if any, and the interest payment dates and such other provisions and terms of the Series 2008 Bonds as are deemed necessary and desirable for the issuance, sale and closing of the Series 2008 Bonds. The Series 2008 Bonds shall be executed by the facsimile signature of the Chair and shall be attested by the facsimile signature of an Authorized Representative of the Authority. The Series 2008 Bonds shall mature not later than December 31, 2048. The Series 2008 Bonds shall be issued or executed in the form as may be approved by the Authorized Representative.

The Authorized Representative is authorized to execute and deliver a letter of intent, substantially in the form attached hereto as Exhibit A (the "Letter of Intent"), which sets forth the basic obligations of the Authority and the Borrower regarding the Series 2008 Bonds.

Section 3. The Board authorizes the Authorized Representative to review and approve the terms and provisions of the Financing Documents.

Section 4. The Authority provides for the establishment of the special funds as set forth in the Financing Documents, to be held in trust as set forth therein. The Authority is obligated to deposit proceeds of the Series 2008 Bonds to the funds as set forth in and as required by the Financing Documents. In addition, the Authority shall provide for the deposit of all of the loan payments payable to the Authority pursuant to the Financing Documents.

Section 5. The Authority's pledge for the payment of the Series 2008 Bonds shall be valid and binding from the date of the adoption of this Resolution against any parties having subsequent claims of any kind in tort, contract or otherwise against the Authority, irrespective of whether such parties have actual notice of this pledge. Pursuant to Oregon Revised Statutes Section 441.555(5), this pledge is noted in the Authority's minute book which shall contain this Resolution and which shall be constructive notice thereof to all parties, and neither this Resolution nor other instrument by which a pledge is created need be otherwise recorded, nor shall the filing of any financing statement under the Oregon Uniform Commercial Code be required to perfect such pledge. Any moneys or obligations so pledged and later received by the Authority shall immediately be subject to the lien of the pledge without any physical delivery or further act.

Section 6. The Authority authorizes the sale of the Series 2008 Bonds to the Underwriters pursuant to the terms and conditions of the Bond Purchase Agreement as may be approved by the Authorized Representative.

Section 7. The Authority directs the Authorized Representative to execute and deliver the Financing Documents in the forms and with such changes as may be approved by the Authorized Representative. The Authority authorizes the performance by the Authority of the obligations and duties on its part as contained in the Financing Documents. Any one or more of the Authorized Representatives shall approve, execute and deliver each of the above-described Financing Documents and such other documents as are necessary to consummate the sale and issuance of the Series 2008 Bonds.

Section 8. U.S. Bank National Association, in Portland, Oregon, is designated and approved as the Bond Trustee, Master Trustee, Paying Agent and Bond Registrar of the Series 2008 Bonds. An Authorized Representative of the Authority is authorized to execute a Paying Agent and Bond Registrar Agreement, dated as of the date of closing, for and on behalf of the Authority. The Authority does request and authorize the Bond Registrar to execute the Certificate of Authentication as of the date of delivery of the Series 2008 Bonds. The Paying Agent and Bond Registrar shall maintain a record of the names and addresses of the registered owners of the Series 2008 Bonds. The records of the registered bond ownership are not public records within the meaning of Oregon Revised Statute Section 192.210(4).

Section 9. The Authority designates Orrick, Herrington & Sutcliffe LLP as Bond Counsel and Special Counsel to the Authority (collectively, "Bond Counsel") for the Series 2008 Bonds.

Section 10. During any time the Series 2008 Bonds are held in a book-entry only system (the "Book-Entry System"), the registered owner of all of the Series 2008 Bonds shall be The Depository Trust Company, New York, New York ("DTC"), and the Series 2008 Bonds shall be registered in the name of Cede & Co., as nominee for DTC. The Authority has entered into a Blanket Issuer Letter of Representations (the "Letter") wherein the Authority represents that it will comply with the requirements stated in DTC's Operational Arrangements as they may be amended from time to time.

Section 11. For purposes of compliance by the Underwriters with Rule 15c2-12(b)(1) (the "Rule") of the federal Securities and Exchange Commission, the Authority authorizes the distribution of the Preliminary Official Statement and the Official Statement by the Underwriters, and the Authorized Representatives are authorized to deem the Preliminary Official Statement as "final" for purposes of the Rule.

Section 12. For purposes of compliance with Treasury Regulations Section 1.148-4(h)(2), the Authorized Representatives are authorized to approve, execute and deliver a written certification and "identification" of the interest rate swap or interest rate swaps at the request of the Borrower, as may be necessary in the opinion of Bond Counsel.

Section 13. The Series 2008 Bonds may be transferred or subject to exchange, for fully registered Series 2008 Bonds as provided in the Financing Documents. All Series 2008 Bonds issued upon transfer of or in exchange for Series 2008 Bonds shall be valid obligations of the Authority evidencing the same obligation and shall be entitled to the same benefits as the Series 2008 Bonds surrendered for such exchange or transfer. All fees, expenses and charges of a paying agent and registrar shall be payable by the Borrower.

Section 14. The Authority may defease the Series 2008 Bonds as provided in the Financing Documents.

Section 15. In consideration of the purchase and acceptance of any or all of the Series 2008 Bonds by those who shall own the same from time to time (the "Owners"), the provisions of this Resolution shall be part of the contract of the Authority with the Owners and shall be deemed to be and shall constitute a contract between the Authority and the Owners. The covenants, pledges, and representations contained in this Resolution or in the closing documents executed in connection with the Series 2008 Bonds, including without limitation the Authority's covenants and pledges contained herein, and the other covenants and agreements herein set forth to be performed by or on behalf of the Authority shall be contracts for the equal benefit, protection and security of the Owners, all of which shall be of equal rank without preference, priority or distinction of any Series 2008 Bonds over any other thereof, except as expressly provided in or pursuant to this Resolution.

Section 16. Each Authorized Representative of the Authority is authorized to take such action and to approve, execute or deliver for and on behalf of the Authority such other and additional documents including, but not limited to a tax certificate and agreement, an Internal Revenue

Service Information Report (Form 8038), a reimbursement and credit agreement, a letter of credit, a remarketing agreement, a written certification and "identification" of any interest rate swap related to the Series 2008 Bonds within the meaning of Treasury Regulations Section 1.148-4(h)(2) at the request of the Borrower in a timely manner, and any documents necessary to obtain credit enhancement or liquidity support for the Series 2008 Bonds, if applicable, all as may be necessary in the opinion of Bond Counsel, for the closing of the issuance and sale of the Series 2008 Bonds. The Authorized Representatives are further authorized to carry out the transactions contemplated by the documents defined in the Financing Documents and as authorized and approved in this Bond Resolution, and to execute and deliver the Financing Documents, the Series 2008 Bonds, the Tax Certificate and Agreement and all other documents hereby authorized, to the respective parties entitled thereto.

ADOPTED and effective this 19th day of June 2008.

**THE HOSPITAL FACILITIES AUTHORITY
OF MULTNOMAH COUNTY, OREGON**

By _____
Chair

ATTEST:

By _____
Secretary

REVIEWED:

**AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON**

By _____
Agnes Sowle, County Attorney



Ted Wheeler, Multnomah County Chair

501- SE Hawthorne Blvd., Suite 600
Portland, Oregon 97214
Phone: (503) 988-3308
Email: mult.chair@co.multnomah.or.us

APPROVAL OF CHAIR

REGARDING ISSUANCE OF REVENUE BONDS, SERIES 2008 (MIRABELLA AT SOUTH WATERFRONT PROJECT) BY THE HOSPITAL FACILITIES AUTHORITY OF MULTNOMAH COUNTY, OREGON

I, the undersigned Chair of the Board of County Commissioners of Multnomah County, Oregon, have been advised that Mindy L. Harris, as Chief Financial Officer, and as a hearings official for Multnomah County, Oregon, has conducted a public hearing on Wednesday, June 4, 2008, after reasonable public notice, as to the issuance of Revenue Bonds, Series 2008 (Mirabella at South Waterfront Project) (the "Series 2008 Bonds"), in an aggregate principal amount not to exceed \$230,000,000, in one or more series, and in any combination of tax-exempt and taxable variable rate demand bonds or tax-exempt and taxable fixed rate bonds to finance projects at Mirabella at South Waterfront by The Hospital Facilities Authority of Multnomah County, Oregon (the "Authority").

I was elected as a Commissioner to the Board of County Commissioners of Multnomah County, Oregon by the voters at an election held on May 16, 2006, and remain the Chair as of this day. I took the oath of office on January 1, 2007, and my term expires December 31, 2010.

I have received and reviewed the Public Hearing Report from the Hearings Official, a copy of which is attached hereto, advising me of the events occurring at the public hearing. After due consideration and pursuant to the requirements and provisions of Section 147(f) of the Internal Revenue Code of 1986, and acting as the "chief elected official" of Multnomah County, Oregon, I approve of the issuance of the Series 2008 Bonds by the Authority.

DATED and approved this 4th day of June, 2008.

MULTNOMAH COUNTY, OREGON

Ted Wheeler, Multnomah County Chair

**BEFORE THE HOSPITAL FACILITIES AUTHORITY
OF MULTNOMAH COUNTY, OREGON**

RESOLUTION NO. 08-093

Authorizing Approval of the Issuance of Revenue Bonds, in One or More Series, by The Hospital Facilities Authority of Multnomah County, Oregon in an Aggregate Principal Amount Not to Exceed \$230,000,000; Authorizing the Execution of a Letter of Intent with Mirabella at South Waterfront; Designating an Authorized Representative; and Related Matters

The Board of Directors of The Hospital Facilities Authority of Multnomah County, Oregon Finds:

- a. The Board of Directors of The Hospital Facilities Authority of Multnomah County, Oregon (the "Authority"), a public authority organized and existing pursuant to Oregon Revised Statutes ("ORS") Sections 441.525 to 441.595, inclusive (the "Act"), has received a request from Mirabella at South Waterfront, an Oregon nonprofit corporation (the "Borrower"), whose sole member is Pacific Retirement Services, Inc., a nonprofit corporation organized and existing under the laws of the State of Oregon and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 ("PRS"), to execute and deliver revenue bonds, in one or more series, in an aggregate principal amount not to exceed \$230,000,000 (the "Series 2008 Bonds") to finance the costs of the following projects (collectively, the "Project"):
1. currently refunding the Tax-Exempt Note dated July 2, 2007, issued by the Authority to provide funds to Pacific Mirabella Portland, LLC to acquire property located at 3550 S.W. Bond Avenue, Portland, Oregon 97239;
 2. currently refunding a taxable Loan Agreement dated December 26, 2007 between the Borrower and Sovereign Bank, the proceeds of which were used to finance marketing, development and site work costs relating to the facility described in 3. below;
 3. designing, constructing, acquiring, equipping and furnishing an approximately 30-story building located at 3550 S.W. Bond Avenue, Portland, Oregon 97239 that will provide a continuing care retirement facility including independent living apartments, residential living apartments, private dementia care suites and private skilled nursing beds, together with underground parking and common areas; and
 4. funding a debt service reserve fund, if required, paying capitalized interest and certain costs of issuance of the Bonds, including, if applicable, credit enhancement.
- b. The Authority has received an application from the Borrower in support of its request for financing the Project. The application includes the following:

1. A letter from the Borrower dated May 30, 2008 requesting issuance of the Series 2008 Bonds on behalf of the Borrower and describing the Project;
 2. Financial Statements for PRS for fiscal years ended September 30, 2007 and 2006, and Independent Auditors' Report, and Financial Statements for Mirabella at South Waterfront for fiscal year ended September 30, 2007;
 3. Preliminary Financing Schedule;
 4. Distribution list of financing participants; and
 5. Preliminary schedule of sources and uses of funds and proposed debt service schedule.
- c. ORS Section 441.550 authorizes the Authority to borrow money and to issue revenue bonds for the purpose of carrying out its powers on such terms as the Board of Directors deems necessary or advisable. The Authority has determined that the execution and delivery of the financing documents described below and the use of the proceeds thereof by the Borrower to finance the Project is necessary and desirable and that such financing documents and the Project are in the best interest of the citizens of Multnomah County, Oregon.
- d. Section 147(f) of the Internal Revenue Code of 1986 (the "Code") requires that qualified 501(c)(3) bonds be approved by the Chair of the Board of County Commissioners of Multnomah County, Oregon as the chief applicable elected representative of the governmental unit issuing the Series 2008 Bonds and having jurisdiction over the area in which the Project is located.
- e. Section 147(f) also requires that a public hearing be conducted to provide the opportunity for members of the public to express their view, orally, or in writing, regarding the issuance of the Series 2008 Bonds and the Project. The Authorized Representative, as hereinafter defined, conducted a public hearing on June 4, 2008 and has provided a hearing officer's report to the Chair of the Board of County Commissioners. Notice of the public hearing was published May 21, 2008 in *The Oregonian*.
- f. The Authority will issue the Series 2008 Bonds under the following financing documents (collectively, the "Financing Documents"), which may include, but are not limited to:
1. one or more Bond Indentures between the Authority and U.S. Bank National Association, as bond trustee (the "Bond Trustee");
 2. one or more Loan Agreements between the Authority and the Borrower;
 3. Preliminary and Final Official Statements;
 4. a Bond Purchase Agreement between the Borrower and Herbert J. Sims & Co., Inc., and Cain Brothers & Company LLC, as Co-Underwriters (collectively, the "Underwriters"); and

5. a Deed of Trust, Security Agreement and Assignment of Leases and Rents.
- g. The Series 2008 Bonds may be issued in any combination of tax-exempt and taxable fixed-rate bonds or variable rate bonds. All or any portion of the Series 2008 Bonds may be secured by a letter of credit or other credit or liquidity facility. The Borrower may enter into an interest rate swap agreement in connection with all or any portion of the Series 2008 Bonds as described in the Series 2008 Financing Documents. The Borrower intends to enter into certain additional documents with various parties in connection with the issuance of the Series 2008 Bonds that may include, but are not limited to master and supplemental master trust indentures, reimbursement and credit agreements, a tender agent agreement, a remarketing agreement, loan agreements and an interest rate swap agreement.
- h. The principal of and interest on the Series 2008 Bonds will not constitute a debt of the Authority or Multnomah County, Oregon, nor shall the Series 2008 Bonds be payable from a tax of any nature levied upon any property within Multnomah County, Oregon nor within any other political subdivision of the State of Oregon. The Authority has no taxing power. The Series 2008 Bonds will be payable only from the revenues and resources provided or arranged by the Borrower.
- i. The Board determines that it is in the best interest for the Authority to provide adequate adult congregate care facilities and related services within Multnomah County, Oregon and to proceed with the issuance of the Series 2008 Bonds. Capitalized terms not defined herein shall have the meanings set forth in the Financing Documents.

The Board of Directors of The Hospital Facilities Authority of Multnomah County, Oregon Resolves:

Section 1. The Authority does authorize and approve of the provisions of and directs the execution, sale, delivery and issuance by the Authority of the Series 2008 Bonds, in one or more series, in an aggregate principal amount not to exceed \$230,000,000 to finance the Project.

Section 2. The Authority designates each of the Chair, Vice Chair, Secretary, the Assistant Secretary, Chief Financial Officer of the County, County Treasurer or the Authority's designee as "Authorized Representatives," collectively, and as an "Authorized Representative," individually, of the Authority to negotiate the terms and the sale of the Series 2008 Bonds and to determine and designate the dated date, the series designation, the maturity dates and amounts, the interest rates and interest rate modes, the optional and mandatory redemption provisions, with or without premium, if any, and the interest payment dates and such other provisions and terms of the Series 2008 Bonds as are deemed necessary and desirable for the issuance, sale and closing of the Series 2008 Bonds. The Series 2008 Bonds shall be executed by the facsimile signature of the Chair and shall be attested by the facsimile signature of an Authorized Representative of the Authority. The Series 2008 Bonds shall mature not later than December 31, 2048. The Series 2008 Bonds shall be issued or executed in the form as may be approved by the Authorized Representative.

The Authorized Representative is authorized to execute and deliver a letter of intent, substantially in the form attached hereto as Exhibit A (the "Letter of Intent"), which sets forth the basic obligations of the Authority and the Borrower regarding the Series 2008 Bonds.

Section 3. The Board authorizes the Authorized Representative to review and approve the terms and provisions of the Financing Documents.

Section 4. The Authority provides for the establishment of the special funds as set forth in the Financing Documents, to be held in trust as set forth therein. The Authority is obligated to deposit proceeds of the Series 2008 Bonds to the funds as set forth in and as required by the Financing Documents. In addition, the Authority shall provide for the deposit of all of the loan payments payable to the Authority pursuant to the Financing Documents.

Section 5. The Authority's pledge for the payment of the Series 2008 Bonds shall be valid and binding from the date of the adoption of this Resolution against any parties having subsequent claims of any kind in tort, contract or otherwise against the Authority, irrespective of whether such parties have actual notice of this pledge. Pursuant to Oregon Revised Statutes Section 441.555(5), this pledge is noted in the Authority's minute book which shall contain this Resolution and which shall be constructive notice thereof to all parties, and neither this Resolution nor other instrument by which a pledge is created need be otherwise recorded, nor shall the filing of any financing statement under the Oregon Uniform Commercial Code be required to perfect such pledge. Any moneys or obligations so pledged and later received by the Authority shall immediately be subject to the lien of the pledge without any physical delivery or further act.

Section 6. The Authority authorizes the sale of the Series 2008 Bonds to the Underwriters pursuant to the terms and conditions of the Bond Purchase Agreement as may be approved by the Authorized Representative.

Section 7. The Authority directs the Authorized Representative to execute and deliver the Financing Documents in the forms and with such changes as may be approved by the Authorized Representative. The Authority authorizes the performance by the Authority of the obligations and duties on its part as contained in the Financing Documents. Any one or more of the Authorized Representatives shall approve, execute and deliver each of the above-described Financing Documents and such other documents as are necessary to consummate the sale and issuance of the Series 2008 Bonds.

Section 8. U.S. Bank National Association, in Portland, Oregon, is designated and approved as the Bond Trustee, Master Trustee, Paying Agent and Bond Registrar of the Series 2008 Bonds. An Authorized Representative of the Authority is authorized to execute a Paying Agent and Bond Registrar Agreement, dated as of the date of closing, for and on behalf of the Authority. The Authority does request and authorize the Bond Registrar to execute the Certificate of Authentication as of the date of delivery of the Series 2008 Bonds. The Paying Agent and Bond Registrar shall maintain a record of the names and addresses of the registered owners of the Series 2008 Bonds. The records of the registered bond ownership are not public records within the meaning of Oregon Revised Statute Section 192.210(4).

Section 9. The Authority designates Orrick, Herrington & Sutcliffe LLP as Bond Counsel and Special Counsel to the Authority (collectively, "Bond Counsel") for the Series 2008 Bonds.

Section 10. During any time the Series 2008 Bonds are held in a book-entry only system (the "Book-Entry System"), the registered owner of all of the Series 2008 Bonds shall be The Depository Trust Company, New York, New York ("DTC"), and the Series 2008 Bonds shall be registered in the name of Cede & Co., as nominee for DTC. The Authority has entered into a Blanket Issuer Letter of Representations (the "Letter") wherein the Authority represents that it will comply with the requirements stated in DTC's Operational Arrangements as they may be amended from time to time.

Section 11. For purposes of compliance by the Underwriters with Rule 15c2-12(b)(1) (the "Rule") of the federal Securities and Exchange Commission, the Authority authorizes the distribution of the Preliminary Official Statement and the Official Statement by the Underwriters, and the Authorized Representatives are authorized to deem the Preliminary Official Statement as "final" for purposes of the Rule.

Section 12. For purposes of compliance with Treasury Regulations Section 1.148-4(h)(2), the Authorized Representatives are authorized to approve, execute and deliver a written certification and "identification" of the interest rate swap or interest rate swaps at the request of the Borrower, as may be necessary in the opinion of Bond Counsel.

Section 13. The Series 2008 Bonds may be transferred or subject to exchange, for fully registered Series 2008 Bonds as provided in the Financing Documents. All Series 2008 Bonds issued upon transfer of or in exchange for Series 2008 Bonds shall be valid obligations of the Authority evidencing the same obligation and shall be entitled to the same benefits as the Series 2008 Bonds surrendered for such exchange or transfer. All fees, expenses and charges of a paying agent and registrar shall be payable by the Borrower.

Section 14. The Authority may defease the Series 2008 Bonds as provided in the Financing Documents.

Section 15. In consideration of the purchase and acceptance of any or all of the Series 2008 Bonds by those who shall own the same from time to time (the "Owners"), the provisions of this Resolution shall be part of the contract of the Authority with the Owners and shall be deemed to be and shall constitute a contract between the Authority and the Owners. The covenants, pledges, and representations contained in this Resolution or in the closing documents executed in connection with the Series 2008 Bonds, including without limitation the Authority's covenants and pledges contained herein, and the other covenants and agreements herein set forth to be performed by or on behalf of the Authority shall be contracts for the equal benefit, protection and security of the Owners, all of which shall be of equal rank without preference, priority or distinction of any Series 2008 Bonds over any other thereof, except as expressly provided in or pursuant to this Resolution.

Section 16. Each Authorized Representative of the Authority is authorized to take such action and to approve, execute or deliver for and on behalf of the Authority such other and additional documents including, but not limited to a tax certificate and agreement, an Internal Revenue

Service Information Report (Form 8038), a reimbursement and credit agreement, a letter of credit, a remarketing agreement, a written certification and "identification" of any interest rate swap related to the Series 2008 Bonds within the meaning of Treasury Regulations Section 1.148-4(h)(2) at the request of the Borrower in a timely manner, and any documents necessary to obtain credit enhancement or liquidity support for the Series 2008 Bonds, if applicable, all as may be necessary in the opinion of Bond Counsel, for the closing of the issuance and sale of the Series 2008 Bonds. The Authorized Representatives are further authorized to carry out the transactions contemplated by the documents defined in the Financing Documents and as authorized and approved in this Bond Resolution, and to execute and deliver the Financing Documents, the Series 2008 Bonds, the Tax Certificate and Agreement and all other documents hereby authorized, to the respective parties entitled thereto.

ADOPTED and effective this 19th day of June 2008.

**THE HOSPITAL FACILITIES AUTHORITY
OF MULTNOMAH COUNTY, OREGON**

By TED WHEELER
Chair

ATTEST:

By _____
Secretary

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Agnes Sowle
Agnes Sowle, County Attorney



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 06/19/08
Agenda Item #: R-7
Est. Start Time: 10:15 AM
Date Submitted: 06/05/08

Agenda Title: **Renewal of Intergovernmental 190 Agreement with the City of Portland to Collect and Administer the County's Business Income Tax**

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

Requested Meeting Date: June 19, 2008 **Amount of Time Needed:** 15 minutes
Department: Department of County Management **Division:** Finance/Risk Management
Contact(s): Mindy Harris
Phone: 988-3786 **Ext.** 83786 **I/O Address:** 503/531
Presenter(s): Mindy Harris

General Information

1. What action are you requesting from the Board?

Approve renewal of the intergovernmental agreement for five years – through FY 2013.

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

In 1993 administration of the County Business Income Tax (BIT) and City of Portland Business License Fee (BLF) were consolidated to provide operational efficiencies. Prior to 1993, the County contracted with the State Department of Revenue to collect and administer the BIT. Since consolidating collection and administration efforts both the City and County have jointly developed and retained code conformity. The consolidated program has allowed businesses to follow a single set of procedures and definitions and to file a single reporting form for both the City and the County. This has simplified reporting requirements for businesses and has reduced administrative costs for both the City and the County for the past 15 years.

The City's Revenue Bureaus is willing and able to continue administering the Multnomah County Business Income Tax Law for the County.

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

The annual compensation to the City for administration services for FY 2009 is \$815,278 which represents about a \$140,000 increase from the previous year. Staff feels this increase is warranted as the increased cost to the County offsets expenses the City has incurred in creating an "Unlicensed Compliance Team." This team was put in place to ensure businesses are in compliance with the BIT/BLF code. Over the past four years these efforts have generated approximately \$10 million in additional BIT payments to the County.

For FY 2010 and thereafter the annual compensation will be adjusted annually by the greater of two and one half percent (2.5%) or the Portland Consumer Price Index All Urban Consumers (CPI-U) as issued by the US Department of Labor in February of each year.

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

The intergovernmental agreement meets the County's legal requirements and is consistent with County policies.

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

N/A

Required Signature

Elected Official or
Department/
Agency Director:

Carol M. Ford

Date: 06/05/08

**MULTNOMAH COUNTY, OREGON
CITY OF PORTLAND**

Intergovernmental Agreement

THIS AGREEMENT entered into by and between Multnomah County, Oregon, hereinafter "County", and the City of Portland, hereinafter "City", is pursuant to authority of ORS Chapter 190.

- A. The consolidated administration of the City of Portland's Business License Law and the Multnomah County Business Income Tax Law has simplified reporting requirements for businesses and has reduced administrative costs for both the City and the County for the past 15 years.
- B. A consolidated program has allowed businesses to follow a single set of procedures and definitions and to file a single reporting form for both the City and the County for the past 15 years.
- C. The City and the County jointly developed and have retained code conformity and consolidated administration for the past 15 years with positive results for both jurisdictions.
- D. The City's Revenue Bureau ("the Bureau") is willing and able to continue administering the Multnomah County Business Income Tax Law for the County.

NOW THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows:

1. General Administration.

- a. The Bureau agrees to supervise and administer the Multnomah County Business Income Tax Law, imposed by the Multnomah County Code as adopted by the Multnomah County Commission (the County Business Income Tax).
- b. The Bureau agrees to administer the County Business Income Tax, including, but not limited to, adopting administrative rules and written policies, collecting estimated tax payments, auditing returns, assessing and collecting tax and tax deficiencies, including penalties and interest, making refunds, hearing appeals, and taking any other action necessary to administer and collect taxes under the County Business Income Tax.
- c. The County will defend any legal claims against the County Business Income Tax regarding the legal validity or constitutionality of the County Business Income Tax.
- d. In performing its duties under this Agreement, the Bureau may in its discretion determine what action shall be taken to enforce the provisions of the County Business Income Tax and collect the tax imposed thereunder. In exercising its discretion, the Bureau agrees to provide a level of service comparable to the level of service it provides in the administration of the Business License Law. If the Bureau deems it necessary to vary substantially from this standard, the Bureau shall notify the County of the need and obtain its written consent.

- e. As the tax administrator, the Bureau is authorized to collect any and all taxes, penalties and interest for any tax year open under statute.

2. Appeals Board.

- a. The County designates the Business License Appeals Board, as created by the Business License Law, as the body for reviewing tax filer appeals from final determinations made by the Bureau under the County Business Income Tax.
- b. The County Chair shall provide recommendations for appointments to be made by the Mayor to the Business License Appeals Board. The Mayor shall appoint one (1) of the three (3) public members of the Business License Appeals Board from the list of recommendations submitted by the County Chair. The County Chair will submit one or more names that meet the expertise requirement in the City Code (7.02.295 D).

3. Payments to the County.

- a. The Bureau agrees to deposit all taxes collected under this Agreement to a trustee account within the City established on behalf of and for the benefit of the County. The account shall earn interest based on the City's internal interest allocation used for its own funds.
- b. The City agrees, after deducting refunds and other credits, to remit the balance of the tax collected under this Agreement to the County by the tenth (10th) business day following the close of each month.
- c. The Bureau agrees to maintain a reserve balance of approximately seventy five thousand dollars (\$75,000).
- d. The Bureau agrees to make payments of taxes collected under this Agreement to the County's Local Government Investment Pool Account No. 4017. Should extraordinary refunds, adjustments, or credits require funds in excess of the \$75,000, the Bureau may retain a reasonable amount in excess of the \$75,000 in the trustee account, or the County agrees to transfer necessary funds to the Bureau from its Local Government Investment Pool Account No. 4017 to the City's Local Government Investment Pool Account No. 4002.
- e. The Bureau agrees to prepare monthly reconciliations of deposits made and net revenues collected. The Bureau agrees to provide a minimum of 10 days prior notice if it requires transfer by the County of an amount equal to or greater than \$500,000.

4. Payments to the City.

The annual compensation to the City for administration services for FY 2008-2009 is \$815,278. For FY 2009-2010 and thereafter, the annual compensation will be adjusted annually by the greater of two and one half (2.5%) or the Portland Consumer Price Index All Urban Consumers (CPI-U) as issued by the US Department of Labor, Bureau of Labor Statistics during February of each year. The compensation will be paid in twelve equal payments to be made on the 15th of each month, or the first business day that follows.

5. Notification of Changes.

- a. Law Changes. The parties agree to cooperate in amending the County Business Income Tax or the Business License Law to ensure uniformity and consistency in these respective codes and in administration. Both parties to this Agreement agree to notify the other of any intent to make changes, whether in the law or in the tax or fee rates, at least ninety (90) days prior to adopting the change. If both parties mutually agree to make changes, such changes may take effect in less than the ninety (90) days required.
- b. Administrative Rules. The County's Chief Financial Officer, or designee, agrees to be involved in the development of Administrative Rules. The Bureau agrees that it will not initiate the public process for review and comment on proposed Administrative Rules until the County's Chief Financial Officer and the Bureau mutually agree on the content and substance of the Administrative Rules. The Bureau agrees to notify the County's Chief Financial Officer at least thirty (30) days prior to scheduling any public hearing on proposed Administrative Rules, unless both parties mutually agree to notice of less than thirty (30) days.

6. Reports.

- a. The Bureau agrees to provide a receipts and expenditure report to the County at the close of each of the City's accounting periods. The Bureau will deliver a preliminary report, estimating receipts and expenditures by tax year, to the County by the 10th day of each month. If the 10th day falls on a legal holiday or on a weekend, the preliminary report will be delivered on the following business day.
- b. The Bureau agrees to provide the County, upon request, a report of large potential refunds due to amended returns, appeals or overpaid estimates. For purposes of the preceding sentence, "large" shall mean an accumulated total of more than \$75,000.
- c. The Bureau agrees to provide a written annual summary of the proceeding year to the County, showing the number of tax returns filed and dollars paid by entity type, total revenues collected, refunds paid, administrative costs, and other information.
- d. The Bureau will provide other reports or perform other work, or may discontinue or combine any of the above reports, as the Bureau and the County may mutually agree. If the reports or other work requested by the County require extensive programming time or have significant costs associated with the project, the City and the County may agree upon additional charges to be paid for such additional work under this Agreement.

7. Information.

- a. The parties agree to cooperate in exchanging information and making joint public announcements to promote the effective administration of the County Business Income Tax and the Business License Law. In regard to the County Business Income Tax, all public announcements and all correspondence relating to policy matters and public relations will be the County's responsibility. The Bureau

agrees to notify the County of any matter arising from the administration of the County Business Income Tax that may require any legislative amendments or affect County policy, including any policy relating to the amount of taxes collected.

- b. Additionally, the parties agree that all Business License returns and County Business Income Tax returns from any year, are available for review and may be used by Bureau staff to assess fees or taxes not previously collected under one and/or both laws.

8. Public Records.

- a. All work performed by the City under the terms of this agreement shall be considered to be the property of the County. The County shall own any and all data the City produces in connection with this Agreement. Upon termination of this Agreement, the City and County will mutually agree upon how delivery of this data is to be effected. Since the tax returns are combined with the City's business license return as of tax year 1993, the City and County jointly own these documents. The City and County will equally share any copying expenses related to these returns upon termination of this Agreement.
- b. The Bureau may receive public records requests for County Business Income Tax records obtain by or provided to the Bureau under this Agreement. If there is a question whether a document with County information is exempt from the public records law, any such request(s) shall be forwarded to the County's Chief Financial Officer, or routed as (s)he directs, by the following business day. The Chief Financial Officer, or designee, may determine if the requested records exist, and if such records are subject to the public records law. Any determination made by the County under the public records law shall be the County's sole responsibility, including but not limited to any legal defenses of such determinations.

9. Limitations and Conditions.

- a. To the extent permitted by Oregon law, the City agrees to indemnify, within the limits of the Oregon Tort Claims, the County from any and all claims, demands, settlements or judgments, including all costs and attorney fees, arising from any of the Bureau's activities under this Agreement, provided, that the City shall not be required to indemnify the County for any such claims, demands, settlements or judgments arising from the wrongful acts of the County's officers, agents or employees.
- b. To the extent permitted by Oregon law, the County agrees to indemnify, within the limits of the Oregon Tort Claims, the City from any and all claims, demands, settlements or judgments, including all costs and attorney fees, arising from any of the County's activities under this Agreement, provided, that the County shall not be required to indemnify the City for any such claims, demands, settlements or judgments arising from the wrongful acts of the City's officers, agents or employees.

10. Confidentiality.

- a. The information provided by individual taxpayers on tax returns shall be treated as confidential information to the extent permitted under Oregon law. Such information may be disclosed to the County, for purposes of monitoring or overseeing the Bureau's administration of the County Business Income Tax or for County revenue forecasting and budgeting. If authorized by the County's Chief Financial Officer, County officers, agents or employees may have access to such information after the execution of a certificate of confidentiality and background check. The confidentiality certificate shall advise the officer, agent or employee of the penalties for disclosure of confidential information. The County shall obtain and keep on file such certificates for its employees, agents and officers, and will provide a copy of the certificate to the Bureau.
- b. When making requests for such information, other than routinely agreed upon reports, the County shall give not less than ten (10) days prior notice to the Bureau, stating the information desired, the purpose of the request and the use to be made of such information.
- c. The County may audit the Bureau's administration of the County Business Income Tax, applying generally accepted audit standards. The County agrees to provide reasonable prior notice of its intent to audit the Bureau. Prior to beginning the audit, all County officers, agents or employees participating in the audit agree to execute confidentiality certificates and background checks as provided herein.
- d. The County has ~~installed one "inquiry only" telephone access line to the~~ been granted "Read Only" access to the Bureau's database. All costs associated with ~~this line connecting to the database,~~ including upgrades necessary to maintain ~~this line connection,~~ shall be the responsibility of the County. Access to ~~this inquiry only line~~ Bureau's database shall be restricted to the Chief Financial Officer and any one designee. Access to the database shall be protected by restrictions, including but not limited to, password access codes and physical lockouts. Anyone with access to this line shall execute a confidentiality certificate and background check prior to being granted access.

11. Term.

- a. The term of this Agreement shall be five years, beginning July 1, 2008, unless terminated by operation of law or by either party upon twelve months prior written notice. Prior to the termination date of this Agreement, the County and the Bureau will determine the disposition of pending matters which will not otherwise be completed within the term of this Agreement, and the Bureau will provide the County with such records as are necessary for the County to commence collecting the tax under the County Business Income Tax.
- b. At its sole option, the County may extend the term of this Agreement by additional five-year increments, beyond the period identified above.

12. Payment on Early Termination

Upon early termination as provided by this Agreement, the County shall pay the City for all work performed prior to the termination date.

13. Integration.

18. Amendments.

The City and the County may amend this Agreement at any time only by written amendment executed by the City and the County. Any amendment must be approved by ordinance of the City Council.

19. Non-Waiver.

The City and the County shall not be deemed to have waived any breach of this Agreement by the other party except by an express waiver in writing. An express written waiver as to one breach shall not be deemed a waiver of any other breach not expressly identified, even though the other breach be of the same nature as that waived.

IN WITNESS WHEREOF, the authorized representatives of the City and County, as parties hereto, acting pursuant to the authority granted to them, have

HEREBY AGREED:

CITY OF PORTLAND

MULTNOMAH COUNTY

By _____
Mayor
City of Portland, Oregon

By _____
Chair
Multnomah County Board of
Commissioners

Date signed: _____

Date signed: _____

Approved as to Form:

Reviewed by:

Linda Meng
City Attorney

Agnes Sowle
County Attorney for
Multnomah County



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (long form)

APPROVED : MULTNOMAH COUNTY
 BOARD OF COMMISSIONERS
 AGENDA # R-8 DATE 06-19-08
 DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 06/19/08
 Agenda Item #: R-8
 Est. Start Time: 10:24 AM
 Date Submitted: 06/06/08

Agenda Title: NOTICE OF INTENT to Apply for U.S. EPA Environmental Justice Small Grants Program in the Amount of \$20,000

Requested Meeting Date: June 19, 2008 Amount of Time Needed: 3 minutes
 Department: Department of County Management Division: Sustainability Program
 Contact(s): Molly Chidsey
 Phone: 503-988-4094 Ext. 84094 I/O Address: 503/4/Sustainability
 Presenter(s): Molly Chidsey

General Information

1. What action are you requesting from the Board?

Approval to apply for grant from U.S. EPA Environmental Justice Small Grant.

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

The goal of the proposed *Multnomah County Eco-Equity Project*, if funded, would be to identify and develop an equity aspect to the County's Sustainability Program. To date, the Sustainability Program has focused on implementing sustainable practices in internal county government operations. However, as a social service agency, Multnomah County is well-positioned to address the clear need to define how sustainability can improve the lives of members of the community whom the county serves.

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

If funded, \$20,000 received would be used to fund staff time from the Sustainability Program to develop ways that the Program can integrate equity and diversity into our program that is consistent with County values as a social service provider. Project components would include engaging public participation and development of community partnerships. The anticipated outcome would be a set of identified actions that the Sustainability Program could take to promote "eco-equity" countywide. Funding would be for one year; subsequent projects would require separate funding.

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

The project would likely result in a set of recommendations for further action addressed to the Board.

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

The County Sustainability Program would partner with local environmental justice organizations

including OPAL (Organizing People, Activating Leaders) and the Center for Diversity & the Environment.

ATTACHMENT A

Grant Application/Notice of Intent

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

- **Who is the granting agency?**

United States Environmental Protection Agency (U.S. EPA) Region 10.

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

The goal of the EPA Environmental Justice Small Grants program is to address a local environmental and public health issue within an effected community, and educate and empower the community to address these issues.

The Multnomah County Eco-Equity Project, if funded, would seek to answer the following questions:

1. Define what sustainability means in the context of county as a social services agency.
2. Identify opportunities for sustainability to help community members utilizing County services.
 - a. *Example: Green jobs training to bring disenfranchised into the new green economy*
3. Identify specific actions Multnomah County could take to further eco-equity in sustainability program and countywide.

There is no cash match required or allowed for this grant.

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

This is a one-time only funding request. The funds would support a .2FTE Program Development Specialist in the County's Sustainability Program for nine months to complete this project.

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

Applications are due on June 30th, 2008. Grants would be awarded in October 2008.

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

One year.

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

As a discreet one-year project, no additional funding is foreseen at this time. However, planning for future program funding would be an aspect of the project if funded by EPA.

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

Overhead and other indirect costs are built in to the grant proposal.

ATTACHMENT B

Required Signatures

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

Carol M. Ford

Date: 06/06/08

Budget Analyst:

Debra

Date: 06/10/08



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (long form)

APPROVED : MULTNOMAH COUNTY
 BOARD OF COMMISSIONERS
 AGENDA # R-9 DATE 06-19-08
 DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only	
Meeting Date:	<u>06/19/08</u>
Agenda Item #:	<u>R-9</u>
Est. Start Time:	<u>10:26 AM</u>
Date Submitted:	<u>06/06/08</u>

Agenda Title: NOTICE OF INTENT to Apply for U.S. EPA Solid Waste Management Assistance Grant in the Amount of \$15,000
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Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Requested Meeting Date:	<u>June 19, 2008</u>	Amount of Time Needed:	<u>3 minutes</u>
Department:	<u>Department of County Management</u>	Division:	<u>Sustainability Program</u>
Contact(s):	<u>Molly Chidsey</u>		
Phone:	<u>503-988-4094</u>	Ext.	<u>84094</u>
I/O Address:	<u>503/4/Sustainability</u>		
Presenter(s):	<u>Molly Chidsey</u>		

General Information

- 1. What action are you requesting from the Board?**
 Approval to apply for grant from U.S. EPA Solid Waste Management Assistance grant.
- 2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.**
 The goal of the proposed *Multnomah County Sustainable Food Serveware Project*, if funded, would be to coordinate a process to engage local stakeholders in a potential update of Multnomah County's 1989 food serveware ordinance (a polystyrene ban) with the intention of promoting reusable, compostable biobased, biobased and recyclable products instead of landfill bound petroleum based products.
- 3. Explain the fiscal impact (current year and ongoing).**
 If funded, the county Sustainability Program would receive \$15,000 to coordinate aspects of the Sustainable Food Serveware Project, including a survey of businesses and restaurants on current disposable product usage, coordinating a pilot of sustainable products at a few restaurants, development of a purchasing policy for county operations that promotes sustainable food serveware. These funds would cover a .25 FTE staff in the Sustainability Program for a limited duration (9 months).
- 4. Explain any legal and/or policy issues involved.**
 The project would support an update to Multnomah County Ordinance 614 (1989).

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

The County Sustainability Program is a co-applicant with the Oregon Center for Environmental Health.

ATTACHMENT A

Grant Application/Notice of Intent

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

- **Who is the granting agency?**

United States Environmental Protection Agency (U.S. EPA) Region 10.

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

Project Summary Description: In 1989 Multnomah County instituted a County-wide ban on the use of polystyrene in the local food service operations. Although revolutionary at the time, there is presently an opportunity and a need to update this ordinance to address current product alternatives and waste stream options. The purpose of the *Multnomah County Sustainable Food Serviceware Project* is to harness the purchasing and disposal influence of County food service operations and local food businesses to create a measurable shift in the waste stream from the Portland-area. These results will be achieved through a multi stakeholder process of outreach, research, alternatives identification, pilot implementation and ultimately, policy development. ✓

The Project will address three of the funding priorities as listed in Section I of the RFP. *Priority 1:* The Project will reduce the amount of landfill-bound food serviceware in the municipal solid waste stream by promoting the use of reusable, compostable biobased, biobased, and recyclable products. *Priority 3:* The Project will reduce the toxicity of current and future waste streams through promotion of non-petroleum based food serviceware. Utilizing the selection criteria developed in partnership with the SBC will enable us to identify products that do not contain persistent, bioaccumulative and toxic substances. *Priority 4:* The Project will reduce market barriers for environmentally preferable goods through education, outreach and the development of purchasing and use policy for County operations and local food businesses.

There is no cash match required for this grant.

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

This is a one-time only funding request. The funds would support a .2FTE Program Development Specialist in the County's Sustainability Program for nine months to complete this project.

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

The Oregon Center for Environmental Health is the primary applicant, and Multnomah County Sustainability Program the co-applicant. An initial Letter of Intent to apply for this grant was accepted on June 2nd, and the full proposal is due on June 15th.

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

One year.

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

As a discreet one-year project, no additional funded is required.

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

Will be covered through existing budgetary allocations within the Department of County Management, Sustainability Program.

ATTACHMENT B

Required Signatures

Elected Official or
Department/
Agency Director:

Carol M. Ford

Date: 06/06/08

Budget Analyst:

Debra

Date: 06/10/08



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (long form)

APPROVED : MULTNOMAH COUNTY
 BOARD OF COMMISSIONERS
 AGENDA # R-10 DATE 06-19-08
 DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only	
Meeting Date:	<u>06/19/08</u>
Agenda Item #:	<u>R-10</u>
Est. Start Time:	<u>10:28 AM</u>
Date Submitted:	<u>06/06/08</u>

<p>NOTICE OF INTENT to Apply for U.S. EPA West Coast Collaborative Diesel Emissions Reduction Program Grant Funding in the Amount of Up to \$1,000,000</p>

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

Requested Meeting Date:	<u>June 19, 2008</u>	Amount of Time Needed:	<u>3 minutes</u>
Department:	<u>Department of County Management</u>	Division:	<u>Sustainability Program</u>
Contact(s):	<u>Molly Chidsey</u>		
Phone:	<u>503.988.4094</u>	Ext.	<u>84094</u>
Presenter(s):	<u>Molly Chidsey</u>		
I/O Address:	<u>503/4/Sustainability</u>		

General Information

1. What action are you requesting from the Board?

Approval to apply for grant funding from the U.S. Environmental Protection Agency (EPA) Region 10 to address construction diesel emissions from County owned vehicles and to create a pilot project for clean diesel construction in areas disproportionately impacted by diesel pollution.

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

Diesel emissions from construction vehicles like backhoes, graders, front-end loaders are a major source of pollution in our community. Unlike diesel emissions from on-road trucks, cars and busses, emissions from construction vehicles are virtually unregulated. 494 tons of diesel soot from construction vehicles is emitted into our Portland Metro area air each year (Oregon DEQ data, 2006), representing 37% of total diesel air toxins in our community from all sources. Children and the elderly are most susceptible to illness as a result of inhaled diesel particulate matter. The Multnomah County Sustainability Program and District 2 are working in collaboration with the City of Portland and Oregon DEQ on a plan to address construction diesel emissions. One of the first steps identified in that process is upgrading our County-owned fleet of construction vehicles with clean diesel emissions technologies, such as particulate filters and oxidation catalysts. Grant

funding from the EPA and the West Coast Collaborative Diesel Emissions Reduction Program will help us get that accomplished.

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

The total grant application is for \$1 Million, and would be managed by the City of Portland Office of Sustainable Development. A small portion of those funds (amount yet to be determined) would be transferred to the County for retrofit of county-owned diesel equipment with diesel particulate matter (PM) filters. The rest of the funds would be transferred to construction contractors working on City and County publicly-funded projects for retrofitting their equipment.

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

The project would support Multnomah County's initiatives on toxic emissions, health equity, and environmental health.

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

Multnomah County is a co-applicant to the grant, in partnership with the City of Portland. Oregon DEQ has been involved in this process as an advisor and supporter. Partners in the West Coast Collaborative include many state and local government agencies, corporations, non-profit agencies, non-governmental organizations and quasi public agencies. A full list of partners is available at: www.westcoastdiesel.org/partners.htm Some of the more familiar partners to the West Coast Diesel Collaborative include the California Air Resources Board, Amtrak, CH2MHill, Freightliner Inc., Waste Management Inc., Environmental Defense, Union of Concerned Scientists, Oregon Environmental Council, and Natural Resources Defense Council.

ATTACHMENT A

Grant Application/Notice of Intent

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

- **Who is the granting agency?**

United States Environmental Protection Agency (U.S. EPA) Region 10.
- **Specify grant (matching, reporting and other) requirements and goals.**

The grant requires innovative approaches to addressing the human health and environmental impacts of construction diesel emissions. The project approach would involve two main strategies. Number one is additional funds to upgrade County and City owned construction equipment with clean diesel technologies like particulate filters and oxidation catalysts. Number two, is a pilot project that would fund clean construction upgrades on public construction occurring in a neighborhood with higher than average concentrations of harmful diesel particulates. A key component of the pilot project is to help minority-owned, women-owned, and emerging small businesses to compete for work on the project by granting them funds for construction equipment upgrades.

No matching funds are required. However, Multnomah County Fleet Maintenance may have the ability to install retrofit equipment on the county's own diesel engines, as the engines have routine maintenance. Maintenance staff time to do this work could be considered an in-kind match.
- **Explain grant funding detail – is this a one time only or long term commitment?**

This is a one-time only funding request. The funds would support Multnomah County and City of Portland retrofits of owned equipment and would help fund a clean construction pilot project.
- **What are the estimated filing timelines?**

The City of Portland is the primary applicant, and Multnomah County the co-applicant. Application deadline is July 1st, 2008. Notice of award is expected by September, 2008.
- **If a grant, what period does the grant cover?**

The grants cover a two-year period.
- **When the grant expires, what are funding plans?**

As a discreet project, no additional funding is required.
- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**

Since this project would be managed by the City of Portland Office of Sustainable Development, Multnomah County would have little responsibility for overhead or indirect costs.

ATTACHMENT B

Required Signatures

Elected Official or
Department/
Agency Director:

Carol M. Ford

Date: 06/06/08

Budget Analyst:

Debra

Date: 06/10/08



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 06/19/08
Agenda Item #: R-11
Est. Start Time: 10:30 AM
Date Submitted: 06/11/08

APPROVED : MULTNOMAH COUNTY
 BOARD OF COMMISSIONERS
 AGENDA # R-11 DATE 06.19.08
 DEBORAH L. BOGSTAD, BOARD CLERK

Agenda Title: **Authorizing Settlement of Lawsuit -- Sarah Tyler v. Multnomah County and Richard Arriola**

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

Requested Meeting Date: June 19, 2008 **Amount of Time Needed:** 5 minutes
Department: Non-Departmental **Division:** County Attorney
Contact(s): Agnes Sowle
Phone: 503-988-3138 **Ext.** 83138 **I/O Address:** 503/500
Presenter(s): David Blankfeld

General Information

1. What action are you requesting from the Board?

Authorize settlement of personal injury lawsuit by a citizen against the County and one of its transportation department employees.

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

A County employee backed up his County truck to retrieve a sign that had fallen out the back of the truck while still in his lane of traffic and collided with the car stopped behind him. The accident resulted in upper back and neck injuries to the driver of the car.

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

N/A

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

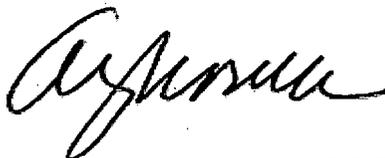
On December 18, 2003, the Board adopted Resolution 03-171 delegating authority to the County Attorney to settle claims and litigation against the County or its employees in amounts up to \$25,000 per case. The County Attorney must obtain Board approval for all settlements of over \$25,000.

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

N/A

Required Signature

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

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

Date: 6/10/08



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

APPROVED : MULTNOMAH COUNTY
 BOARD OF COMMISSIONERS
 AGENDA # R-12 DATE 06-19-08
 DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 06/19/08
 Agenda Item #: R-12
 Est. Start Time: 10:32 AM
 Date Submitted: 06/11/08

Agenda Title: Authorizing the Settlement of a Claim for Damages Against the County

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

Requested Meeting Date: June 19, 2008 Amount of Time Needed: 5 minutes
 Department: Non-Departmental Division: County Attorney
 Contact(s): Agnes Sowle
 Phone: 503-988-3138 Ext. 83138 I/O Address: 503/500
 Presenter(s): Stephen L. Madkour, Assistant County Attorney

General Information

1. What action are you requesting from the Board?
 Approve the settlement of the case Akilah Johnson v. Multnomah County for the amount of \$100,000.
2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.
 Board approval would authorize the full and final settlement of a negligence claim arising from the sexual assault by an offender under the County's supervision.
3. Explain the fiscal impact (current year and ongoing).
 N/A
4. Explain any legal and/or policy issues involved.
 On December 18, 2003, the Board adopted Resolution 03-171 delegating authority to the County Attorney to settle claims and litigation against the County or its employees in amounts up to \$25,000 per case. The County Attorney must obtain Board approval for all settlements of over \$25,000.
5. Explain any citizen and/or other government participation that has or will take place.
 N/A

Required Signature

Elected Official or
 Department/
 Agency Director:

Date: 06/11/2008



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

APPROVED : MULTNOMAH COUNTY
 BOARD OF COMMISSIONERS
 AGENDA # R-13 DATE 06-19-08
 DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only	
Meeting Date:	<u>06/19/08</u>
Agenda Item #:	<u>R-13</u>
Est. Start Time:	<u>10:34 AM</u>
Date Submitted:	<u>06/11/08</u>

Agenda Title: Authorizing Settlement of Misha Cooper v. Multnomah County, et. al, United States District Court Case No. 07-1014PK

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

Requested Meeting Date:	<u>June 19, 2008</u>	Amount of Time Needed:	<u>5 minutes</u>
Department:	<u>Non-Departmental</u>	Division:	<u>County Attorney</u>
Contact(s):	<u>Agnes Sowle</u>		
Phone:	<u>503-988-3138</u>	Ext.:	<u>83138</u>
		I/O Address:	<u>503/500</u>
Presenter(s):	<u>Carlo Calandriello</u>		

General Information

1. What action are you requesting from the Board?

Authorize settlement of the matter of *Misha Cooper v. Multnomah County, Sergeant Steven Piña, Officer James Kessinger, John Does 1-2, Sheriff Bernie Giusto*, United States District Court Case No. 07-1014PK, in the amount of \$40,000.00 inclusive of fees and costs, and payable through a conservatorship.

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

On May 1, 2006 Deray Willis, an inmate at MCDC, was able to remain outside of his cell after his walk time, and avoid detection by corrections officers. When fellow inmate, Misha Cooper, was released for her individual walk time, Inmate Willis entered and hid in her cell. At the conclusion of her walk time, Ms. Cooper returned to her cell where she remained with Inmate Willis for approximately two hours. Inmate Willis' absence from his cell went unnoticed in part, because of a human shaped dummy he had made from stockpiled linens. As a result of the incident, Ms. Cooper filed a lawsuit alleging that she had been sexually assaulted by Inmate Willis and brought claims against the County Defendants for negligence, as well as federal claims for violations of her constitutional rights. The Complaint sought \$150,000.00 in damages plus attorney fees and costs.

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

N/A

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

On December 18, 2003, the Board adopted Resolution 03-171 delegating authority to the County Attorney to settle claims and litigation against the County or its employees in amounts up to \$25,000 per case. The County Attorney must obtain Board approval for all settlements of over \$25,000.

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

N/A

Required Signature

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



Date: 6/10/08



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (long form)

APPROVED : MULTNOMAH COUNTY
 BOARD OF COMMISSIONERS
 AGENDA # R-14 DATE 06-19-08
 DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 06/19/08
 Agenda Item #: R-14
 Est. Start Time: 10:35 AM
 Date Submitted: 06/10/08

BUDGET MODIFICATION: MCSO - 15

**Budget Modification MCSO-15 Appropriating \$10,516 from the Bulletproof
 Agenda Vest Partnership Program to the Sheriff's Office for the Purchase of Bulletproof
 Title: Vests**

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

Requested Meeting Date: <u>June 19, 2008</u>	Amount of Time Needed: <u>5 Minutes</u>
Department: <u>Sheriff's Office</u>	Division: <u>Law Enforcement</u>
Contact(s): <u>Wanda Yantis, Budget Manager</u>	
Phone: <u>503-988-4455</u> Ext. <u>84455</u>	I/O Address: <u>503/350</u>
Presenter(s): <u>Wanda Yantis</u>	

General Information

1. What action are you requesting from the Board?

The Sheriff's Office is requesting approval of Budget Modification MCSO-15 to appropriate \$10,516 awarded thru a grant from the Bulletproof Vest Partnership Program for the purchase of bulletproof vests.

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

Public Law 105-181 has provided over \$25 million dollars for the Bulletproof Vest Partnership Grant Act, which is administered by the Bureau of Justice Assistance (BJA) at the U.S. Department of Justice. The purpose of the Act is to protect the lives of law enforcement officers by helping states and units of government to equip their officers with bulletproof vests that meet National Institute of Justice standards. The FBI estimates that the fatality risk to officers not wearing vests is 14 times greater than to those that are. This grant provides a one to one match for supplying vests to uniformed officers.

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

This will increase the Enforcement Division's revenue by \$10,516 in the Federal/State Fund. This does not cover indirect costs.

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

N/A

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

N/A

ATTACHMENT A

Budget Modification

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

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

This will increase the Enforcement Division's revenue by \$10,516 in the Federal/State Fund. This does not cover indirect costs.

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

The Enforcement Division will increase their Federal/State budget by \$10,516.

• **What do the changes accomplish?**

The budgetary change recognizes \$10,516 in revenue from the Bulletproof Vest Partnership Program.

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

No

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

This grant does not cover indirect costs.

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

This is one-time-only revenue. When the funding is exhausted, the program ends. This is tied to program offer 60040 MCSO LE: Patrol East in the FY 08 Budget.

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

FY 08

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

Our participation will end once the funding ends.

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

ATTACHMENT B

BUDGET MODIFICATION: MCSO-15

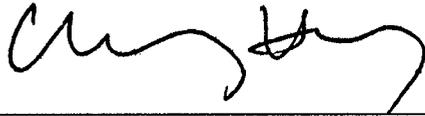
Required Signatures

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

/s/ Bernie Giusto

Date: 06/10/08

Budget Analyst:



Date: 06/10/08

Department HR:

Date: _____

Countywide HR:

Date: _____

Budget Modification ID: **MCSO-15**

EXPENDITURES & REVENUES

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

Budget/Fiscal Year: 2008

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
1	60-50	20400				SOENF.BVP	50170	(10,516)	(10,516)		IG - OP - Direct Fed	
2	60-50	20400				SOENF.BVP	60240	10,516	10,516		Supplies	
3								0				
4								0				
5								0				
6								0				
7								0				
8								0				
9								0				
10								0				
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28								0				
29								0				
									0	0	Total - Page 1	
									0	0	GRAND TOTAL	



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (long form)

APPROVED : MULTNOMAH COUNTY
 BOARD OF COMMISSIONERS
 AGENDA # 2-15 DATE 06-19-08
 DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 06/19/08
 Agenda Item #: R-15
 Est. Start Time: 10:38 AM
 Date Submitted: 06/10/08

BUDGET MODIFICATION: MCSO - 16

Agenda Title: Budget Modification MCSO-16 Appropriating \$100,000 from the Oregon Department of Transportation (ODOT) for Patrol Services in Work Zones

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

Requested Meeting Date: June 19, 2008 **Amount of Time Needed:** 5 Minutes
Department: Sheriff's Office **Division:** Law Enforcement
Contact(s): Wanda Yantis, Budget Manager
Phone: 503-988-4455 **Ext.** 84455 **I/O Address:** 503/350
Presenter(s): Larry Aab and Wanda Yantis

General Information

1. What action are you requesting from the Board?

The Sheriff's Office is requesting approval of Budget Modification MCSO-16 to appropriate \$100,000 in Federal State funds to our Enforcement Division budget awarded thru ODOT's Work Zone Project. The revenue will be used to support patrol services in specified work zones on state highways.

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

Federal studies show that work zone crashes tend to be more severe than other types of accidents. Moreover, 40% of work zone accidents occur in the transition zone prior to entering the work area. To maximize safety in work zones, ODOT has sought to enlist the forces of state and local law enforcement agencies in compliance with the provisions of local cooperative policing agreements, to patrol specified work zones on State highways.

ODOT will reimburse the Sheriff's Office for overtime costs in providing patrol services in specified work zones on State highways. The grant stipulates that the Sheriff's Office provide an

18% match on overtime hours billed. The match will be found in already existing funding in MCSO's FY 08 Adopted Budget.

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

This will increase the Enforcement Division's revenue by \$100,000 in the Federal/State Fund. All overhead costs are covered.

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

N/A

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

N/A

ATTACHMENT A

Budget Modification

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

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

This is an increase of revenue of \$100,000 in the Federal/State Funding for the Sheriff's Office Enforcement Division due to patrol services for the ODOT Work Zone Project.

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

-Then Enforcement Division will increase their Federal/State budget by \$100,000

-Increase Dept Indirect by \$4,545

-Increase Central Indirect by \$2,137

-Increase Insurance by \$5,766

- **What do the changes accomplish?**

This is an increase of revenue of \$100,000 in the Federal/State Funding for the Sheriff's Office Enforcement Division due to patrol services for the ODOT Work Zone Project.

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

No.

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

All overhead costs are covered.

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

This program is renewed from year to year. When the funding is exhausted, the program ends. This is tied to program offer 60040 MCSO LE: Patrol East in the FY 08 Budget.

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

FY 08

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

Our participation will end once the funding ends.

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

ATTACHMENT B

BUDGET MODIFICATION: MCSO - 16

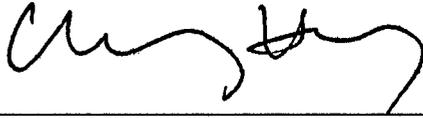
Required Signatures

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

/s/ Bernie Giusto

Date: 06/10/08

Budget Analyst:



Date: 06/10/08

Department HR:

Date: _____

Countywide HR:

Date: _____

Budget Modification ID: **MCSO-16****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2008

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
1	60-50	32136				SOENF.ODOT.CZE	50236	-	(100,000)	(100,000)		IG-OP-Charges for Svcs
2	60-50	32136				SOENF.ODOT.CZE	60110		64,061	64,061		Overtime
3	60-50	32136				SOENF.ODOT.CZE	60130		23,491	23,491		Salary Related
4	60-50	32136				SOENF.ODOT.CZE	60140		5,766	5,766		Insurance
5	60-50	32136				SOENF.ODOT.CZE	60350		2,137	2,137		Central Indirect
6	60-50	32136				SOENF.ODOT.CZE	60355		4,545	4,545		Dept. Indirect
7									0			
8	60-11	1000			604020		50370		(4,545)	(4,545)		Dept Indirect Revenue
9	60-11	1000			604020		60240		4,545	4,545		Supplies
10									0			
11	19	1000			9500001000		50310		(2,137)	(2,137)		Indirect Revenue
12	19	1000			9500001000		60470		2,137	2,137		Contingency
13									0			
14	72-10	3500			705210		50316		(5,766)	(5,766)		Insurance Revenue
15	72-10	3500			705210		60330		5,766	5,766		Offsetting Expense
16									0			
17									0			
18									0			
19									0			
20									0			
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MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (long form)

APPROVED : MULTNOMAH COUNTY
 BOARD OF COMMISSIONERS
 AGENDA # R-16 DATE 06-19-08
 DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 06/19/08
 Agenda Item #: R-16
 Est. Start Time: 10:40 AM
 Date Submitted: 06/04/08

BUDGET MODIFICATION: DCHS-41

Agenda Title: Budget Modification DCHS-41 Increasing County General Fund Appropriation by \$1,000,000 in Loan Proceeds from the State of Oregon to Assist the County in Making a Emergency Loan to Cascadia Behavioral Healthcare Inc.

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

Requested Meeting Date: June 19, 2008 **Amount of Time Needed:** 30 minutes
Department: County Human Services **Division:** _____
Contact(s): Kathy Tinkle
Phone: 503 988-3691 **Ext.** 26858 **I/O Address:** 167/620
Presenter(s): Joanne Fuller and Mindy Harris

General Information

1. What action are you requesting from the Board?

The Department of County Human Services recommends approval of budget modification DCHS-41 which increases the Department's County General Fund appropriation by \$1 million to recognize loan proceeds from the State of Oregon.

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

The State of Oregon agreed to provide \$1 million in financial assistance to the County to preserve the infrastructure and capacity to provide mental health, addiction, and related services in Multnomah County. The purpose of the funds is to assist the County in making an emergency loan to Cascadia Behavioral Healthcare Inc.

The County agrees to match the state financial assistance with \$1,500,000 of County Funds and is authorized to loan to Cascadia up to \$2,500,000 using the combined proceeds. The loan shall be payable on demand and in the absence of a demand, it shall be fully due and payable not later than

June 30, 2009. The County is responsible for managing the loan and for collection of the loan proceeds from Cascadia. The County, in collaboration with the State, will develop a plan that ensures delivery of quality mental health, addictions and related services to Cascadia's clients.

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

This budget modification recognizes a one time only increase of \$1,000,000 in loan proceeds from the State of Oregon. The County is authorized to loan Cascadia up to \$2,500,000 using the combined proceeds of the State financial assistance and the County's General Fund contribution. All loans shall be deemed to have been made from 40% State funds and 60% County Funds. Interest on the loan shall be 4% per annum.

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

Intergovernmental Agreement has been entered into between the State of Oregon and Multnomah County which outlines the terms and conditions of this loan. On May 8, 2008 the Board of County Commissioners approved an emergency loan to Cascadia Behavioral Healthcare Inc.

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

The State of Oregon is partnering with Multnomah County.

ATTACHMENT A

Budget Modification

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

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

Increasing the Departments General Fund appropriation to recognize loan proceeds from the State of Oregon.

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

The Department of County Human Services General fund budget appropriation increases by \$1,000,000.

- **What do the changes accomplish?**

Brings the budget in line with department resources.

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

N/A

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

N/A

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

One time only loan proceeds from the State of Oregon.

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

N/A

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

N/A

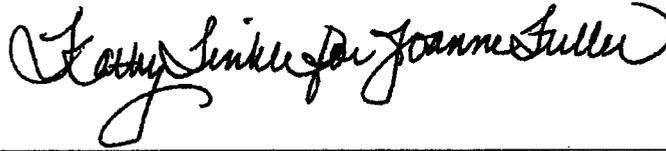
NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.

ATTACHMENT B

BUDGET MODIFICATION: DCHS-41

Required Signatures

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



Date: 06/03/08

Budget Analyst:



Date: 06/03/08

Department HR:

Date:

Countywide HR:

Date:

Budget Modification ID: DCHS-41

EXPENDITURES & REVENUES

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

Budget/Fiscal Year: 2008

Line No.	Fund Center	Fund Code	Program #	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Internal Order	Cost Center	WBS Element						
1	26-00	1000	25000	40			CHSLOAN	50330	-	(1,000,000)	(1,000,000)		Financing Proceeds
2	26-00	1000	25000	40			CHSLOAN	60160	0	1,000,000	1,000,000		Pass Thru & Prg Support
3													
4													
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Ted Wheeler, Multnomah County Chair

501 SE Hawthorne Blvd., Suite 600
Portland, Oregon 97214
Phone: (503) 988-3308
Email: mult.chair@co.multnomah.or.us

To: Interested parties
From: Ted Wheeler, Multnomah County Chair
Re: Cascadia Transition Plan
Date: June 16, 2008

This document represents the work of key county and state officials, as well as Cascadia staff, and offers the current plan to stabilize the county mental health system.

There are four parts to the document:

- Executive Summary – a general overview of the transition plan
- Memorandum of Understanding – signed by Cascadia Behavioral Healthcare, Multnomah County, and the State of Oregon
- June 13, 2008 Memo: Cascadia Behavioral Health Financial Condition – current assessment of Cascadia's cash flow and finances
- Multnomah County Department of Human Services' plan for implementation and background information

There is much work to do in the coming months and we have confidence in Cascadia's staff and new leadership to move forward. We will continue to rely upon the many advocates and community leaders who contributed their thoughts and ideas and believe the transition plan will support a stronger system of services for the residents of Multnomah County.

Thank you.

**Cascadia Plan
June 16th, 2008**

Executive Summary

GOAL: The goal of this plan is to maintain a sustainable system of care for the mental health clients of Multnomah County.

This executive summary proposes the key elements in the downsizing plan for Cascadia Behavioral Healthcare ("Cascadia") as agreed to by its partners: Multnomah County, State of Oregon and Cascadia. Overall it reduces the organization from \$51 million to \$36 million, a 30% reduction in operating revenue. This plan will be implemented beginning in June, 2008, with transfer of contracts targeted for full implementation by December, 2008. As this plan is implemented, further changes may be required.

Criteria used to determine contracts transferred:

- Minimize disruption to clients and service delivery system
- Maintain services Cascadia is successful with Project Respond, walk-in clinic, crisis respite, residential, drug and alcohol, severely mentally ill clients
- Maintain service connections to law enforcement and criminal justice systems' interface
- Stabilize remaining financial resources to support Cascadia as a viable business
- Establish a goal of no one provider maintaining more than 40% of County contracted dollars in specified areas of service (adults, families, housing services)
- Consider client advocate voice in service transition

Contracts transferring from Cascadia:

- Alternate provider(s) assumes all Gresham clinic programs including addictions services
- Alternate provider(s) assumes all Garlington clinic programs including addictions (housing administration may remain) at an alternate site
- Fifty percent (50%) of children's capacity at Woodland Park site (managed thru attrition) moved to alternate provider(s)
- Luke-Dorf will assume Bridgeview site and programs
- Funding for one ACT team from Downtown site transferred to Central City Concern
- Up to 150 adult mental health clients from Downtown site currently receiving primary health care services from Central City Concern will be moved to Central City Concern (of 470 total adult clients)
- Lifeworks, with Outside-In, assumes Transition Aged Youth (TAY)
- Catholic Charities will assume the MIOS program through a subcontractor
- All current pass through dollars to subcontractors moved from Cascadia to alternate providers

Contracts remaining with Cascadia:

- Majority of Woodland Park site; 50% children's, mixed populations, gambling and addictions programs
- Downtown site with crisis services, waitlist reduction, funding for one ACT team, mixed populations
- Plaza site and all programs (urgent walk in clinic, addictions/gambling, mixed adult populations)

- Belmont site, with SMYRC and administrative services
- Psychiatric Security Review Board (PSRB) program at multiple sites
- Ownership and disposition of Garlington site
- Housing services-residential and supportive housing
- Additionally, new admissions to outpatient and children's programs resumed at Woodland, Plaza and Downtown clinic sites

Financial impact:

Overall, 30% reduction in annual revenue -- \$15 million

Multnomah County's proportion is \$10 million (Marion and Washington are others)

Overall, 34% reduction in FTE--241 positions down from 722 total positions

Multnomah County proportion is 147 FTE positions reduced

Benchmarks measuring implementation success:

Cascadia's staff productivity rate at or above 50%, currently at or about 35%

Cascadia administrative reductions of approximately 38%

Cascadia will target 15% administrative to direct service ratio, currently at or about 20%

Multnomah County and Cascadia will develop data points to assess ongoing issues in plan implementation

Semi-weekly implementation team meetings to monitor progress with partner representatives

Additional County improvements:

Improve contract monitoring and oversight through:

- Multnomah County Mental Health finance reporting directly to the Department of County Human Services Director's Office
- Multnomah County Central Finance will improve monitoring tools and frequency of monitoring all large contracts
- Findings from Multnomah County Auditor's Office audit of large contracts will be implemented once audit released
- Drafted resolution requesting the Multnomah County Board of County Commissioners to establish an External Contract Oversight Committee

**MEMORANDUM OF UNDERSTANDING
AMONG THE STATE OF OREGON, MULTNOMAH COUNTY
AND CASCADIA BEHAVIORAL HEALTHCARE, INC.**

I. THE PARTIES

This is an Agreement among the State of Oregon (STATE), Multnomah County (COUNTY), and Cascadia Behavioral Healthcare, Inc (CASCADIA).

II. PURPOSE

The goal of the Parties in developing this agreement is to maintain a sustainable system of care for our clients with mental health needs.

The guiding principles in the development of this agreement are following:

- Maintain services with CASCADIA that match CASCADIA's demonstrated strengths, including Project Respond, walk-in clinics, crisis respite, residential care, addiction services and the provision of services to clients with severe mental illness;
- Minimize disruption to clients and service delivery system in Multnomah County; and
- Transition services to alternative providers in order to work toward a goal of having all providers at or below 40% of COUNTY contracted dollars in any one service area.

III. TERM

The Agreement shall become effective on the date on which it is signed by every Party. The Agreement shall expire, unless otherwise terminated or extended, on December 31, 2008.

IV. SERVICES TO BE TRANSITIONED

The Parties agree that they will immediately begin the process of transitioning the services identified below to new providers. The Parties expectation is that the transition of the services will be completed by November 1, 2008.

The Parties agree to transition the following services to new providers:

- Services and programs provided at CASCADIA's Gresham site, including addictions services;
- Services and programs provided at CASCADIA's Garlington site, including addictions services to other providers at alternative site(s);
- Fifty percent (50%) of the maximum capacity under the 2007 to 2008 contract for children's services at CASCADIA's Woodland Park site;
- The transitional housing program known as Bridgeview Community;
- Approximately 150 clients who are served at CASCADIA's Downtown site will be given the opportunity to transition their behavioral health services to their primary care provider at Central City Concern;
- MIOS program moved to another provider with Catholic Charities as overseer;
- The Transition Aged Youth (TAY) program moved to Lifeworks and Outside-In; and
- All pass-through dollars to subcontractors moved to alternate providers.

V. SERVICES TO REMAIN WITH CASCADIA

The Parties agree that CASCADIA will continue to provide the following services:

- One Assertive Community Treatment (ACT) team at CASCADIA's Downtown site;
- All of the current services at CASCADIA's Woodland Park site, except that the capacity for children's services will be reduced to 50% of the maximum capacity under the 2007 to 2008 contract; current service levels are currently at or almost at this 50% level;
- All of the current services at CASCADIA's Belmont site, including SMYRC and administrative services;
- All of the services at CASCADIA's Downtown site, including crisis services, waitlist reduction, one ACT team, and mixed populations, except current clients who choose to receive their behavioral health services from Central City Concern;
- All of the services at the Plaza site, including urgent walk in clinic, addictions/gambling services, and mixed adult population;
- PSRB program at multiple sites;
- Except for the Bridgeview Community, all current housing services; residential and supportive housing.
- Any other services or programs not mentioned specifically in section IV above; and
- To the extent doing so is consistent with the COUNTY'S duties under its contract with STATE, new admissions to outpatient and child programs shall be resumed immediately to all sites and services remaining with Cascadia under section V; new admissions for services to be transitioned under section IV are subject to further evaluation.

VI. GENERAL TERMS

The Parties agree to cooperate in good faith with the immediate implementation of the foregoing transition plan.

The actions necessary to implement this plan will be taken in a manner that assures compliance with all applicable federal and state regulations for the funding of these services.

The foregoing transition plan shall be implemented and formalized through separate contractual agreements among the Parties, and to the extent necessary, with any third parties.

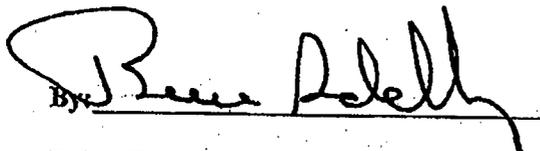
The Parties understand that amendments and revisions of the foregoing transition plan may be necessary as the Parties move forward with the implementation of the plan. The Parties agree to work together in good faith to agree upon and implement any such necessary changes..

The Parties agree that this is a planning document that will permit the Parties to proceed with implementation of the foregoing transition plan. It is not legally enforceable and shall not be construed to create any legal obligation on the part of any Party. This agreement shall not be construed to impair, supersede, or create a private right or cause of action in any Party or any third party.

This agreement may be executed in any number of counterparts at one time or at different times, all of which taken together shall constitute one and the same agreement.

THE STATE OF OREGON

MULTNOMAH COUNTY, OREGON

By: 

By: _____

Title: Director, Oregon Dept. of Human Services

Title: _____

Date: June 16, 2008

Date: _____

**CASCADIA BEHAVIORAL
HEALTHCARE, INC.**

By: _____

Title: _____

Date: _____

The foregoing transition plan shall be implemented and formalized through separate contractual agreements among the Parties, and to the extent necessary, with any third parties.

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THE STATE OF OREGON

MULTNOMAH COUNTY, OREGON

By: _____

Title: _____

Date: _____

By: TED WHEELER

Title: **Multnomah County Chair**

Date: **June 16, 2008**

**CASCADIA BEHAVIORAL
HEALTHCARE, INC.**

By: _____

Title: _____

Date: _____

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THE STATE OF OREGON

MULTNOMAH COUNTY, OREGON

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

**CASCADIA BEHAVIORAL
HEALTHCARE, INC.**

By: 

Title: CEO

Date: June 13, 2008



Department of County Management
MULTNOMAH COUNTY OREGON
Finance and Risk Management Division
501 SE Hawthorne, Suite 531
Portland, Oregon 97214
(503) 988-3312 phone
(503) 988-3292 fax



Memorandum

TO: Jana McLellan
Office of the County Chair
Multnomah County

FROM: Mindy Harris
Chief Financial Officer
Multnomah County

Jim Scherzinger
Deputy Director
Department of Human Services

DATE: June 11, 2008

RE: Cascadia Behavioral Health Financial Condition

This memo is provided as our collective opinion of the financial condition of Cascadia Behavioral Health (CBH) and their ability to sustain financially beyond June 30.

We have met on nearly a daily basis with CBH's Chief Financial Officer and his staff over the last month. Our primary focus has been to evaluate their cash position in order to determine whether and when they may need another installment payment on their line of credit with the state and county. Beyond the original installment of \$1.7 million, CBH has not yet needed another installment of their \$2.5 million total available line of credit.

We have had some difficulties creating a cash flow tool. This is due to many factors, including the need to reconcile CBH's accounting practices with the county's grant data, technical issues in the creation and management of the tool, the press of other business on staff, and the difficulty of coordinating multiple people in managing their portion of the projections. We have reconciled most of the issues and now are seeing more consistency in the assumptions and results.

From a cash perspective, CBH made some progress in May. It generated about \$500,000 more cash than had been projected in May. However, this largely came from cleaning up the billing system and collecting amounts for past services and will not continue into the future. The funds were used to reduce the county/state loan and to reduce accounts payable, especially the amounts owed to pass-through nonprofits.

From an accrual perspective, CBH will close nearly even for May. However, in recent weeks gross billings have begun to decline as a result of shutting off new clients. We expect fee-for-

service revenue will be down at least 10% (a reduction of \$200,000 per month) in June. Payroll costs are down from March, but have plateaued in recent weeks. This is partly due to one-time costs of paying accrued benefits on separation. In addition, there has not been a planned reduction in force. As noted later, it is critical that a planned reduction occur as soon as CBH's plan going forward is determined. In all, we expect ongoing expenditures to exceed revenues by about \$400,000 per month unless action is taken.

Based on the current cash flow model, we expect to have to use about \$2.2 million of the line of credit to meet the first payroll in July. If, in addition, we wish to bring all pass-throughs current by the end of June, CBH would use another \$200,000 of the line of credit. In effect, this would mean CBH is operating on a cash margin of \$100,000, which is extremely close for a \$36 million organization. CBH cannot continue to operate on this margin on an ongoing basis. Any slowdown in revenue or unexpected cost, including any unplanned costs in the transfer of services, could require extension of additional credit.

Our estimate of CBH's cash balance in early July makes no provision for repayment of two of CBH's most significant known liabilities. The first is the Medicaid liability of \$1.8 million, which is owed to the State of Oregon. The second is the state/county loan, which is due for repayment by June 30, 2009.

CBH, the county and the state have agreed on a plan to restructure CBH services that includes shifting some services to other providers and restoring the flow of new clients. As this plan is implemented, its success depends on the following critical components:

- The forecasted ongoing deficit must be addressed immediately through a combination of a planned staff reduction and restoration of revenue.
- Central staff and other central costs must be reduced to fit the reduced size of the organization. CBH has produced estimates of the reductions required at full phase-in of the plan. It is critical to plan these reductions as soon as possible.
- CBH will incur significant one-time costs transitioning staff and services to new organizations, including paying accrued benefits to separated staff, loss of productivity during the move, and potential property costs. It is critical that these costs be recognized and planned for. Relatively small problems can balloon into large issues when an organization is operating this close to the edge.
- Finally, all this will require a high level of management and fiscal attention by CBH program management, its board, and county and state program staff. Although financial staff can describe the fiscal reality and help develop the plan, financial staff cannot carry it out by themselves. The plan's success depends largely on the recognition of the fiscal reality by program staff and their constant attention to that reality.

In sum, we believe with active and decisive management, teamwork and attention to the above critical components, the proposed plan can transition CBH and its critical services to a more stable foundation.

Overview

Multnomah County is committed to improving the mental health of our community by providing a continuum of services including prevention, crisis intervention, case management and recovery services. The system reflects the following values and principles: each individual is supported to achieve his or her full potential; services are accessible; services from multiple programs are coordinated; and services are culturally competent. The system is built on the principle that adult services will be recovery oriented and services for children and youth will be family focused.

The county has identified a set of goals for the Cascadia transition. These are:

- Minimize disruption to consumers
- Stabilize existing mental health services
- Provide a continuous safety net of crisis services to all Multnomah County citizens
- Deliver services in a culturally competent and culturally appropriate manner
- Create a transparent process for changes to the mental health system
- Diversify the provision of services to better respond to community needs
- Maintain an appropriate geographic range of services
- Maintain connections between the public safety system and the mental health system
- Create better fiscal and service oversight to assure contractual compliance
- Make housing a community resource rather than a Cascadia resource

Background

Multnomah County's Mental Health and Addiction Services Division (MHASD) has experienced several periods of turmoil in the past eight years. However, it would be a mistake to assume that each of these periods was independent of each other or that each came about as a result of carelessness or neglect. The Multnomah County mental health system has largely mirrored a period of time that has been volatile at both the national and state level.

In 2000, the Board of County Commissioners adopted a set of values and principles based on family-centered and recovery models of care. Acting on these principles, Multnomah County ultimately issued the MHASD Redesign Plan in late 2001. The Oregon Health Plan had also broadened to include a larger group of Medicaid eligible persons and full enrollment into Mental Health Organizations (MHO's).

However, in 2001 the County also experienced a large increase in hospitalizations leading to the period later described as the 'acute care crisis'. During that period, the County introduced an emergency payment structure that required community providers to assume responsibility for a client's total range of care needs. During this period of time, Cascadia continued to expand its share of adult mental health services. Fueled by the high volume of sites and programs it had acquired through mergers, Cascadia was able to capture the largest share, by far, of adult treatment funding in Multnomah County.

As the county was emerging from its 'acute care crisis', the state was entering its own economic downturn with profound negative consequences for the Oregon Health Plan. In addition, the federal government increased its scrutiny of Medicaid claims, particularly payments for mental health services. The reimbursement methodology used to resolve the 'acute care crisis' was adversely impacting Medicaid revenue since it did not contain sufficient incentives for providers to document their services. Owing to this adverse combination of factors, Multnomah County lost a total of \$14.6 million in Medicaid funding for mental health services from 2004 through 2006. Since Multnomah County has a large portion of the State's Medicaid services, the County was also creating a negative impact on mental health funding statewide. The Multnomah County Mental Health Addiction Services Division convened meetings beginning in October 2004 to discuss changing the business model to fee-for-service. After considerable review and discussion, Multnomah County implemented the fee-for-service reimbursement model in April 2006.

While fee-for-service ensures that services are accurately billed and paid, it constituted a significant change of procedure and approach to services for Multnomah County's mental health provider system. Anticipating this, Multnomah County supplemented its fee-for-service start-up with a monthly support payment described as the 'glide path'. All Medicaid providers were offered the opportunity to participate in this supplementary program. The County ended these supplements after 12 months (in March 2007) and required its providers to use fee-for-service reimbursement to cover Oregon Health Plan (Medicaid) services. Cascadia's financial circumstances required extension of another three months of the 'glide path'. Cascadia's last 'glide path' payment was made on in June 2007. The table below shows the total supplemental payments to all providers that participated in the 'glide path'.

Morrison Child and Family Services	\$ 964,156 (17%)
Oregon Health and Science University	\$ 30,000 (1%)
LifeWorks NW	\$ 300,723 (5%)
Cascadia Behavioral HealthCare	\$ 4,416,836 (77%)
Total 'Glide Path' supplements	\$ 5,711,715 (100%)

MHASD remained concerned with Cascadia's inability to adjust to the fee for service reimbursement system and so, with Cascadia's agreement, hired a nationally recognized consulting firm to examine Cascadia's operations in April-May 2007. The firm, MTM Services LLC, eventually determined that Cascadia's staff productivity was extremely

low, its overhead extremely high and its compliance with Medicaid medical records requirements at a dangerously low level.

Unbeknownst to the county, Cascadia negotiated a \$2 million line-of-credit with Capitol Pacific Bank which it used to supplement its budget in the months following the termination of the 'glide path'. Finally, in April of 2008, Cascadia informed the county that it could not pay the line-of-credit. When Capitol Pacific Bank called the loan, Cascadia was threatened with financial collapse. Through a combination of accelerated payments for services already delivered and emergency loans the state and county were able to stabilize Cascadia's financial position with a \$2.5 million loan.

Agency Stabilization and Information Gathering Steps

In mid-April, Cascadia informed the county that the agency was in imminent danger of financial collapse. Since receiving that news top officials from the state, county, and Cascadia have been working together to take the necessary action to ensure that mental health services continue to be provided, without interruption, to those in need. The actions to date have included an in-depth financial analysis and ongoing monitoring; a review of service delivery options and partnerships; and input from community advocates and consumers.

Financial Analysis and Monitoring:

After Cascadia informed the county that they were in financial trouble, the county hired a forensics auditor to review Cascadia's cash flow. The forensics auditor developed a cash flow tool and inserted historical information relative to receipts and payments that had been posted to Cascadia's bank account. This enabled the county and the state to look at historical average cash activity and develop estimates for the short term future. An in-depth review of Cascadia's outstanding accounts payable and accounts receivable was conducted resulting in a more complete picture of the agency's overall financial health. The county and state have continued to use the cash flow tool to record actual cash activity in order to maintain the most current information about Cascadia's cash position.

Multnomah County and State of Oregon Department of Human Services Chief Financial Officers (CFO) are working closely with the Cascadia CFO and finance staff to continue to monitor the agency's financial position, daily cash flow, and future cash projections necessary for Cascadia to remain financially viable through June 30, 2008.

In early May, the county and the state agreed to loan Cascadia up to \$2.5 million to cover expenses which would stabilize the system of care, ensuring ongoing service provision to vulnerable populations. Loan proceeds are only allocated to Cascadia as needed to keep the agency financially viable.

Review of Service Delivery Options and Partnerships:

Cascadia has approached the county and state with options for reducing their size, while maintaining core programs, such as crisis services and housing. They have conducted an analysis of their lines of business and have agreed that, for Cascadia to re-establish itself as an ongoing viable organization, certain elements of business must be transferred to other community providers.

Numerous conversations have engaged mental health system partners to discuss opportunities for transferring whole or partial lines of business from Cascadia to other providers. The results of these discussions have led to a plan to implement immediate and longer term steps to ensure consistent, uninterrupted delivery of quality mental health services.

Input From Advocates and Consumers:

Monthly conversations have occurred with both the Adult Mental Health and Substance Abuse Advisory Council (AMHSAAC) and the Children's Mental Health Services Advisory Council (CMHSAC) committees. Consumers and consumer advocates comprise the majority of membership on each of these advisory committees.

A County website has been established to provide communication updates to all interested parties.

During this past month a public meeting was held to hear from advocates, consumers, potentially affected Cascadia employees and the general public. Mental Health advocates attended a recent meeting to provide input, and additional meetings have been held with legislators, funders, state officials and Cascadia.

Themes that emerged from the public feedback meeting that was held on May 29th, 2008 are:

- **Communication:** a desire from attendees for on-going information and transparent communication in additional community forums or accessible via the county's website.
- **Access:** feedback from consumers that the community system of care can be difficult to navigate and the use of "System Navigators" could be helpful in accessing necessary services.
- **Stabilization:** a desire to stabilize the county system of care as crisis can adversely impact consumers who are sensitive to change in services and treatment providers.
- **Continuity:** concerns expressed that the county should minimize any possible disruption of currently offered types of treatment programs and peer delivered services.
- **Community partners:** suggestions that the county should continue expanding efforts to partner with community groups such as faith communities and local businesses.
- **Service delivery:** expressed preference from consumers for treatment services delivered by smaller agencies with smaller caseloads.
- **Stigma:** feedback from consumers reporting that language and attitudes are important to consider as we talk about and work to resolve the current community system of care concerns.

Immediate Steps

The county and state adopted uninterrupted service to clients as its primary goal. The County has succeeded in minimizing service problems during a very complex period of planning. During this period of time, there has not been any significant increase in mental health crisis services or admissions for acute care in-patient services or the state hospital services. The County is now prepared to implement short and long range plans for resolution of Cascadia's financial problems. The following matrix outlines a transfer of sites and programs. The plan strives, at every opportunity, to maintain consumer's/client's relationship with his/her direct service provider.

A. Site Planning			
Site	Current service arrangement	Plan	Number of clients
1. Woodland Park site (aka Gateway) (mid-county)	<ul style="list-style-type: none"> Mixed population with children. Cascadia provides 90% of its child/family treatment at this site. Mixed adult population Older adult program Addictions programs 	<ul style="list-style-type: none"> Cascadia retains site and most programs MHASD shifts 50% of child capacity to other providers through attrition. 	250 child 435 adult
2. Garlington site (NE Portland)	<ul style="list-style-type: none"> Mixed adult population Addictions programs Cascadia has non-treatment business at site Cascadia owns site 	<ul style="list-style-type: none"> Alternate providers assume all Garlington programs including addictions Clients will be served at sites with similar community accessibility Cascadia determines disposition of site 	237 adult
3. Gresham site	<ul style="list-style-type: none"> Mixed adult population Addictions programs 	<ul style="list-style-type: none"> Alternate providers will assume all Gresham programs including addictions Providers will use current site at least temporarily. 	358 adult
4. Bridgeview Community Program	<ul style="list-style-type: none"> Housing and treatment services Mixed population with co-occurring disorders 	<ul style="list-style-type: none"> Alternate provider (Luke-Dorf Inc.) will assume site and programs Luke-Dorf Inc. has agreed to assume Royal Palm pending financial review 	48 (including non-Verity programs)

5. Downtown Site	<ul style="list-style-type: none"> • Mobile Crisis • Assertive Community Tx (ACT) teams • Transition-Aged Youth • Waitlist reduction • Mixed adult population • Most clients receive physical health care from CCC or County HD 	<ul style="list-style-type: none"> • Cascadia retains site and some programs • Cascadia retains one ACT team • One ACT team moves to Central City Concern • 150 adult clients move to Central City Concern • Transition Aged Youth move to Lifeworks 	3 child 470 adult 170 ACT 45 Waitlist
6. Plaza Site	<ul style="list-style-type: none"> • Addictions and Problem Gambling • Walk-In (urgent) Clinic • Mixed adult population 	<ul style="list-style-type: none"> • Cascadia retains site and programs 	462 adult
7. Belmont Site	<ul style="list-style-type: none"> • Sexual Minority Youth Resource Center (SMYRC) exists at this site as well as certain administrative functions 	<ul style="list-style-type: none"> • Cascadia retains site and program 	40

B. Program and Service			
Program or Service	Current service arrangement	Plan	Clients
1. New admissions to outpatient adult and child programs	<ul style="list-style-type: none"> • New admissions are currently re-directed to other provider organizations 	<ul style="list-style-type: none"> • Resume admissions to 3 Cascadia sites 	25 to 30
2. All existing programs for children and families	<ul style="list-style-type: none"> • Children and Families funded by Medicaid and Multnomah treatment funds. 	<ul style="list-style-type: none"> • Reduce Cascadia's child tx capacity by 50% through attrition and referral to alternate providers 	150
3. Culturally competent Latino services (Mios)	<ul style="list-style-type: none"> • Joint program with Catholic Charities 	<ul style="list-style-type: none"> • Central City Concern will jointly deliver program with Catholic Charities 	120
4. Culturally competent services to African-Americans (TNP)	<ul style="list-style-type: none"> • Allow program transfer via RFP award 	<ul style="list-style-type: none"> • Central City Concern will assume program responsibility 	33
5. Waitlist reduction	<ul style="list-style-type: none"> • Program at Downtown site 	<ul style="list-style-type: none"> • Cascadia will retain program 	45
6. Transition-Age Youth	<ul style="list-style-type: none"> • Joint program with Outside In, Inc. 	<ul style="list-style-type: none"> • LifeWorks will assume program responsibility with Outside In, Inc 	17

7. Addictions Treatment	<ul style="list-style-type: none"> Programs at multiple sites 	<ul style="list-style-type: none"> Programs will stay at current sites. Services will be delivered by the alternate provider if site is transferred 	180
8. Problem Gambling Treatment	<ul style="list-style-type: none"> Program at Woodland Park site 	<ul style="list-style-type: none"> Cascadia will retain program 	130
9. Mobile Crisis, Walk-In Clinic and Crisis Respite	<ul style="list-style-type: none"> Programs at Downtown and Plaza sites 	<ul style="list-style-type: none"> Cascadia will retain programs 	1230 contacts monthly
10. Assertive Community Treatment (ACT)	<ul style="list-style-type: none"> Two ACT programs at Downtown site 	<ul style="list-style-type: none"> Cascadia will retain one ACT team Central City Concern will assume one ACT team 	170
11. Psychiatric Security Review Board (PSRB)	<ul style="list-style-type: none"> Programs at multiple sites 	<ul style="list-style-type: none"> Cascadia will retain programs and clients 	61

The short-term plan described above also requires Cascadia to adhere to certain conditions. These include:

- Cascadia will reduce it's overhead by 36% in order to reach financial solvency.
- Cascadia clinical staff will maintain a productivity rate at or above 50%.
- Cascadia will maintain 15% administrative to direct service ratio.
- Cascadia will cooperate with ongoing cash flow monitoring by the County and State.
- Cascadia will provide the county with a reduction-in-force (layoff) plan and its potential impact on consumers/clients.
- Cascadia will adhere to current contract conditions including clinical staff to client ratios.
- Cascadia will accept new contract conditions including the County's right to immediately terminate services with 24-hour notice.
- Cascadia will cooperate and comply with the transition plan, process and timeline.
- Cascadia and other key stakeholders will participate in regularly scheduled implementation team meetings to monitor progress.
- Cascadia and Multnomah County will jointly develop data points to utilize in ongoing monitoring of transition.

After implementing the short-term plan described above, the County will continue to pursue the following goals.

1. Maintain geographically accessible services for Multnomah County residents.
2. Maintain a mental health system that delivers services in a culturally competent and appropriate manner.
3. Continue to adjust its service array so that no contracted provider has more than 40% of MHASD's contracted funds in specified service areas, e.g. adults, families, housing, etc.

The county's intent is to transition programs in incremental steps, so as not to put undue stress on Cascadia clients, staff and partner agencies.

Long term Planning

A strong mental health system requires equally strong monitoring by state and local policymakers to determine the best use of taxpayer funds. It must also be flexible to address emerging needs and response to changes and decreases in funding.

As this process moves forward the County will continue to address the following issues:

Convene a broad group of stakeholders who will provide oversight for the system and assist the County in refinements over time. This group will also look at possible legislative and funding changes. This group can also assist the county in exploring integration of primary care and behavioral health services, enhancing prevention, and increasing sub acute capacity, among other issues.

Increase consumer voice in the system. The Mental Health and Addictions Services Division advisory committees; the Adult Mental Health and Substance Abuse Advisory Committee (AMHSAAC) and the Children's Mental Health Services Advisory Council (CMHSAC) both have significant consumer membership. AMHSAAC has 51% consumer membership and CMHSAC has 51% consumer and consumer family membership. The county will continue to turn to these committees for advice in our mental health and addictions services decision-making. The county will also work with consumer advocates and mental health consumers to create additional opportunities for consumers participate in decision making in our mental health system. The county will also work with consumer advocacy groups to increase our advocacy for additional funding for Mental Health services in Multnomah County in recognition that the current services are unable to meet the mental health needs of our community.

Seek to enhance opportunities for consumers to build stronger sense of community among themselves. During the information-gathering phase of this process, consumers identified a decrease in opportunities to build a sense of community and peer support in the mental health system as an important gap. The County will work with consumers and consumer advocates to build opportunities for increased peer support, peer delivered services and opportunities for peers to gather. This must be a consumer driven process and to that end the County will work as a partner with consumers and advocacy groups in the process.

Deepen our commitment to the recovery oriented approaches for adults and family- centered services for youth. The 2001 Mental Health Redesign plan affirmed Multnomah County's commitment to these models for services. The availability of crisis

services and the continuum of care in the current adult mental health system care is consistent with the recovery model. Family-centered services have been the cornerstone of the children's mental health system care coordination and wrap around approaches. The county will review ongoing changes to services to ensure that commitment to these models continues.

Respond to the changing needs of the population. Multnomah County is growing more diverse. The population of individuals in poverty is moving eastward. Other demographic changes may emerge in the 2010 census and beyond. The county will continue to respond to these trends to ensure that county residents are well served by their mental health system.

Increase contract monitoring of our providers, particularly fiscal monitoring. It is becoming increasingly difficult to run non-profit organizations across the country as costs rise, funding is limited and fiscal/legal environments continue to become more complex. Within this environment, the county must more closely monitor the fiscal health of our non-profit partners. The county will review current contract monitoring processes and enhance our contract and fiscal monitoring. At the same time, the county will provide technical assistance as needed for our non-profit partners to deliver the best services possible.

Broaden the group of non-profit organizations who are providing mental health services in Multnomah County. The county will contract with a wide range of providers for mental health services so that no contracted provider has more than 40% of MHASD's contracted funds in specified service areas, e.g. adults, families, housing, etc.