



Multnomah County Oregon

# Board of Commissioners & Agenda

connecting citizens with information and services

REVISED

## BOARD OF COMMISSIONERS

### Ted Wheeler, Chair

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214

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

Email: [mult.chair@co.multnomah.or.us](mailto:mult.chair@co.multnomah.or.us)

### Maria Rojo de Steffey, Commission Dist. 1

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Phone: (503) 988-5220 FAX (503) 988-5440

Email: [district1@co.multnomah.or.us](mailto:district1@co.multnomah.or.us)

### Jeff Cogen, Commission Dist. 2

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Phone: (503) 988-5219 FAX (503) 988-5440

Email: [district2@co.multnomah.or.us](mailto:district2@co.multnomah.or.us)

### Lisa Naito, Commission Dist. 3

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Phone: (503) 988-5217 FAX (503) 988-5262

Email: [district3@co.multnomah.or.us](mailto:district3@co.multnomah.or.us)

### Lonnie Roberts, Commission Dist. 4

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Phone: (503) 988-5213 FAX (503) 988-5262

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## JUNE 24 & 26, 2008 BOARD MEETINGS FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	10:00 a.m. Tuesday East County Justice Facility Briefing
Pg 4	9:15 a.m. Thursday Authorizing Library and Facilities and Property Management to Commence Exclusive Lease Negotiations for Site of New North Portland Library Branch
Pg 4	9:40 a.m. Thursday Portland-Milwaukie Light Rail Project Briefing
Pg 4	10:07 a.m. Thursday Approval of 2007-2010 Labor Agreement with the Federation of Oregon Parole and Probation Officers
Pg 4	10:15 a.m. Thursday Authorizing Use of County Property for Installation of Solar Facilities for Solar Energy to County Facilities
Pg 4	10:30 a.m. Thursday Briefing on Initiative 40 and Senate Bill 1087

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Tuesday, June 24, 2008 - 10:00 AM  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **BOARD BRIEFINGS**

- B-1 East County Justice Center. Presented by John Lindenthal, Manager CIP. 1 HOUR REQUESTED.
- B-2 Public Safety Services Levy Status. Presented by Chair Ted Wheeler. 15 MINUTES REQUESTED.
- 

Thursday, June 26, 2008 - 9:00 AM  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **REGULAR MEETING**

### **CONSENT CALENDAR - 9:00 AM** **NON-DEPARTMENTAL**

- C-1 Appointment of James Smith to the HOUSING AUTHORITY OF PORTLAND

### **DEPARTMENT OF COUNTY MANAGEMENT**

- C-2 Budget Modification DCM-17 Reclassifying Three Positions in County Labor Relations, Finance and Risk Management and Information Technology as Determined by the Class/Comp Unit of Central Human Resources

### **DEPARTMENT OF COMMUNITY SERVICES**

- C-3 RESOLUTION Approving the EPA Assistance Grant Amendment Extension for the Clean-Up of 1949 SE Division
- C-4 Intergovernmental Revenue Agreement 0708053 with Oregon Department of Transportation Highway Bridge Program Funding for the Morrison Bridge Rehabilitation Project

### **REGULAR AGENDA**

**SHERIFF'S OFFICE – 9:00 AM**

- R-1 RESOLUTION Establishing the Population Capacity and Adopting a Revised Capacity Management Action Plan for the Multnomah County Sheriff's Office Jail Facilities and Repealing Resolution 07-141
- R-2 Budget Modification MCSO-17 Appropriating an Additional \$20,000 in "Home Again: A 10-Year Plan to End Homelessness in Portland and Multnomah County" Funding

**DEPARTMENT OF COUNTY HUMAN SERVICES – 9:05 AM**

- R-3 Budget Modification DCHS-42 Increasing Mental Health and Addiction Services Behavioral Health Managed Care Fund Appropriation by \$653,916 to Reflect Increased Oregon Health Plan Premiums and Using \$2,000,000 of the Behavioral Health Managed Care Fund Contingency for Children's Mental Health Services

**DEPARTMENT OF HEALTH – 9:10 AM**

- R-4 NOTICE OF INTENT to Submit a Proposal for up to \$2,000 to the Oregon Adult Immunization Coalition Mini-Grants for Adult Immunization Grant Program

**COUNTY ATTORNEY'S OFFICE – 9:13 AM**

- R-5 First Reading and Adoption of a Proposed ORDINANCE Amending Special Ordinance 1106 to Extend Time for Disposition of Tax Foreclosed Property, and Declaring an Emergency

**DEPARTMENT OF LIBRARY SERVICES – 9:15 AM**

- R-6 RESOLUTION Authorizing the Multnomah County Library and Facilities and Property Management Division to Commence Exclusive Lease Negotiations with Craig Osbeck, Owner of the Property Located at 8226 North Denver Avenue, Portland, Oregon as the Site of the New North Portland Library Branch

**PUBLIC COMMENT - 9:30 AM**

Opportunity for Public Comment on non-agenda matters. Testimony is limited to three minutes per person.

**DEPARTMENT OF COMMUNITY SERVICES – 9:30 AM**

- R-7 Construction Excise Tax Grant Intergovernmental Agreement 0809013 with Metro for Area 93 Concept Planning
- R-8 Portland-Milwaukie Light Rail Project Briefing. Presented by Karen Schilling and Metro Staff. 30 MINUTES REQUESTED.

**DEPARTMENT OF COUNTY MANAGEMENT – 10:05 AM**

- R-9 Budget Modification DCM-18 Appropriating \$84,642 General Fund Contingency to Transfer to Departments Impacted by Local 88 Class/Comp Studies Completed During the Year
- R-10 RESOLUTION Approving the 2007-2010 Labor Agreement between Multnomah County and the Federation of Oregon Parole and Probation Officers (FOPPO)
- R-11 RESOLUTION Authorizing Use of County Property for the Installation of Solar Facilities to Provide Solar Energy to County Facilities

**NON-DEPARTMENTAL - 10:30 AM**

- R-12 Briefing on Initiative 40 and Senate Bill 1087. Presented by Craig Prins, Executive Director, Criminal Justice Commission. 45 MINUTES REQUESTED.

**DEPARTMENT OF COMMUNITY SERVICES – 11:15 AM**

- R-13 Budget Modification DCS-09 Increasing Budgeted Revenue and Expense by \$106,536 for Reimbursable Expenses Related to the TOPOFF 4 Exercise



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Tuesday, June 24, 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 24, 2008 - 10:00 AM  
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Thursday, June 26, 2008 - 9:00 AM  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **REGULAR MEETING**

### **CONSENT CALENDAR - 9:00 AM** **NON-DEPARTMENTAL**

- C-1 Appointment of James Smith to the HOUSING AUTHORITY OF PORTLAND

### **DEPARTMENT OF COUNTY MANAGEMENT**

- C-2 Budget Modification DCM-17 Reclassifying Three Positions in County Labor Relations, Finance and Risk Management and Information Technology as Determined by the Class/Comp Unit of Central Human Resources

**DEPARTMENT OF COMMUNITY SERVICES**

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R-11 RESOLUTION Authorizing Use of County Property for the Installation of Solar Facilities to Provide Solar Energy to County Facilities

**NON-DEPARTMENTAL - 10:30 AM**

R-12 Briefing on Initiative 40 and Senate Bill 1087. Presented by Craig Prins, Executive Director, Criminal Justice Commission. 90 MINUTES REQUESTED.



**MULTNOMAH COUNTY**  
**AGENDA PLACEMENT REQUEST (short form)**

**Board Clerk Use Only**

**Meeting Date:** 06/26/08  
**Agenda Item #:** C-1  
**Est. Start Time:** 9:00 AM  
**Date Submitted:** 06/18/08

**Agenda Title:** **Appointment of James Smith to the HOUSING AUTHORITY OF PORTLAND**

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

**Requested Meeting Date:** June 26, 2008      **Amount of Time Needed:** Consent Agenda  
**Department:** Non-Departmental      **Division:** Chair's Office  
**Contact(s):** Ted Wheeler, Tara Bowen-Biggs  
**Phone:** (503)988-3308      **Ext.** 83953      **I/O Address:** 503/600  
**Presenter(s):** N/A

**General Information**

**1. What action are you requesting from the Board?**

Request board approval of appointment James Smith to the Housing Authority of Portland Board of Directors.

**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.**

According to a long-standing intergovernmental agreement, Multnomah County appoints two members to the Housing Authority of Portland Board of Directors. Following Board approval, appointee is forwarded to the City of Portland Council for approval. Mr. Smith will complete a 4-year term being vacated by Rick Fernandez. Mr. Smith's term will expire March 12, 2010.

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

No fiscal impact

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

No legal and/or policy issues involved.

**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:**

TED WHEELER

**Date:** June 18, 2008



**MULTNOMAH COUNTY**  
**AGENDA PLACEMENT REQUEST** (Budget Modification)

APPROVED : MULTNOMAH COUNTY  
 BOARD OF COMMISSIONERS  
 AGENDA # C-2 DATE 06-26-08  
 DEBORAH L. BOGSTAD, BOARD CLERK

**Board Clerk Use Only**

Meeting Date: 06/26/08  
 Agenda Item #: C-2  
 Est. Start Time: 9:00 AM  
 Date Submitted: 06/11/08

**BUDGET MODIFICATION: DCM – 17**

**Budget Modification DCM-17 Reclassifying Three Positions in County Labor  
 Agenda Relations, Finance and Risk Management and Information Technology as  
 Title: Determined by the Class/Comp Unit of Central Human Resources**

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

**Requested Meeting Date:** June 26, 2008      **Amount of Time Needed:** Consent  
**Department:** County Management      **Division:** Director's Office  
**Contact(s):** Bob Thomas  
**Phone:** (503) 988-4283      **Ext.** 84283      **I/O Address:** 503/531  
**Presenter(s):** Consent

**General Information**

**1. What action are you requesting from the Board?**

The department is requesting Board approval of a budget modification reclassifying three positions in County Human Resources, Finance & Risk Management, and Information Technology as determined by the Class/Comp Unit of Central Human Resources.

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

The Department of County Management is asking the Board to approve the reclassification of the following positions:

**County Labor Relations**

Position Title (Old)	Position Title (New)	Position Number	FTE
Human Resources Manager 1	Human Resources Manager 2	710183	No change

The duties of the incumbent have evolved since the last formal review of duties for this position.

This position is responsible for program administration of the Merit Council, leadership role in maintaining the County's Personnel Rules, leadership role in negotiating settlements to grievances, and leadership role in the County's FMCS training program. Upon review of these duties, Central Class/Comp has reclassified the job level of this position to Human Resources Manager 2.

**Finance & Risk Management**

Position Title (Old)	Position Title (New)	Position Number	FTE
Finance Manager	Program Manager Sr	701502	No change

Existing stand alone units in Finance & Risk Management are being combined into a new organization. The Finance Manager position was focused on procurement and contracting exclusively. The new position will have these responsibilities as well as overseeing accounts payable in an effort to pull all business relationships with County vendors together with one manager. The duties of this position are consistent with the Program Manager Sr level, as determined by the approval of a reclassification of this position by Central Class/Comp.

**Information Technology**

Position Title (Old)	Position Title (New)	Position Number	FTE
Database Administrator, Sr	Systems Administrator, Sr	703172	No change

This position will be vacant on July 1<sup>st</sup>, with the retirement of the incumbent. At that time, responsibilities within the IT/Database and Reporting Services Department will be reorganized. This position's duties are being reassigned based on this reorganization. Central Class/Comp has reclassified this position to the Systems Administrator Sr level.

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

No overall fiscal impact for the current year, funds are budgeted to cover these changes. Overall personal service increases due to this reclassification is \$3,218 for FY 2008, with balancing decreases in materials and services. Future budget requests will include costs for cost of living or merit increases, as appropriate.

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

NA

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

NA

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## ATTACHMENT A

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### Budget Modification

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

- **What revenue is being changed and why?**  
Risk Management Fund service reimbursement is increased by \$151.
- **What budgets are increased/decreased?**  
Risk Management Fund is increased by \$151.
- **What do the changes accomplish?**  
Position reclassifications as described in section 2.
- **Do any personnel actions result from this budget modification? Explain.**  
Position reclassifications as described in section 2
- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**  
Not applicable to this action.
- **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?**  
NA
- **If a grant, what period does the grant cover?**  
NA
- **If a grant, when the grant expires, what are funding plans?**  
NA

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

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## ATTACHMENT B

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**BUDGET MODIFICATION: DCM - 17**

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### Required Signatures

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

*Carol M. Ford*

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**Date: 06/11/08**

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**Budget Analyst:**

*Debra*

---

**Date: 06/11/08**

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**Department HR:**

*Amy Pappas*

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**Date: 06/11/08**

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**Countywide HR:**

*A. Busby*

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**Date: 06/11/08**

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Budget Modification ID: **DCM-17**

### 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	72-80	1000	72085	0020		702000		60000	390,675	392,643	1,968		Increase Permanent
2	72-80	1000	72085	0020		702000		60130	121,333	121,965	632		Increase Salary Related
3	72-80	1000	72085	0020		702000		60140	71,418	71,546	128		Increase Insurance Benefits
4	72-80	1000	72085	0020		702000		60240	12,715	9,988	(2,727)		Decrease Supplies
5	72-80	3500	72086	0020		705220		60000	11,815	12,169	354		Increase Permanent
6	72-80	3500	72086	0020		705220		60130	3,791	3,905	114		Increase Salary Related
7	72-80	3500	72086	0020		705220		60140	2,269	2,292	23		Increase Insurance Benefits
8	72-80	3500	72086	0020		705220		60280	1,970,085	1,969,594	(491)		Decrease Insurance
9										0			
10	72-10	3500	72012	0020		705210		50316		(151)	(151)		Increase Service Reimb
11	72-10	3500	72012	0020		705210		60330		151	151		Increase Offsetting Expend
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**MULTNOMAH COUNTY**  
**AGENDA PLACEMENT REQUEST short form**

**Board Clerk Use Only**

**Meeting Date:** 06/26/08  
**Agenda Item #:** C-3  
**Est. Start Time:** 9:00 AM  
**Date Submitted:** 06/11/08

**Agenda Title:** **RESOLUTION Approving the EPA Assistance Grant Amendment Extension for the Clean-Up of 1949 SE Division**

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

**Date Requested:** June 26, 2008      **Time Requested:** Consent Item  
**Department:** Community Services      **Division:** Tax Title  
**Contact(s):** Gary Thomas  
**Phone:** 503-988-3590      **Ext.** 22591      **I/O Address:** 503/4/TT  
**Presenter(s):** Gary Thomas

**General Information**

**1. What action are you requesting from the Board?**

The Tax Title Section is requesting the Board to approve the extension of the EPA Clean-up Grant for the former gas station property at 1949 SE Division to June 30, 2009.

**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 2003, Multnomah County in conjunction with the county's Affordable Housing Development Program (AHDP) applied for an EPA Clean-up Grant to be used to remediate the contamination at the county owned property located at 1949 SE Division. Once the property was cleaned up, it would then be transferred to REACH Community Development who proposed to construct affordable and market rate housing on the site. On September 10, 2003, the county was awarded an EPA Grant in the amount of \$240,000 with \$40,000 of the Grant amount to be contributed by Tax Title. The project period of the Grant was 1/01/2004 to 01/30/2006.

Once the county received the EPA Grant, we then entered into an Intergovernmental Agreement with the City of Portland to manage the project. The length of the IGA coincided with the length of the proposed project period. Through the open bidding process, the City of Portland chose Hahn & Associates to complete the environmental testing and clean-up. Due to numerous delays occurring before actual clean-up could start and after additional contamination was discovered, an extension was requested and obtained to extend the EPA project period to 1/30/2007 and the IGA to 12/31/06.

Prior to the end of December 2006, all monies owed the City of Portland for their management of the project were paid. However, because the actual clean-up cost was less than estimated, there were still EPA Grant funds remaining in the amount of \$61,609.

The county requested that EPA grant another extension of the project period. They responded by extending the project period to 9/30/07. Tax Title entered into a contract with Hahn & Associates. The Proposed Scope of Work included further project management and technical assistance as needed, additional sampling as needed, soil gas point decommissioning and design and construction of the vapor mitigation system. The goal was, and still is, to obtain a No Further Action letter from the State of Oregon, DEQ that will allow the county to transfer a clean property to the City of Portland and REACH.

Last year the county received EPA grant extension number three to extend the date through 6/30/2008. More testing was required by DEQ at the neighboring property and completed by Hahn and Associates with grant funds totaling \$7,296. Once again the additional testing has not produced the results needed. The grant fund left for this cleanup is approximately \$38,000.

To date, we have requested and received the fourth amendment to the EPA grant extending the date to 6/30/2009. The contractor shall conduct additional research and data analysis of previous testing results done at the property located at 2477 SE Ladd, during July through September of 2007 as directed by the Oregon DEQ. Hahn and Associates will provide Technical Assistance, Ambient Air Sampling, Data Evaluation and Report Preparation with some of the remaining funds from the EPA grant.

This action affects our Vibrant Communities Program Offer by placing a once contaminated tax foreclosed property into public use and removing a longtime eyesore from the neighborhood.

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

There will be no fiscal impact.

**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 or government participation is anticipated.

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**Required Signature**

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**Department/  
Agency Director:**



**Date: 06/11/08**

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. \_\_\_\_\_**

Approving the EPA Assistance Grant Amendment Extension for the Clean-Up of 1949 SE Division

**The Multnomah County Board of Commissioners Finds:**

- a. On September 10, 2003 the county was awarded a Federal EPA Grant in the amount of \$200,000 with a County matching requirement of \$40,000 for a total of \$240,000 to clean up a certain tax foreclosed property, the former gas station at 1949 SE Division. The project period of the Grant was 1/01/2004 to 01/30/2006.
- b. The County entered into an intergovernmental agreement (IGA) with the City of Portland; to oversee the environmental clean up under the City's Brownfield's Program. The City contracted with Hahn and Associates to complete the environmental testing and clean-up.
- c. Due to numerous delays occurring before the actual clean-up could start and after additional contamination was discovered, an extension of the grant period was requested of the EPA and obtained to extend the project period to 1/30/2007 and the IGA was extended to 12/31/2006. The City completed its work on 12/31/2006 and the County is now overseeing the project.
- d. The County obtained an exemption from the public contracting rules to keep Hahn and Associates working on the project and entered into a contract with them for further testing and sampling work. The EPA granted a second extension through 9/30/2007. In 2007, the Oregon DEQ directed that more testing and sampling work be done at an adjacent property, which work was done in the Summer of 2007; and also in December 2007.
- e. In late 2007, the EPA granted a third extension through June 30, 2008. Hahn and Associates contract with the County was amended and the firm conducted the testing and sampling work mentioned above. However, to date there has not been a final determination made by DEQ and the agency has requested further analysis of the test results and or additional in field work.
- f. The County needs to have the remaining EPA grant funds available to help fund the County's contractor performance of additional consulting or testing services as necessary to comply with DEQ's requirements.

- g. In light of these developments, the EPA has granted a fourth extension through June 30, 2009, a copy of the EPA Grant Fourth Amendment extension is attached identified as Exhibit A.
- h. The extension of the time period for the Assistance Grant from EPA provides the County and our contractor the time to complete any additional services as necessary to assist the County in obtaining a "No Further Action" letter from the DEQ.
- i. The County has approximately \$38,000 left of EPA grant funds.

**The Multnomah County Board of Commissioners Resolves:**

- 1. The Chair is authorized to execute the EPA Grant Fourth Amendment in substantially the form as the attached Exhibit A; extending the grant period until June 30, 2009.

ADOPTED this 26th 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:

M. Cecilia Johnson, Director, Dept. of Community Services

	<b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b>  <b>Assistance Amendment</b>	<b>ASSISTANCE ID NO.</b>			<b>DATE OF AWARD</b> 05/28/2008	
		<b>PRG</b>	<b>DOC ID</b>	<b>AMEND#</b>		
		<b>BF - 97068501 - 4</b>			<b>TYPE OF ACTION</b> No Cost Amendment	<b>MAILING DATE</b> 05/28/2008
					<b>PAYMENT METHOD:</b>	<b>ACH#</b> X0234
<b>RECIPIENT TYPE:</b> County		<b>Send Payment Request to:</b> Las Vegas Finance Center FAX # 702-798-2423				
<b>RECIPIENT:</b> Multnomah County Tax Title P.O. Box 2716 Portland, OR 97208 EIN: 93-6002309		<b>PAYEE:</b> Multnomah County Tax Title P.O. Box 2716 Portland, OR 97208				
<b>PROJECT MANAGER</b> Gary Thomas P.O. Box 2716 Portland, OR 97208 E-Mail: Phone: 503-988-3590		<b>EPA PROJECT OFFICER</b> Mike Slater 805 SW Broadway, Suite 500, ECL-000 Portland, OR 97205 E-Mail: Slater.Mike@epa.gov Phone: 503-326-5872		<b>EPA GRANT SPECIALIST</b> Kathy Tsing-Choy Grants Administration Unit, OMP-145 E-Mail: Tsing-Choy.Kathy@epa.gov Phone: 206-553-4688		
<b>PROJECT TITLE AND EXPLANATION OF CHANGES</b> BF-97068501-0 Multnomah County  This amendment extends time to 06/30/2009.						
<b>BUDGET PERIOD</b> 01/01/2004 - 06/30/2009		<b>PROJECT PERIOD</b> 01/01/2004 - 06/30/2009		<b>TOTAL BUDGET PERIOD COST</b> \$240,000.00		
				<b>TOTAL PROJECT PERIOD COST</b> \$240,000.00		
<b>NOTICE OF AWARD</b>						
Based on your application dated 07/08/2003, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$0. EPA agrees to cost-share 83.33% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$200,000. Such award may be terminated by EPA without further cause if the recipient fails to provide timely affirmation of the award by signing under the Affirmation of Award section and returning all pages of this agreement to the Grants Management Office listed below within 21 days after receipt, or any extension of time, as may be granted by EPA. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.						
<b>ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)</b>			<b>AWARD APPROVAL OFFICE</b>			
<b>ORGANIZATION / ADDRESS</b> EPA Region 10 Mall Code: OMP-145 1200 Sixth Avenue, Suite 900 Seattle, WA 98101			<b>ORGANIZATION / ADDRESS</b> U.S. EPA, Region 10 Office of Environmental Cleanup 1200 Sixth Avenue, Suite 900 Seattle, WA 98101			
<b>THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY</b>						
<b>SIGNATURE OF AWARD OFFICIAL</b> Digital signature applied by EPA Award Official		<b>TYPED NAME AND TITLE</b> Katherine Tsing-Choy, Grants Specialist		<b>DATE</b> 05/28/2008		
<b>AFFIRMATION OF AWARD</b>						
<b>BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION</b>						
<b>SIGNATURE</b>		<b>TYPED NAME AND TITLE</b> Ted Wheeler, Chair, Board of County Commissioners		<b>DATE</b>		

# EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 200,000	\$ 0	\$ 200,000
EPA In-Kind Amount	\$ 0	\$	\$ 0
Unexpended Prior Year Balance	\$ 0	\$	\$ 0
Other Federal Funds	\$ 0	\$	\$ 0
Recipient Contribution	\$ 40,000	\$	\$ 40,000
State Contribution	\$ 0	\$	\$ 0
Local Contribution	\$ 0	\$	\$ 0
Other Contribution	\$ 0	\$	\$ 0
<b>Allowable Project Cost</b>	<b>\$ 240,000</b>	<b>\$ 0</b>	<b>\$ 240,000</b>

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.818 - Brownfields Assessment and Cleanup Cooperative Agreements	CERCLA: Sec. 101(39) CERCLA: Sec. 104(k)(3)	40 CFR PART 31

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation

## Budget Summary Page: Special Needs Housing for the Physically Disabled

<b>Table A - Object Class Category (Non-construction)</b>	<b>Total Approved Allowable Budget Period Cost</b>
<b>1. Personnel</b>	\$16,750
<b>2. Fringe Benefits</b>	\$0
<b>3. Travel</b>	\$350
<b>4. Equipment</b>	\$0
<b>5. Supplies</b>	\$500
<b>6. Contractual</b>	\$218,400
<b>7. Construction</b>	\$0
<b>8. Other</b>	\$4,000
<b>9. Total Direct Charges</b>	\$240,000
<b>10. Indirect Costs: % Base</b>	\$0
<b>11. Total (Share: Recipient 16.67 % Federal 83.33 %.)</b>	\$240,000
<b>12. Total Approved Assistance Amount</b>	\$200,000
<b>13. Program Income</b>	\$0
<b>14. Total EPA Amount Awarded This Action</b>	\$0
<b>15. Total EPA Amount Awarded To Date</b>	\$200,000

### **Administrative Conditions**

Condition number 15 and 16 are ADDED:

#### **15. Reimbursement Limitation**

If the recipient expends more than the amount of federal funding in its EPA approved budget in anticipation of receiving additional funds from EPA, it does so at its own risk. EPA is not legally obligated to reimburse the recipient for costs incurred in excess of the EPA approved budget.

#### **16. Trafficking Victims Protection Act of 2000**

To implement requirements of Section 106 of the Trafficking Victims Protection Act of 2000, as amended, the following provisions apply to this award:

- a. We, as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity: (1) is determined to have violated an applicable prohibition in the Prohibition Statement below; or (2) has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in the Prohibition Statement below through conduct that is either: (a) associated with performance under this award; or (b) imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180; "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR part 1532. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in the Prohibition Statement below.
- b. Our right to terminate unilaterally that is described in paragraph a of this award term: (1) implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and (2) is in addition to all other remedies for noncompliance that are available to us under this award.
- c. You must include the requirements of the Prohibition Statement below in any subaward you make to a private entity.

**Prohibition Statement** - You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not engage in severe forms of trafficking in persons during the period of time that the award is in effect; procure a commercial sex act during the period of time that the award is in effect; or use forced labor in the performance of the award or subawards under the award.

**All Other Administrative Conditions Remain the Same**

### **Programmatic Conditions**

**All Programmatic Conditions Remain the Same**

**END OF ASSISTANCE AGREEMENT NO. BF-970685-01-4**

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 08-092**

Approving the EPA Assistance Grant Amendment Extension for the Clean-Up of 1949 SE Division

**The Multnomah County Board of Commissioners Finds:**

- a. On September 10, 2003 the county was awarded a Federal EPA Grant in the amount of \$200,000 with a County matching requirement of \$40,000 for a total of \$240,000 to clean up a certain tax foreclosed property, the former gas station at 1949 SE Division. The project period of the Grant was 1/01/2004 to 01/30/2006.
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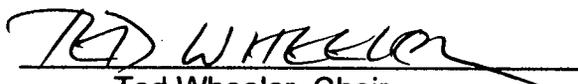
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- 1. The Chair is authorized to execute the EPA Grant Fourth Amendment in substantially the form as the attached Exhibit A; extending the grant period until June 30, 2009.

ADOPTED this 26th day of June, 2008.

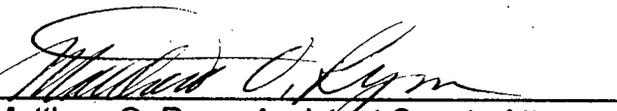


BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:

M. Cecilia Johnson, Director, Dept. of Community Services

	<b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b>  <b>Assistance Amendment</b>	<b>ASSISTANCE ID NO.</b>			<b>DATE OF AWARD</b> 05/28/2008	
		<b>PRG</b>	<b>DOC ID</b>	<b>AMEND#</b>		
		<b>BF - 97068501 - 4</b>			<b>MAILING DATE</b> 05/28/2008	
		<b>TYPE OF ACTION</b> No Cost Amendment			<b>PAYMENT METHOD:</b> ACH# X0234	
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<b>RECIPIENT:</b> Multnomah County Tax Title P.O. Box 2716 Portland, OR 97208 EIN: 93-6002309		<b>PAYEE:</b> Multnomah County Tax Title P.O. Box 2716 Portland, OR 97208				
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<b>PROJECT TITLE AND EXPLANATION OF CHANGES</b> BF-97068501-0 Multnomah County  This amendment extends time to 06/30/2009.						
<b>BUDGET PERIOD</b> 01/01/2004 - 06/30/2009		<b>PROJECT PERIOD</b> 01/01/2004 - 06/30/2009		<b>TOTAL BUDGET PERIOD COST</b> \$240,000.00	<b>TOTAL PROJECT PERIOD COST</b> \$240,000.00	
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Based on your application dated 07/08/2003, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$0. EPA agrees to cost-share <u>83.33%</u> of all approved budget period costs incurred, up to and not exceeding total federal funding of \$200,000. Such award may be terminated by EPA without further cause if the recipient fails to provide timely affirmation of the award by signing under the Affirmation of Award section and returning all pages of this agreement to the Grants Management Office listed below within 21 days after receipt, or any extension of time, as may be granted by EPA. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.						
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<b>ORGANIZATION / ADDRESS</b> EPA Region 10 Mall Code: OMP-145 1200 Sixth Avenue, Suite 900 Seattle, WA 98101			<b>ORGANIZATION / ADDRESS</b> U.S. EPA, Region 10 Office of Environmental Cleanup 1200 Sixth Avenue, Suite 900 Seattle, WA 98101			
<b>THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY</b>						
<b>SIGNATURE OF AWARD OFFICIAL</b> Digital signature applied by EPA Award Official		<b>TYPED NAME AND TITLE</b> Katherine Tsing-Choy, Grants Specialist			<b>DATE</b> 05/28/2008	
<b>AFFIRMATION OF AWARD</b>						
<b>BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION</b>						
<b>SIGNATURE</b>		<b>TYPED NAME AND TITLE</b> Ted Wheeler, Chair, Board of County Commissioners			<b>DATE</b>	

# EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 200,000	\$ 0	\$ 200,000
EPA In-Kind Amount	\$ 0	\$	\$ 0
Unexpended Prior Year Balance	\$ 0	\$	\$ 0
Other Federal Funds	\$ 0	\$	\$ 0
Recipient Contribution	\$ 40,000	\$	\$ 40,000
State Contribution	\$ 0	\$	\$ 0
Local Contribution	\$ 0	\$	\$ 0
Other Contribution	\$ 0	\$	\$ 0
Allowable Project Cost	\$ 240,000	\$ 0	\$ 240,000

<b>Assistance Program (CFDA)</b> 66.818 - Brownfields Assessment and Cleanup Cooperative Agreements	<b>Statutory Authority</b> CERCLA: Sec. 101(39) CERCLA: Sec. 104(k)(3)	<b>Regulatory Authority</b> 40 CFR PART 31
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Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation

## Budget Summary Page: Special Needs Housing for the Physically Disabled

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## **Administrative Conditions**

Condition number 15 and 16 are ADDED:

### **15. Reimbursement Limitation**

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To implement requirements of Section 106 of the Trafficking Victims Protection Act of 2000, as amended, the following provisions apply to this award:

a. We, as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity: (1) is determined to have violated an applicable prohibition in the Prohibition Statement below; or (2) has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in the Prohibition Statement below through conduct that is either: (a) associated with performance under this award; or (b) imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR part 1532. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in the Prohibition Statement below.

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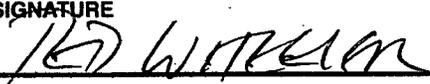
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**All Other Administrative Conditions Remain the Same**

## **Programmatic Conditions**

**All Programmatic Conditions Remain the Same**

**END OF ASSISTANCE AGREEMENT NO. BF-970685-01-4**

	<b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b>  <b>Assistance Amendment</b>	<b>ASSISTANCE ID NO.</b>			<b>DATE OF AWARD</b> 05/28/2008	
		<b>PRG</b>	<b>DOC ID</b>	<b>AMEND#</b>		
		<b>BF - 97068501 - 4</b>			<b>MAILING DATE</b> 05/28/2008	
		<b>TYPE OF ACTION</b> No Cost Amendment			<b>PAYMENT METHOD:</b> ACH# X0234	
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<b>RECIPIENT:</b> Multnomah County Tax Title P.O. Box 2716 Portland, OR 97208 EIN: 93-6002309		<b>PAYEE:</b> Multnomah County Tax Title P.O. Box 2716 Portland, OR 97208				
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<b>PROJECT TITLE AND EXPLANATION OF CHANGES</b> BF-97068501-0 Multnomah County  This amendment extends time to 06/30/2009.						
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<b>ORGANIZATION / ADDRESS</b> EPA Region 10 Mail Code: OMP-145 1200 Sixth Avenue, Suite 900 Seattle, WA 98101			<b>ORGANIZATION / ADDRESS</b> U.S. EPA, Region 10 Office of Environmental Cleanup 1200 Sixth Avenue, Suite 900 Seattle, WA 98101			
<b>THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY</b>						
<b>SIGNATURE OF AWARD OFFICIAL</b> Digital signature applied by EPA Award Official		<b>TYPED NAME AND TITLE</b> Katherine Tsing-Choy, Grants Specialist		<b>DATE</b> 05/28/2008		
<b>AFFIRMATION OF AWARD</b>  <b>BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION</b>						
<b>SIGNATURE</b> 		<b>TYPED NAME AND TITLE</b> Ted Wheeler, Chair, Board of County Commissioners		<b>DATE</b> 06.26.08		



**MULTNOMAH COUNTY**  
**AGENDA PLACEMENT REQUEST (short form)**

**Board Clerk Use Only**

**Meeting Date:** 06/26/08  
**Agenda Item #:** C-4  
**Est. Start Time:** 9:00 AM  
**Date Submitted:** 06/11/08

**Agenda Title:** **Intergovernmental Revenue Agreement 0708053 with Oregon Department of Transportation Highway Bridge Program Funding for the Morrison Bridge Rehabilitation Project**

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

<b>Requested Meeting Date:</b>	<u>June 26, 2008</u>	<b>Amount of Time Needed:</b>	<u>N/A</u>
<b>Department:</b>	<u>Community Services</u>	<b>Division:</b>	<u>Land Use &amp; Transportation</u>
<b>Contact(s):</b>	<u>Jon Henrichsen</u>		
<b>Phone:</b>	<u>(503) 988-3757</u>	<b>Ext.</b>	<u>228</u>
<b>Presenter(s):</b>	<u>Consent Calendar</u>		
<b>I/O Address:</b>	<u>#446/Bridge Shop</u>		

**General Information**

**1. What action are you requesting from the Board?**

Approval of an Intergovernmental Agreement between Multnomah County and ODOT to provide federal funds for the Morrison Bridge Rehabilitation project.

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

The Morrison Bridge lift span currently has a steel grating style deck which is at the end of its life and develops cracks in many locations each year. The cracks are repaired by maintenance; but more continue to appear, and repairs are no longer an adequate solution to maintain a safe and structurally sound grating. In addition, the east transition span has an asphalt overlay that is failing. This project will replace the existing lift span grating with a solid deck and overlay the east approach span with microsilica concrete.

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

This IGA provides \$5,652,990 in federal money to partially fund the Morrison Bridge Rehabilitation. The County match for this money will be \$647,020. The County has also applied for additional federal funds for this project which will be covered in an amendment to this IGA when

they are approved.

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

It is the County's policy (Comprehensive Plan Policy 33A and 33C) to provide a safe and efficient multi-modal transportation system. This project will continue the County's efforts to achieve this.

The IGA has been reviewed by the County Attorney's office.

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

The Bridge Section will work with the Public Affair's Office to publicize temporary impacts that this project will have on Bridge users. We will also work with the City of Portland Office of Transportation to coordinate traffic impacts and closures with other projects that may be occurring at the same time in the downtown area to ensure that traffic continues to flow in and out of downtown Portland.

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**Required Signature**

---

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



**Date: 06/11/08**

# MULTNOMAH COUNTY CONTRACT APPROVAL FORM (CAF)

Pre-approved Contract Boilerplate (with County Attorney signature)  Attached  Not Attached Contract #: 0708053  
 Amendment #: \_\_\_\_\_

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

Department: Community Services Division/ Program: Land Use and Trans Program Date: 6/09/08  
 Originator: Jon Henrichsen Phone: (503) 988-3757 x228 Bldg/Room: 446  
 Contact: Cathy Kramer Phone: (503) 988-5050 x22589 Bldg/Room: 425/Yeon

Description of Contract: Intergovernmental Agreement with Oregon Dept. of Transportation (ODOT) for Highway Bridge Program (HBP) funding for the Morrison Bridge Rehabilitation Project (ODOT IGA No. 24,715).

RENEWAL:  PREVIOUS CONTRACT #(S) \_\_\_\_\_ EEO CERTIFICATION EXPIRES \_\_\_\_\_

PROCUREMENT, \_\_\_\_\_ ISSUE \_\_\_\_\_ EFFECTIVE \_\_\_\_\_ END \_\_\_\_\_  
 EXEMPTION OR \_\_\_\_\_ DATE: \_\_\_\_\_ DATE: \_\_\_\_\_ DATE: \_\_\_\_\_  
 CITATION # \_\_\_\_\_

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

Contractor	Oregon Dept. of Transportation		Remittance address (If different)	_____		
Address	123 NW Flanders St.		Payment Schedule / Terms:	_____		
City/State	Portland OR			<input type="checkbox"/> Lump Sum \$ _____	<input type="checkbox"/> Due on Receipt	
ZIP Code	97209-4037			<input type="checkbox"/> Monthly \$ _____	<input type="checkbox"/> Net 30	
Phone	(503) 743-3157/Fax: (503) 731-8259 (Debbie Burgess)			<input type="checkbox"/> Other \$ _____	<input type="checkbox"/> Other	
Employer ID# or SS#	N/A		<input type="checkbox"/> Price Agreement (PA) or Requirements Funding Info:			
Contract Effective Date	070/1/2008	Term Date	6/30/2018	_____		
Amendment Effect Date	_____	New Term Date	_____	_____		
Original Contract Amount	\$	Original PA/Requirements Amount	\$	_____		
Total Amt of Previous Amendments	\$	Total Amt of Previous Amendments	\$	_____		
Amount of Amendment	\$	Amount of Amendment	\$	_____		
Total Amount of Agreement	\$5,652,990.00	Total PA/Requirements Amount	\$	_____		

REQUIRED SIGNATURES:

Department Manager [Signature] DATE 6/11/08  
 County Attorney /s/ Matthew O. Ryan DATE 6/9/08  
 CPCA Manager \_\_\_\_\_ DATE \_\_\_\_\_  
 County Chair [Signature] DATE 06-26-08  
 Sheriff \_\_\_\_\_ DATE \_\_\_\_\_  
 Contract Administration \_\_\_\_\_ DATE \_\_\_\_\_

COMMENTS: (WBS: 6700RT3028D) APPROVED: MULTNOMAH COUNTY BOARD OF COMMISSIONERS

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

**From:** RYAN Matthew O  
**Sent:** Monday, June 09, 2008 12:01 PM  
**To:** KRAMER Cathey M  
**Subject:** FW: Morrison Bridge Rehab Project ODOT IGA

Cathey,  
The attached IGA is approved for submission to the BCC for its consideration.

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](mailto:matthew.o.ryan@co.multnomah.or.us)

**CONFIDENTIALITY:** This email transmission may contain confidential and privileged information. The information contained herein is intended for the addressee only. If you are not the addressee, please do not review, disclose, copy or distribute this transmission. If you have received this transmission in error, please contact the sender immediately.

---

**From:** KRAMER Cathey M  
**Sent:** Monday, June 09, 2008 11:20 AM  
**To:** RYAN Matthew O  
**Subject:** Morrison Bridge Rehab Project ODOT IGA

Hello, Matt. Jon Henrichsen has asked me to place the Morrison Bridge Rehab HBP IGA before the BCC Agenda (Consent Calendar). You indicated in April you approved the IGA with your revisions. Please issue an e-mail stating that the IGA is approved to route for signatures to attach to the documents. **Thanks, Cathey**

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

**From:** HENRICHSEN Jon P  
**Sent:** Thursday, June 05, 2008 12:39 PM  
**To:** KRAMER Cathey M  
**Cc:** CANNON Ian B  
**Subject:** FW: Morrison Deck Project IGA

Cathey: Please find attached an APR for the Morrison Bridge Rehabilitation Project. Below is Matt's email indicating review and approval of the IGA. The bluebacks will be in the interoffice mail tomorrow morning along with one unbound copy and the ODOT cover letter.

Please let me know if you need anything else. Thanks - Jon Henrichsen

LOCAL AGENCY AGREEMENT  
HIGHWAY BRIDGE PROGRAM (HBP) PROJECT  
**Morrison Bridge Rehabilitation**

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State"; and MULTNOMAH COUNTY, acting by and through its elected officials, hereinafter referred to as "Agency," hereinafter individually referred to as the "Party" and collectively referred to as the "Parties."

**RECITALS**

1. The Morrison Bridge is a part of the county road system under the jurisdiction and control of Agency.
2. By the authority granted in ORS 190.110, 366.572 and 366.576, State may enter into cooperative agreements with counties, cities and units of local governments for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.

**NOW THEREFORE**, the premises being in general as stated in the foregoing Recitals, it is agreed by and between the Parties hereto as follows:

**TERMS OF AGREEMENT**

1. Under such authority, State and Agency agree to replace the steel grating on the lift span of the Morrison Bridge, hereinafter referred to as "Project." The location of the Project is approximately as shown on the sketch map attached hereto, marked "Exhibit A," and by this reference made a part hereof.
2. The Project shall be conducted as a part of the Highway Bridge Program (HBP) under Title 23, United States Code. The total Project cost is estimated at \$7,000,000, which is subject to change. HBP funds for this Project shall be limited to \$5,652,990, with Agency providing the match and any non-participating costs, including all costs in excess of the available federal funds.
3. State considers Agency a sub-recipient of the federal funds under this Agreement.
4. The federal funding for this Project is contingent upon approval by the Federal Highway Administration (FHWA). Any work performed prior to acceptance by FHWA will be considered nonparticipating and paid for at Agency expense. The Catalog of Federal Domestic Assistance (CFDA) number for this Project is 20.205.

5. The term of this Agreement shall begin on the date all required signatures are obtained and shall terminate upon completion of the Project and final payment or ten (10) calendar years following the date all required signatures are obtained, whichever is sooner.
6. This Agreement may be terminated by mutual written consent of both Parties.
7. State may terminate this Agreement effective upon delivery of written notice to Agency, or at such later date as may be established by State, under any of the following conditions:
  - a. If Agency fails to provide services called for by this Agreement within the time specified herein or any extension thereof.
  - b. If Agency fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from State fails to correct such failures within ten (10) days or such longer period as State may authorize.
  - c. If Agency fails to provide payment of its share of the cost of the Project.
  - d. If State fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow State, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement.
  - e. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or if State is prohibited from paying for such work from the planned funding source.
8. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.
9. The Special and Standard Provisions attached hereto, marked Attachments 1 and 2, respectively, are by this reference made a part hereof. The Standard Provisions apply to all federal-aid projects and may be modified only by the Special Provisions. The Parties hereto mutually agree to the terms and conditions set forth in Attachments 1 and 2.

10. Agency, as a recipient of federal funds, pursuant to this Agreement with the State, shall assume sole liability for Agency's breach of any federal statutes, rules, program requirements and grant provisions applicable to the federal funds, and shall, upon Agency's breach of any such conditions that requires the State to return funds to the FHWA, hold harmless and indemnify the State for an amount equal to the funds received under this Agreement; or if legal limitations apply to the indemnification ability of Agency, the indemnification amount shall be the maximum amount of funds available for expenditure, including any available contingency funds or other available non-appropriated funds, up to the amount received under this Agreement.
11. Agency shall enter into and execute this Agreement during a duly authorized session of its Board of County Commissioners.
12. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.
13. This Agreement and attached exhibits constitute the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision.

**IN WITNESS WHEREOF**, the Parties hereto have set their hands as of the day and year hereinafter written.

This Project is in the 2008-2011 Statewide Transportation Improvement Program, (Key #14980) that was approved by the Oregon Transportation Commission on January 16, 2008 (or subsequently approved by amendment to the STIP).

The Oregon Transportation Commission on June 18, 2003, approved Delegation Order No. 2, which authorizes the Director to approve and execute agreements for day-to-day operations when the work is related to a project included in the Statewide Transportation Improvement Program or a line item in the biennial budget approved by the Commission.

M C & A No. 24,715  
Multnomah County

On September 15, 2006, the Director of the Oregon Department of Transportation approved Subdelegation Order No. 2, Paragraph 1, in which authority is delegated to the Deputy Director, Highways, to approve and sign agreements over \$75,000 when the work is related to a project included in the Statewide Transportation Improvement Program.

**MULTNOMAH COUNTY**, by and through  
its elected officials

By \_\_\_\_\_  
Chair

Date \_\_\_\_\_

**APPROVED AS TO LEGAL  
SUFFICIENCY**

By \_\_\_\_\_  
County Counsel

Date \_\_\_\_\_

**Agency Contact:**

Jon Henrichsen  
1403 SE Water Ave, Bldg. 446  
Portland, OR 97214  
Phone: 503-988-3757 ex-228  
jon.p.henrichsen@co.multnomah.or.us

**State Contact:**

Mark Foster  
123 NW Flanders  
Portland, OR 97209  
Phone: 503-731-8288  
mark.a.foster@odot.state.or.us

**STATE OF OREGON**, by and through  
its Department of Transportation

By \_\_\_\_\_  
Deputy Director, Highways

Date \_\_\_\_\_

**APPROVAL RECOMMENDED**

By \_\_\_\_\_  
Technical Services Manager/Chief  
Engineer

Date \_\_\_\_\_

By \_\_\_\_\_  
Region 1 Manager

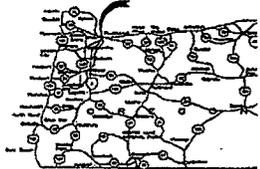
Date \_\_\_\_\_

**APPROVED AS TO LEGAL  
SUFFICIENCY**

By \_\_\_\_\_  
Assistant Attorney

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

STATE OF OREGON  
DEPARTMENT OF TRANSPORTATION



INDEX OF SHEETS	
SHEET NO.	DESCRIPTION
1	Title Sheet
To	Index Of Sheets Cont'd

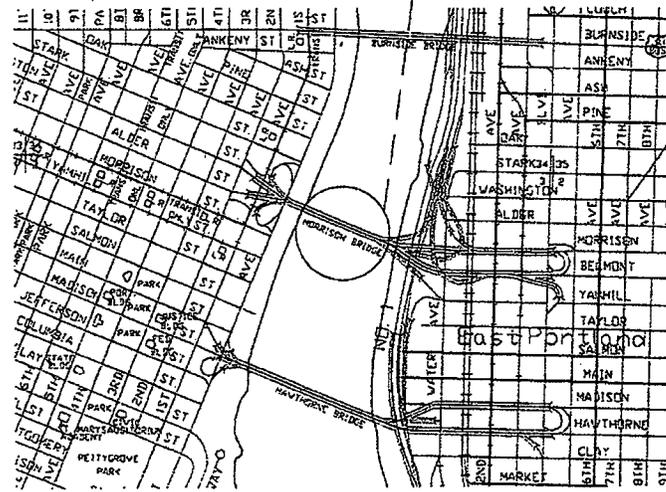
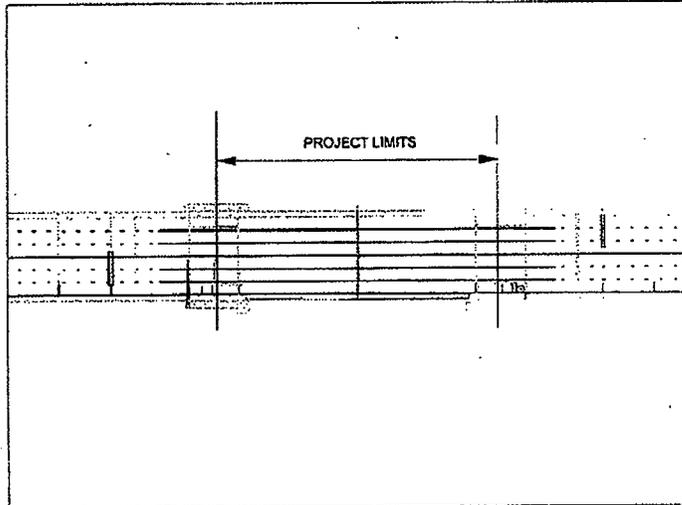
EXHIBIT "A"

**WILLAMETTE RIVER (MORRISON) BR.,**  
**(MORRISON BRIDGE)**  
**MULTNOMAH COUNTY**

**ATTENTION:**  
Oregon Law Requires You To Follow Rules Adopted By The Oregon Utility Notification Center. These Rules Are Set Forth In OAR 852-001-0010 Through OAR 852-001-0015. You May Obtain Copies Of The Rules By Contacting The Oregon Utility Center. (Note: The Telephone Number For The Oregon Utility Center Is (503) 232-1

**LET'S ALL WORK TOGETHER TO MAKE THIS JOB SAFE**

4/18/08



PORTLAND

**OREGON TRANSPORTATION COMMISSION**  
 Gay Anderson  
 Michael Nelson  
 Janice Wilson  
 Alan Brown  
 David Lohman  
 Matthew L. Gerritt

These plans were developed using ODOT criteria and standards. If any, have been and approved by the ODOT Chief Engineer or the authority.

Approving Authority: \_\_\_\_\_  
Signature

Print name and title

Continued by ODOT Sheet 2



SEC 3.T.1S..R.1E..W.M.



FEDERAL HIGHWAY ADMINISTRATION	PROJECT NUMBER
OREGON DIVISION	





**MULTNOMAH COUNTY**  
**AGENDA PLACEMENT REQUEST (short form)**

**Board Clerk Use Only**

**Meeting Date:** 06/26/08  
**Agenda Item #:** R-1  
**Est. Start Time:** 9:00 AM  
**Date Submitted:** 06/17/08

**Agenda Title:** **RESOLUTION Establishing the Population Capacity and Adopting a Revised Capacity Management Action Plan for the Multnomah County Sheriff's Office Jail Facilities and Repealing Resolution 07-141**

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

**Requested Meeting Date:** June 26, 2008      **Amount of Time Needed:** 5 Minutes  
**Department:** Sheriff's Office      **Division:** Corrections  
**Contact(s):** Christine Kirk  
**Phone:** 503.988.4301      **Ext.** 84301      **I/O Address:** 503/350  
**Presenter(s):** Chief of Staff Christine Kirk

**General Information**

**1. What action are you requesting from the Board?**

Adoption of the resolution establishing the Population Capacity for Multnomah County Sheriff's Office Jail Facilities which include the Multnomah County Detention Center and Multnomah County Inverness Jail. The resolution will also revise the Capacity Management Action Plan and repeal Resolution 07-141.

**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.**

It is necessary to review the Capacity Management Plan when --

1. The maximum capacity in the system changes (design capacity)
2. The population limit changes (budgeted capacity)
3. The County Attorney, District Attorney and Sheriff's Office as defined in ORS 169.042, 169.044 and 169.046 have reviewed the Plan and have provided recommendations for change to the Board.

The Fiscal Year 2008/2009 (FY 08/09) budget changed the number of funded beds and therefore the population limit allowed in County Jails. As a result, the population limit of the jail system must be

reset from 1633 to 1539 to reflect that budgetary change. The Capacity Management Plan allows for emergency population releases to occur in accordance with state law should they be required.

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

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

ORS 169.042, 169.044 and 169.046 set forth the legal parameters for setting a capacity limit and creating an Capacity Management Plan in correctional facilities.

Creation and compliance with the Plan is important as 169.046 provides that, “[a] sheriff shall be immune from criminal or civil liability for any good faith release of inmates under ORS 169.042 to 169.046.”

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

The Sheriff, District Attorney and County Attorney have been provided the revision for review and input.

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**Required Signature**

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

**/s/ Christine Kirk for Sheriff Bernie Giusto**

**Date: June 17, 2008**

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. \_\_\_\_\_**

Establishing the Population Capacity and Adopting a Revised Capacity Management Action Plan for the Multnomah County Sheriff's Office Jail Facilities and Repealing Resolution 07-141

**The Multnomah County Board of Commissioners Finds:**

- a. The Board of County Commissioners and the Sheriff are committed to operating the county's jails in a manner that is consistent with prevailing constitutional standards and statutory provisions regarding conditions of confinement.
- b. The maximum population capacity of the Multnomah County Detention Center (MCDC) has changed over time as a result of design changes, temporary construction and capital improvement projects.
- c. Resolution 06-014 established and amended the maximum jail population and capacity management plan for MCDC.
- d. The Sheriff, District Attorney and the County Attorney reviewed the maximum population capacity as established in Resolution 06-014 and recommended the maximum MCDC capacity remain 676, consistent with the current design capacity, physical condition and program capabilities, prevailing constitutional standards, statutory provisions regarding conditions of confinement.
- e. Multnomah County Inverness Jail (MCIJ) is an integral part of the County jail system. The population capacity at MCIJ is dictated by land use regulations and cannot exceed 1068.
- f. The jail system in Multnomah County has changed significantly over time and now consists of MCIJ, a medium security facility, and MCDC a maximum security facility. The Sheriff, District Attorney and the County Attorney determined that the county jail population is best managed with a system population capacity, taking into account the individual facility capacities as specified above.
- g. The Board has reviewed and considered the recommendations and consulted with the elected and appointed officials identified in ORS 169.046.

**The Multnomah County Board of Commissioners Resolves:**

1. Pursuant to ORS 169.042 and 169.044 the population limit for the Multnomah County jail system consisting of MCDC and MCIJ is set at 1539.

2. If the number of inmates housed within the Multnomah County Jail System reaches 97% of the population limit, a county jail population emergency will exist.
3. The attached Capacity Management Action Plan (Plan) is adopted and will be implemented in accordance with ORS 169.044 in the event of a county jail population emergency.
4. The Sheriff or designee, in the event the Sheriff is unable to act, will implement the Plan in the event of a county jail population emergency.
5. The Board, the Local Public Safety Coordinating Council, or the Sheriff may request a review of the Population Capacity at MCDC and/or the Capacity Management Plan.
6. The Board may issue additional orders or resolutions to carry out the functions and authority granted to Multnomah County under ORS 169.042, 169.044 and 169.046.
7. This resolution takes effect and Resolution 07-141 is repealed on July 1, 2008.

ADOPTED this 26th 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:  
Sheriff Bernie Giusto

## **CAPACITY MANAGEMENT ACTION PLAN**

- I. This Capacity Management Action Plan ("Plan") is adopted pursuant to ORS 169.044 to resolve a county jail population emergency. A jail population emergency exists when the total jail population exceeds 97 percent of its population limit. In the event of a county jail population emergency, the Sheriff or his designee will implement this Plan.
  
- II. The intent of this Plan is to resolve a jail population emergency by holding in jail those that have been evaluated and found to represent the greatest threat to the safety of the community and releasing those that pose the least risk. Such evaluations will be based on objective criteria reasonably calculated to:
  - A. Resolve the jail population emergency;
  - B. Ensure community safety; and
  - C. Comply with prevailing constitutional and Oregon jail standards relating to conditions of incarceration.
  
- III. The Sheriff or his designee will develop and implement policies and procedures in which every person in custody of the Sheriff, and eligible under the Sheriff's authority to release, is evaluated using the following criteria:
  - A. Risk to self or other persons;
  - B. Propensity for violence;
  - C. Criminal Charges (person vs. non person);
  - D. Prior failures to follow court orders;
  - E. Parole, probation, or post-prison revocations; and
  - F. Institutional behavior or classification.
  
- IV. Persons whose current charge relates to or who have a criminal history involving the following shall receive special consideration:
  - A. Domestic violence;
  - B. Sex abuse;
  - C. Child abuse or crimes relating to children;
  - D. Risk to a known victim;
  - E. Gang violence;
  - F. Crimes involving a weapon;
  - G. A history of an inability to comply with release conditions or sentencing orders (including Failure to Appear);
  - H. A history of Driving Under the Influence of an Intoxicants; or
  - I. A history of property crimes.

- V. A numerical score will be assigned to each person in custody and will rank the inmate population from highest to lowest score as indicated in Attachment A. The lowest score will represent the least threat to community safety.
  
- VI. As defined in ORS 169.005, the categories in this Plan apply to only to unsentenced offenders. In the event of multiple charges pending against a single inmate, the most serious charge will determine the inmate's primary charge category. Only unsentenced offenders may be released for population reasons. Releases for population reasons will be made based upon the lowest score. Also, the Sheriff may release one gender, if releasing the other gender would only make available beds that would not be filled because there are no gender appropriate inmates waiting to be housed or no gender appropriate inmates classified for housing at the available bed.
  - a. Each person in custody and designated as a Project 57 arrestee in accordance with the Government Revenue Contract with the City of Portland for the rental of jail beds will be exempted from Emergency Population Release until arraignment unless Project 57 capacity is exceeded and population release is necessary.
  
  - b. In the event that an Emergency Population Release is required the number of Project 57 detainees, in excess of the number specified in the Government Revenue Contract with the City of Portland for the rental of jail beds, may be considered for release consistent with the Emergency Population Release scoring range under consideration at the time consistent with the charges.
  
- VII. In addition to the numerical score described herein, both sentenced and unsentenced inmates with a classification status consistent with confinement in a medium security facility will be transferred to MCIJ for housing as the population at MCIJ permits and as needed to reduce the population at MCDC.
  
- VIII. The Plan shall ensure compliance with ORS 169.046 regarding notice of a county jail population emergency.
  
- IV. The Sheriff may adopt, amend, and rescind MCSO policies and procedures as necessary to ensure compliance with the intent of section II of this Plan.

## ATTACHMENT A – CAPACITY MANAGEMENT PLAN

CHARGE LEVEL	PERSON <sup>1 2</sup>	NON PERSON <sup>2</sup>
Measure 11	150	150
Class A Felony	135	100
Exemption	100 points: Burglary 1	35 points: MCS I and all DCS I related charges, with the exception of DCS to a Minor or Using a Minor in a Drug Offense
Class B Felony	80	35
Exemption	135 points: Escape I.	50 points: MCS II, Possession of Precursor 20 points: PCS I
Class C Felony	50	20
Exemption	80 points: <ul style="list-style-type: none"> <li>• Attempted Escape I</li> <li>• Negligent Homicide</li> <li>• Stalking</li> <li>• Violation of a Court Protective Order</li> <li>• Unlawful use of a Weapon</li> <li>• Felony DUII</li> </ul>	35 points: <ul style="list-style-type: none"> <li>• Identity Theft</li> <li>• Forgery</li> <li>• UUMV</li> </ul> 50 points: <ul style="list-style-type: none"> <li>• Tampering with a Witness</li> <li>• Riot</li> <li>• Attempted Theft by Extortion</li> </ul>
Class A Misd.	25	14
Exemption	50 points: DUII 80 points: <ul style="list-style-type: none"> <li>• Stalking</li> <li>• Violation of a Court Protective Order</li> </ul>	35 points: Mail Theft 50 points: Strangulation
Class B Misd.	14	7
Class C Misd	NA	7
Unclassified Misd/Ordinances	7	7
		170 points: Restraining Order Violation
Violation	NA	7

<sup>1</sup> Person crimes are those defined by the Oregon Criminal Justice Commission, all child abuse and crimes relating to children, including delivering controlled substances to a child, using a child in a drug offense, all sex abuse, firearms related crimes, escape and any conspiring to commit those crimes defined here as person crimes.

<sup>2</sup> The charge of Conspiring to Commit a Crime is treated the same the charge for the crime (example Conspiring to Commit a Burglary I is the same score as Burglary I).

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 08-094**

Establishing the Population Capacity and Adopting a Revised Capacity Management Action Plan for the Multnomah County Sheriff's Office Jail Facilities and Repealing Resolution 07-141

**The Multnomah County Board of Commissioners Finds:**

- a. The Board of County Commissioners and the Sheriff are committed to operating the county's jails in a manner that is consistent with prevailing constitutional standards and statutory provisions regarding conditions of confinement.
- b. The maximum population capacity of the Multnomah County Detention Center (MCDC) has changed over time as a result of design changes, temporary construction and capital improvement projects.
- c. Resolution 06-014 established and amended the maximum jail population and capacity management plan for MCDC.
- d. The Sheriff, District Attorney and the County Attorney reviewed the maximum population capacity as established in Resolution 06-014 and recommended the maximum MCDC capacity remain 676, consistent with the current design capacity, physical condition and program capabilities, prevailing constitutional standards, statutory provisions regarding conditions of confinement.
- e. Multnomah County Inverness Jail (MCIJ) is an integral part of the County jail system. The population capacity at MCIJ is dictated by land use regulations and cannot exceed 1068.
- f. The jail system in Multnomah County has changed significantly over time and now consists of MCIJ, a medium security facility, and MCDC a maximum security facility. The Sheriff, District Attorney and the County Attorney determined that the county jail population is best managed with a system population capacity, taking into account the individual facility capacities as specified above.
- g. The Board has reviewed and considered the recommendations and consulted with the elected and appointed officials identified in ORS 169.046.

**The Multnomah County Board of Commissioners Resolves:**

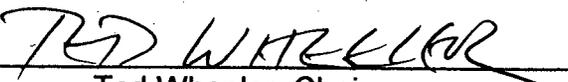
1. Pursuant to ORS 169.042 and 169.044 the population limit for the Multnomah County jail system consisting of MCDC and MCIJ is set at 1539.

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3. The attached Capacity Management Action Plan (Plan) is adopted and will be implemented in accordance with ORS 169.044 in the event of a county jail population emergency.
4. The Sheriff or designee, in the event the Sheriff is unable to act, will implement the Plan in the event of a county jail population emergency.
5. The Board, the Local Public Safety Coordinating Council, or the Sheriff may request a review of the Population Capacity at MCDC and/or the Capacity Management Plan.
6. The Board may issue additional orders or resolutions to carry out the functions and authority granted to Multnomah County under ORS 169.042, 169.044 and 169.046.
7. This resolution takes effect and Resolution 07-141 is repealed on July 1, 2008.

ADOPTED this 26th day of June, 2008.

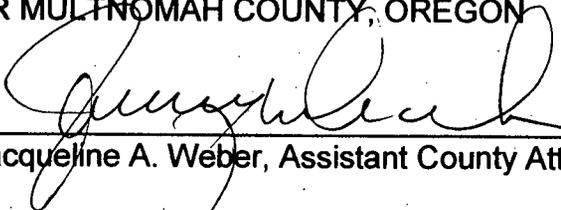


BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Jacqueline A. Weber, Assistant County Attorney

SUBMITTED BY:  
Sheriff Bernie Giusto

## **CAPACITY MANAGEMENT ACTION PLAN**

- I. This Capacity Management Action Plan ("Plan") is adopted pursuant to ORS 169.044 to resolve a county jail population emergency. A jail population emergency exists when the total jail population exceeds 97 percent of its population limit. In the event of a county jail population emergency, the Sheriff or his designee will implement this Plan.
  
- II. The intent of this Plan is to resolve a jail population emergency by holding in jail those that have been evaluated and found to represent the greatest threat to the safety of the community and releasing those that pose the least risk. Such evaluations will be based on objective criteria reasonably calculated to:
  - A. Resolve the jail population emergency;
  - B. Ensure community safety; and
  - C. Comply with prevailing constitutional and Oregon jail standards relating to conditions of incarceration.
  
- III. The Sheriff or his designee will develop and implement policies and procedures in which every person in custody of the Sheriff, and eligible under the Sheriff's authority to release, is evaluated using the following criteria:
  - A. Risk to self or other persons;
  - B. Propensity for violence;
  - C. Criminal Charges (person vs. non person);
  - D. Prior failures to follow court orders;
  - E. Parole, probation, or post-prison revocations; and
  - F. Institutional behavior or classification.
  
- IV. Persons whose current charge relates to or who have a criminal history involving the following shall receive special consideration:
  - A. Domestic violence;
  - B. Sex abuse;
  - C. Child abuse or crimes relating to children;
  - D. Risk to a known victim;
  - E. Gang violence;
  - F. Crimes involving a weapon;
  - G. A history of an inability to comply with release conditions or sentencing orders (including Failure to Appear);
  - H. A history of Driving Under the Influence of an Intoxicants; or
  - I. A history of property crimes.

- V. A numerical score will be assigned to each person in custody and will rank the inmate population from highest to lowest score as indicated in Attachment A. The lowest score will represent the least threat to community safety.
- VI. As defined in ORS 169.005, the categories in this Plan apply to only to unsentenced offenders. In the event of multiple charges pending against a single inmate, the most serious charge will determine the inmate's primary charge category. Only unsentenced offenders may be released for population reasons. Releases for population reasons will be made based upon the lowest score. Also, the Sheriff may release one gender, if releasing the other gender would only make available beds that would not be filled because there are no gender appropriate inmates waiting to be housed or no gender appropriate inmates classified for housing at the available bed.
  - a. Each person in custody and designated as a Project 57 arrestee in accordance with the Government Revenue Contract with the City of Portland for the rental of jail beds will be exempted from Emergency Population Release until arraignment unless Project 57 capacity is exceeded and population release is necessary.
  - b. In the event that an Emergency Population Release is required the number of Project 57 detainees, in excess of the number specified in the Government Revenue Contract with the City of Portland for the rental of jail beds, may be considered for release consistent with the Emergency Population Release scoring range under consideration at the time consistent with the charges.
- VII. In addition to the numerical score described herein, both sentenced and unsentenced inmates with a classification status consistent with confinement in a medium security facility will be transferred to MCIJ for housing as the population at MCIJ permits and as needed to reduce the population at MCDC.
- VIII. The Plan shall ensure compliance with ORS 169.046 regarding notice of a county jail population emergency.
- IV. The Sheriff may adopt, amend, and rescind MCSO policies and procedures as necessary to ensure compliance with the intent of section II of this Plan.

## ATTACHMENT A – CAPACITY MANAGEMENT PLAN

CHARGE LEVEL	PERSON <sup>1 2</sup>	NON PERSON <sup>2</sup>
Measure 11	150	150
Class A Felony	135	100
Exemption	100 points: Burglary 1	35 points: MCS I and all DCS I related charges, with the exception of DCS to a Minor or Using a Minor in a Drug Offense
Class B Felony	80	35
Exemption	135 points: Escape I.	50 points: MCS II, Possession of Precursor 20 points: PCS I
Class C Felony	50	20
Exemption	80 points: <ul style="list-style-type: none"> <li>• Attempted Escape I</li> <li>• Negligent Homicide</li> <li>• Stalking</li> <li>• Violation of a Court Protective Order</li> <li>• Unlawful use of a Weapon</li> <li>• Felony DUII</li> </ul>	35 points: <ul style="list-style-type: none"> <li>• Identity Theft</li> <li>• Forgery</li> <li>• UUMV</li> </ul> 50 points: <ul style="list-style-type: none"> <li>• Tampering with a Witness</li> <li>• Riot</li> <li>• Attempted Theft by Extortion</li> </ul>
Class A Misd.	25	14
Exemption	50 points: DUII 80 points: <ul style="list-style-type: none"> <li>• Stalking</li> <li>• Violation of a Court Protective Order</li> </ul>	35 points: Mail Theft 50 points: Strangulation
Class B Misd.	14	7
Class C Misd	NA	7
Unclassified Misd/Ordinances	7	7
		170 points: Restraining Order Violation
Violation	NA	7

<sup>1</sup> Person crimes are those defined by the Oregon Criminal Justice Commission, all child abuse and crimes relating to children, including delivering controlled substances to a child, using a child in a drug offense, all sex abuse, firearms related crimes, escape and any conspiring to commit those crimes defined here as person crimes.

<sup>2</sup> The charge of Conspiring to Commit a Crime is treated the same the charge for the crime (example Conspiring to Commit a Burglary I is the same score as Burglary I).



**MULTNOMAH COUNTY**  
**AGENDA PLACEMENT REQUEST (long form)**

APPROVED : MULTNOMAH COUNTY  
 BOARD OF COMMISSIONERS  
 AGENDA # R-2 DATE 06.26.08  
 DEBORAH L. BOGSTAD, BOARD CLERK

**Board Clerk Use Only**

**Meeting Date:** 06/26/08  
**Agenda Item #:** R-2  
**Est. Start Time:** 9:05 AM  
**Date Submitted:** 06/18/08

**BUDGET MODIFICATION: MCSO - 17**

**Agenda Title:** **Budget Modification MCSO-17 Appropriating an Additional \$20,000 in "Home Again: A 10-Year Plan to End Homelessness in Portland and Multnomah County" Funding**

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

<b>Requested Meeting Date:</b>	<u>June 26, 2008</u>	<b>Amount of Time Needed:</b>	<u>5 Minutes</u>
<b>Department:</b>	<u>Sheriff's Office</u>	<b>Division:</b>	<u>Corrections</u>
<b>Contact(s):</b>	<u>Wanda Yantis, Budget Manager</u>		
<b>Phone:</b>	<u>503-988-4455</u>	<b>Ext.</b>	<u>84455</u>
		<b>I/O Address:</b>	<u>503/350</u>
<b>Presenter(s):</b>	<u>Larry Aab and 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-20 to appropriate \$20,000 in Fed/State funds to our Corrections Division budget by participating with and funded by the City of Portland in the "Home Again: A 10-year plan to end homelessness in Portland and Multnomah County" project during the FY 07/08 budget year. .

Previously, the Multnomah County Sheriff's Office was awarded \$75,000 to fund a transition planner. The Inmate Welfare Fund provided match to fully pay for the services provided. The grant ended in April 2008. The City of Portland asked that the \$20,000 previously earmarked for use by the transition planner for housing or flex funds be used to continue the grant until June 30, 2008. The County received a Change of Use Confirmation from the City of Portland to move the funds to pay for the transition planner.

**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.**

Through the Corporation of Supportive Housing (CSH), Robert Wood Johnson Foundation,

the City of Portland's, Housing and Community Development (BHCD), was able to secure funding to implement the "Home Again: A 10-year Plan to End Homelessness in Portland and Multnomah County" project. The Sheriff's Office entered into an agreement with the City of Portland to provide support staff (1 FTE Corrections Counselor) to provide the following services:

1. Effectively discharge clients into appropriate housing with service linkages. To that end, the Planner will do the following:
  - a. Conduct outreach to providers in the community.
  - b. Coordinate visits between providers and inmates as appropriate.
  - c. Develop partnerships with existing housing and service providers for effective placement and retention.
  - d. Provide linkages through follow-up services (i.e., probation/parole, housing agency, service agency, or individual discharge planner) to prevent recidivism into homelessness and criminal justice system.
2. Support to influence and change systems that prevent effective discharge of homeless inmates to housing with appropriate service linkages.
3. Identify the most frequently booked individuals who are also homeless and require appropriate services and housing upon exit of jail.
4. Track individuals who are assisted by this project who are also chronically homeless. Chronic homelessness is defined as an individual with a disability who has been homeless for a year or more, or who has had 4 episodes of homelessness in 3 years.
5. Participate in regular planning meetings involving systems change activities related to "Home Again: A 10-year plan to End Homelessness in Portland and Multnomah County."

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

This will increase the Corrections Division's revenue by \$20,000 in the Federal/State Fund. The funds also covers the central indirect for administration of the funds.

**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.**

This project is in partnership with the City of Portland of which the County has a completed IGA with.

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# ATTACHMENT A

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## Budget Modification

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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 \$20,000 in the Federal/State Fund for The Sheriff's Office Corrections Division due to the Sheriff's Office supplying 1 FTE Corrections Counselor funded by the City of Portland.

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

- The Corrections Division will increase their Federal/State budget by \$20,000
- Increase Dept Indirect by \$909
- Increase Central Indirect by \$427
- Increase Insurance by \$2,893

• **What do the changes accomplish?**

This is an increase of revenue of \$20,000 in the Federal/State Fund for The Sheriff's Office Corrections Division due to the Sheriff's Office supplying 1 FTE Corrections Counselor funded by the City of Portland.

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

The City of Portland will fund 1 FTE Corrections Counselor effective March 1, 2006 to June 30, 2008.

• **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 is one-time-only revenue. When the funding is exhausted, the program ends. This is tied to program offer 60057 Home Again Grant in the FY 08 Budget.

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

It's funding awarded to the City of Portland from the Corporation for Supportive Housing (CSH), Robert Wood Johnson Foundation. The period it covers is March 1, 2006 to June 30, 2008.

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

The Inmate Welfare Fund, based on a projection of revenue and expenses, has allocated one year of funding to continue the services in FY 08/09. If fund revenues or expenses change from projections, the funding allocation may change as part of the Inmate Welfare Committee fiduciary responsibility to ensure that the fund maintains a positive balance and is able to pay for required services.

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

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## ATTACHMENT B

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**BUDGET MODIFICATION: MCSO - 17**

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### Required Signatures

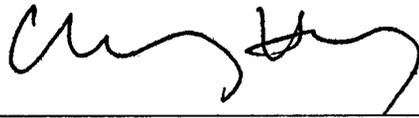
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**Elected Official or  
Department/  
Agency Director:**

/s/ Sheriff Bernie Giusto

**Date: June 16, 2008**

**Budget Analyst:**



**Date: 06/19/08**

**Department HR:**



**Date: June 16, 2008**

**Countywide HR:**

\_\_\_\_\_

**Date:** \_\_\_\_\_

Budget Modification ID: **MCSO - 17**

### 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	60-30	32208				SOCOR.GRANT.HOMEAGAIN	50200	0	(20,000)	(20,000)		IG-OP-Other
2	60-30	32208				SOCOR.GRANT.HOMEAGAIN	60000	0	10,932	10,932		Permanent
3	60-30	32208				SOCOR.GRANT.HOMEAGAIN	60130	0	4,839	4,839		Salary Related
4	60-30	32208				SOCOR.GRANT.HOMEAGAIN	60140	0	2,893	2,893		Insurance
5	60-30	32208				SOCOR.GRANT.HOMEAGAIN	60350	0	427	427		Int'l Svcs - Central Indirect
6	60-30	32208				SOCOR.GRANT.HOMEAGAIN	60355	0	909	909		Int'l Svcs - Dept Indirect
7												
8	60-00	1000			604020		50370	(521,326)	(522,235)	(909)		Inc. Dept Indirect Rev
9	60-00	1000			604020		60240	81,181	82,090	909		Supplies
10									0			
11	72-10	3500			705210		50316		(2,893)	(2,893)		Insurance Revenue
12	72-10	3500			705210		60330		2,893	2,893		Offsetting Expense
13												
14	19	1000			950001000		50310		(427)	(427)		Central Indirect Revenue
15	19	1000			950001000		60470		427	427		Contingency
16												
17												
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29												
										0	0	Total - Page 1
										0	0	GRAND TOTAL

**ANNUALIZED PERSONNEL CHANGE**

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

						ANNUALIZED			
Fund	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
32208	6268		Corrections Counselor		1.00	57,295	19,761	15,162	92,218
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
<b>TOTAL ANNUALIZED CHANGES</b>					<b>1.00</b>	<b>57,295</b>	<b>19,761</b>	<b>15,162</b>	<b>92,218</b>

**CURRENT YEAR PERSONNEL DOLLAR CHANGE**

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

						CURRENT YEAR			
Fund	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
32208	6268		Corrections Counselor		0.20	10,932	4,839	2,893	18,664
									0
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<b>TOTAL CURRENT FY CHANGES</b>					<b>0.20</b>	<b>10,932</b>	<b>4,839</b>	<b>2,893</b>	<b>18,664</b>



**MULTNOMAH COUNTY**  
**AGENDA PLACEMENT REQUEST (long form)**

APPROVED : MULTNOMAH COUNTY  
 BOARD OF COMMISSIONERS  
 AGENDA # R-3 DATE 06.26.08  
 DEBORAH L. BOGSTAD, BOARD CLERK

**Board Clerk Use Only**

Meeting Date: 06/26/08  
 Agenda Item #: R-3  
 Est. Start Time: 9:10 AM  
 Date Submitted: 06/16/08

**BUDGET MODIFICATION: DCHS-42**

**Budget Modification DCHS-42 Increasing Mental Health and Addiction Services Behavioral Health Managed Care Fund Appropriation by \$653,916 to Reflect Increased Oregon Health Plan Premiums and Using \$2,000,000 of the Behavioral Health Managed Care Fund Contingency for Children's Mental Health Services**

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

<b>Requested Meeting Date:</b>	<u>June 26, 2008</u>	<b>Amount of Time Needed:</b>	<u>10 minutes</u>
<b>Department:</b>	<u>County Human Services</u>	<b>Division:</b>	<u>Mental Health and Addiction Services</u>
<b>Contact(s):</b>	<u>Kathy Tinkle</u>		
<b>Phone:</b>	<u>988-3691</u>	<b>Ext.</b>	<u>26858</u>
<b>Presenter(s):</b>	<u>Karl Brimmer</u>	<b>I/O Address:</b>	<u>167/620</u>

**General Information**

**1. What action are you requesting from the Board?**

The Department of County Human Services recommends approval of budget modification DCHS-42 increasing Mental Health and Addiction Services Behavioral Health Managed Care Fund appropriation by \$653,916 to reflect increased Oregon Health Plan premiums and using \$2,000,000 of Behavioral Health Managed Care Fund contingency for Children's Mental Health Services.

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

Oregon Health Plan (OHP) funding increase of \$653,916 is based on premiums received, through June 2008. Premiums are calculated by the State based on enrolled member per month per service category. The funding will be allocated to Verity mental health outpatient services to adults and children.

Children's Mental Services claims paid have exceeded Verity's estimates, primarily in outpatient treatment services, integrated service array, and subacute services.

Mental Health and Addiction Services Division (MHASD) management discovered that several

children's mental health outpatient providers were not monitoring whether their claims for services remained within the capped amount of their contract with the County. As a result, near the end of FY08 four of the six children's outpatient providers had exceeded the amount of their contract cap. One of the reasons that the over expenditures occurred is due to insufficient monitoring of controls that were put into place by MHASD when the self-authorization system was established in April 2006 for the children's provider system. Allowing providers to self-authorize resulted in duplicate authorizations or unnecessary authorizations.

Additionally, internal utilization management of the high-cost integrated service array established when the Children's System of Care was first implemented state-wide was not aggressive enough to prevent cost overruns.

It has become clear that the amount of provider system oversight performed by MHASD was not enough to manage costs and to ensure that children were provided the appropriate service for their level of need.

To address the need for quality improvement and system oversight, and to ensure that this situation is not repeated in the future, we have implemented a number of changes:

- Installed controls in the computerized self-authorization system to prevent duplicate authorizations by providers.
- Utilization reviews by staff are more rigorous and medical necessity criteria enforced.
- Utilization management of the high-cost integrated service array has been moved to the mental health call center; a more appropriate alignment of function.
- Regular utilization review reports are now being used to manage the care of children in these services, something that had not previously been done.
- MHASD fiscal staff are monitoring expenditures and communicating monthly with children's mental health outpatient providers to prevent over-billing of the contracted cap.
- Authorization data entry will occur within 24 hours of review
- Timelines for claims filing will be strictly enforced
- Training and technical assistance will be provided to agencies so that they are better able to provide an appropriate level of service to children, based on their level of need, without going over their cap.

Additional controls will be implemented within the next 30 to 60 days to aggressively manage the expenses in children's mental health while continuing to provide quality service to those who are in need of treatment.

Over the course of FY09, clinical trainings are planned for providers, as well as increased communication between our system of care coordinators and the provider staff performing utilization management.

The changes impact the following program offers: 25062 Adult Mental Health Outpatient Treatment Services, 25068 Children's Mental Health Outpatient Services, and 25101 Mental Health Beginning Working Capital.

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

OHP (Verity) premiums increase by \$653,916 with a like increase in pass through services. Contingency expenses in the Behavioral Health Managed Care fund will decrease by \$2,000,000 and pass thru expenses will increase by a like amount for Children's Mental Health Services.

**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

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# ATTACHMENT A

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## Budget Modification

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

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

OHP premiums increase by \$653,916 based on current receipts through June.
- **What budgets are increased/decreased?**

Mental Health and Addiction Services Behavioral Health Managed Care Fund appropriation increases by \$2,653,916. Behavioral Health Managed Care Fund beginning working capital contingency will decrease by \$2,000,000.
- **What do the changes accomplish?**

Increases OHP premiums to reflect current year receipts and provides additional resources to pay increased claims for Children's Mental Health Services.
- **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?**

Oregon Health Plan (OHP) has historically not been charged county indirect.
- **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?**

No, this is an ongoing annual agreement with the State of Oregon. The \$2,000,000 transfer from the Behavioral Health Managed Care Fund contingency 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

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## ATTACHMENT B

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**BUDGET MODIFICATION: DCHS-42**

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### Required Signatures

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

*Kathy Linker for Joanne Fuller*

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**Date:** 06/16/08

**Budget Analyst:**

*[Signature]*

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**Date:** 06/13/08

**Department HR:**

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**Date:** \_\_\_\_\_

**Countywide HR:**

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**Date:** \_\_\_\_\_

Budget Modification ID: **DCHS-42**

### 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	20-80	3002	25062	520			MA SC PP AD XIX	50190	(11,498,262)	(12,150,973)	(653,916)		IG-OP Fed Thru State
2	20-80	3002	25062	520			MA SC PP AD XIX	60160	11,498,262	12,150,973	653,916		Pass Thru & Prg Support
3													
4	20-80	3002	25068	520			MA SC PP CH XIX	60160	5,665,318	7,665,318	2,000,000		Pass Thru & Prg Support
5													
6	19	3002	25101	520		9500003002		60470	2,658,148	658,148	(2,000,000)		Contingency
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**MULTNOMAH COUNTY  
AGENDA PLACEMENT REQUEST**

APPROVED : MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-4 DATE 06-26-08  
DEBORAH L. BOGSTAD, BOARD CLERK

**Board Clerk Use Only**

Meeting Date: 06/26/08  
Agenda Item #: R-4  
Est. Start Time: 9:15 AM  
Date Submitted: 06/13/08

**NOTICE OF INTENT to Submit a Proposal for up to \$2,000 to the Oregon  
Agenda Adult Immunization Coalition Mini-Grants for Adult Immunization Grant  
Title: Program**

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

**Requested Meeting Date:** June 26, 2008      **Amount of Time Needed:** 5 minutes  
**Department:** Health      **Division:** Communicable Disease  
**Contact(s):** Arlene Warren, Nicole Hermanns  
**Phone:** 503-988-3663      **Ext.** 26314      **I/O Address:** 160/9  
**Presenter(s):** Arlene Warren and Nicole Hermanns

**General Information**

**1. What action are you requesting from the Board?**

Authorization to submit a proposal to for up to \$2,000 to the Oregon Adult Immunization Coalition (OAIC) to request one-time funding through their 2008 Mini-grants for Adult Immunization Grant Program.

**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 CDC reports that each year in the United States, 5-20% of the population is infected with flu; more than 200,000 people are hospitalized from flu complications, and about 36,000 people die from flu ([www.cdc.gov/flu](http://www.cdc.gov/flu)). Health care workers have been identified as having a high risk of both contracting the virus and spreading it to patients in their care. Though health care workers have always been urged to get vaccinated against the flu, recent studies have shown that nationwide, only 40% of health care workers are vaccinated each year. As a result of these statistics, organizations such as the CDC and the Oregon Adult Immunization Coalition are encouraging health care providers to increase their staff immunization rates.

For the past several years, Multnomah County Health Department (MCHD) has offered a voluntary

flu vaccine program for its health care workers at no charge. After learning of the national data and the new efforts to increase health care worker vaccination rates, the Communicable Disease program began a campaign in 2007 to promote the flu vaccine among staff and to evaluate the rates of flu vaccination at MCHD. The results of the study found that 42% of employees, excluding on-call employees, were vaccinated during the 2007 flu season. When on-call employees were included in the analysis, vaccination rates dropped to 32% of employees. In response to the data, Communicable Disease staff decided to convene a group to develop a flu vaccination campaign and apply for a State Immunization Grant to support the campaign, with an overall goal of increasing MCHD staff vaccination rates by 10% during the 2008 flu season.

This grant application will support the flu vaccination campaign by providing the Communicable Disease program with funds to develop targeted educational and promotional materials. Materials include informational sheets on the flu, the vaccine, and the importance of being vaccinated; t-shirts for the Communicable Disease staff providing vaccinations to increase awareness of the program; buttons (with messages such as "I got my flu vaccine... did you?") for each staff member that is vaccinated with instructions to wear the button throughout the entire flu season; and general promotional materials such as posters. The goal of the materials is to raise awareness of the campaign among MCHD staff and its clients.

To provide an additional incentive for MCHD staff to receive the flu vaccine, the Communicable Disease program will host a competition for the highest rates of staff vaccinations at various MCHD sites. The site with the highest rate will receive a celebration luncheon donated by Sanofi Pastuer, one of the pharmaceutical companies that provide MCHD with flu vaccines.

The Communicable Disease Program anticipates that this grant will protect the health of MCHD staff and clients, decrease sick leave during the 2008 flu season, and improve the health and well-being of the larger community.

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

This grant will provide the Communicable Disease program with up to \$2,000 to cover the costs of a campaign to increase flu vaccination rates among MCHD staff.

**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.**

Sanofi Pastuer, a pharmaceutical company that provides the Health Department with flu vaccines, has agreed to provide matching support to this program. The match will consist of the donation of a luncheon to award the Health Department site with the highest rate of provider vaccinations.

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## ATTACHMENT A

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### Grant Application/Notice of Intent

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

- **Who is the granting agency?**

The Oregon Adult Immunization Coalition (OAIC), a statewide network of health and community partners that promotes prevention and control of vaccine-preventable disease through the immunization of adults in Oregon and Southwest Washington.
- **Specify grant (matching, reporting and other) requirements and goals.**

The OAIC Immunization Mini-Grants Project is intended to support adult immunization projects and activities. Individual awards are capped at \$2,000. Agencies that identify in-kind contributions, matching funds, or other partnerships will be given priority. Awarded funds must be dispersed by December 30, 2008. A final 2-page report is due sixty days after completion of the grant activity, no later than April 1, 2009.
- **Explain grant funding detail – is this a one time only or long term commitment?**

This is a one time only commitment, with funding in the amount of up to \$2,000 for a three month project period. When the grant expires, the program will be over.
- **What are the estimated filing timelines?**

The grant application is due on June 30<sup>th</sup>, 2008. Award notification and receipt of funds is scheduled for August 2008.
- **If a grant, what period does the grant cover?**

The grant period will cover a 3 month period, from September – December 2008. All grant funds must be disbursed by December 30, 2008.
- **When the grant expires, what are funding plans?**

When the grant expires the program will be over. No additional funding will be required.
- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**

Due to the small dollar amount of the grant, the short duration of the project, and a high level of competition for these funds, indirect costs will be covered by the Communicable Disease program budget as an in-kind contribution.

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## ATTACHMENT B

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### Required Signatures

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

*Lillian Shirley*

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**Date:** 06/12/2008

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**Budget Analyst:**

*Angela Burdine*

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**Date:** 06/13/08

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**MULTNOMAH COUNTY**  
**AGENDA PLACEMENT REQUEST (short form)**

**Board Clerk Use Only**

**Meeting Date:** 06/26/08  
**Agenda Item #:** R-5  
**Est. Start Time:** 9:18 AM  
**Date Submitted:** 06/18/08

**Agenda Title:** **First Reading and Adoption of a Proposed ORDINANCE Amending Special Ordinance 1106 to Extend Time for Disposition of Tax Foreclosed Property, and Declaring an Emergency**

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

**Requested Meeting Date:** June 26, 2008      **Amount of Time Needed:** 5 minutes  
**Department:** Non-Departmental      **Division:** County Attorney  
**Contact(s):** Matthew O. Ryan, Assistant County Attorney  
**Phone:** 503-988-3138      **Ext.** 83138      **I/O Address:** 503/500  
**Presenter(s):** Matthew O. Ryan

**General Information**

**1. What action are you requesting from the Board?**

Approve first reading and adoption of Ordinance Amending Special Ordinance 1106 to Extend Time for Disposition of Tax Foreclosed Property, and Declaring an Emergency

**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 January 3, 2008, by Special Ordinance 1106, the Board authorized the sale of real property to its former owner, Lakea Corporation, by June 30, 2008. Significant environmental cleanup work on the property remained, and arrangements were made for the ultimate transfer of the property to Carson Oil, which has the resources to complete this work.

Environmental testing is not expected to be completed by June 30, and the parties have requested an extension of the authorized sale deadline to September 30, 2008. It is in the best interests of the County to amend Ordinance 1106 by extending the authorized sale deadline.

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

N/A

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.

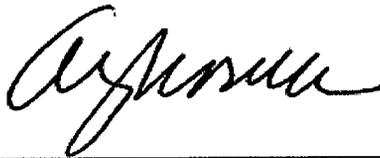
N/A

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**Required Signature**

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Elected Official or  
Department/  
Agency Director:



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

Date: 6/16/2008

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

Amending Special Ordinance 1106 to Extend Time for Disposition of Tax Foreclosed Property, and  
Declaring an Emergency

**The Multnomah County Board of Commissioners Finds:**

- a. On January 3, 2008, by Special Ordinance 1106, the Board authorized the sale of real property to its former owner, Lakea Corporation, by June 30, 2008. In addition to recouping delinquent taxes, the repurchase would allow for necessary environmental cleanup work to be completed; the resale of the property and its reinstatement on the tax roll.
- b. Required environmental testing at the site is not expected to be completed by June 30th, and it is in the best interests of the County to extend the authorized sale deadline.

**Multnomah County Ordains as follows:**

**Section 1.** Section 1 of Special Ordinance 1106 is amended as follows:

“Notwithstanding MCC 7.402; Multnomah County is authorized to sell to Lakea Corporation the real properties described in the attached Exhibit A in compliance with the requirements of ORS 275.180, provided the sale of the property shall be completed no later than ~~June~~ September 30, 2008.”

**Section 2.** This ordinance, being necessary for the health, safety, and general welfare of the people of Multnomah County, an emergency is declared and the ordinance takes effect upon its signature by the County Chair.

FIRST READING AND ADOPTION:

\_\_\_\_\_ June 26, 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:

Agnes Sowle, County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**ORDINANCE NO. 1115**

Amending Special Ordinance 1106 to Extend Time for Disposition of Tax Foreclosed Property, and  
Declaring an Emergency

**The Multnomah County Board of Commissioners Finds:**

- a. On January 3, 2008, by Special Ordinance 1106, the Board authorized the sale of real property to its former owner, Lakea Corporation, by June 30, 2008. In addition to recouping delinquent taxes, the repurchase would allow for necessary environmental cleanup work to be completed; the resale of the property and its reinstatement on the tax roll.
- b. Required environmental testing at the site is not expected to be completed by June 30th, and it is in the best interests of the County to extend the authorized sale deadline.

**Multnomah County Ordains as follows:**

**Section 1.** Section 1 of Special Ordinance 1106 is amended as follows:

“Notwithstanding MCC 7.402; Multnomah County is authorized to sell to Lakea Corporation the real properties described in the attached Exhibit A in compliance with the requirements of ORS 275.180, provided the sale of the property shall be completed no later than ~~June~~ September 30, 2008.”

**Section 2.** This ordinance, being necessary for the health, safety, and general welfare of the people of Multnomah County, an emergency is declared and the ordinance takes effect upon its signature by the County Chair.

FIRST READING AND ADOPTION:

June 26, 2008



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler  
Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By Matthew O. Ryan  
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:  
Agnes Sowle, County Attorney



**MULTNOMAH COUNTY**  
**AGENDA PLACEMENT REQUEST (short form)**

**Board Clerk Use Only**

**Meeting Date:** 06/26/08  
**Agenda Item #:** R-6  
**Est. Start Time:** 9:15 AM  
**Date Submitted:** 06/18/08

**Agenda Title:** **RESOLUTION Authorizing the Multnomah County Library and Facilities and Property Management Division to Commence Exclusive Lease Negotiations with Craig Osbeck, Owner of the Property Located at 8226 North Denver Avenue, Portland, Oregon as the Site of the New North Portland Library Branch**

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

**Requested Meeting Date:** June 26, 2008      **Amount of Time Needed:** 15 minutes  
**Department:** Non-Departmental      **Division:** District 2  
**Contact(s):** Karol Collymore, Commissioner Cogen's Office  
**Phone:** 503-988-6786      **Ext.** 86786      **I/O Address:** 503/6  
**Presenter(s):** Molly Raphael, Mike Sublett, and Karol Collymore

**General Information**

**1. What action are you requesting from the Board?**

Adoption of Resolution Authorizing the Multnomah County Library and Facilities and Property Management Division to Commence Exclusive Lease Negotiations with Craig Osbeck, Owner of the Property Located at 8226 North Denver Avenue, Portland, Oregon as the Site of the New North Portland Library Branch.

**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.**

Planning for new libraries in North Portland and Troutdale began in 1999, although new branches were not specified in the 1997 or 2002 levy language. The county's previous siting process in both areas ended in 2003, due to County budget cuts. Measure No. 26-81, passed by voters in 2006, specifically called for new libraries in North Portland and Troutdale. Current fiscal year Program Offer #805311, "New Kenton Library," is a one-time request for siting a leased space for a library, constructing tenant improvements, purchasing computers and peripherals, and building the opening day collection. Funding for operations beginning mid-year 2009 is included in the 2006 levy rate.

At the end of the public siting process, three sites were identified, all in the Kenton Neighborhood (an existing building at 8226 N Denver; a Kenton mixed-use apartment/retail building currently under construction on N Brandon between N Willis and N Argyle; and a proposed mixed-use apartment/retail building complex on the Tri-Met site at 2133 N Argyle). At the December 13, 2007 BCC meeting, the Board directed the Department of Libraries and Facilities & Property Management division staff to proceed with lease negotiations with the developers of each potential site.

The Library retained Hennebery Eddy Architects to assist in drafting specifications for a Lease Terms Solicitation that was sent to each developer on February 26, 2008. Library and Facilities & Property Management staff met at least twice with each developer to respond to questions and ask for clarifications. We also met with Hennebery Eddy for assistance in evaluating the proposals. After careful consideration of the three sites, Library and Facilities & Property Management staff briefed Commissioner Cogen on the positive and negative qualities of each site, recommending that one of the three sites be eliminated from consideration. Commissioner Cogen asked that one additional public meeting be held to allow neighborhood residents to give input on the two remaining sites: the existing building at 8226 N Denver and the Tri-Met site at 2133 N Argyle. That meeting was held on May 29, 2008. At that meeting, comments favoring one specific site were evenly divided between the two.

Although each proposal has merit, after careful evaluation, we recommend the 8226 N Denver site, for the following reasons: it will be available for opening at an earlier date; it is a secure location that is currently financed at least one year earlier than the competing location, and ready to begin development without delay; and, there was overwhelming community support for the Denver location. (Individual comments to Commissioner Cogen's website and personal emails weighed in 4 to 1 for the N. Denver site, and a letter recommending the N Denver site was signed by the 11 chairs of the neighborhood associations served by North Portland Neighborhood Services.)

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

\$1.58 million is budgeted during the current fiscal year for tenant improvements, computers and peripherals, and to build an opening day book collection. Funding for operating the new library beginning mid-year 2009 is included in the 2006 library levy rate.

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

Measure No. 26-81, "Renew Five-Year Local Option Levy to Continue Library Services," passed by voters in the November 2006 General Election. The levy language reads, "Continue programs for school age children, story hours for babies and toddlers, summer reading, literacy services for children in child care, programs for teens; Help teachers and students use library resources; Provide homework helpers to assist children with school work; Maintain free access to information; Update books and materials; Continue books delivery to homebound seniors and nursing home residents; **Open planned libraries in underserved neighborhoods of East County and North Portland;** Keep libraries open; Maintain current hours and services at Central and neighborhood libraries."

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

Planning for a new library in the North Portland area began in 1999. During that siting process, three well-attended public to gather input on the 18 sites under consideration were held. Although the Board voted on a site early in 2003, County budget cuts ended the process.

After the passage of Measure 26-81 in November 2006, Commissioner Jeff Cogen began informal community meetings with his constituents to hear their suggestions and concerns. One item that was frequently discussed was the new library. After County staff investigated the sites suggested by members of the community plus others identified as a result of an RFI issued May 2007, three public

meetings specifically designated to get input on the three possible sites that met the Library's requirements. Those meetings were held September 20, October 11, and November 13, 2007. At least one member of the Library Advisory Board's New North Portland-area subcommittee attended each public meeting. Members of the subcommittee and/or the Library Director reported on the siting process to the Library Advisory Board at each of its monthly meetings.

In addition to soliciting input about the potential sites during the public meetings, members of the public were invited to send comments to Commissioner Cogen's Office and/or Multnomah County Library.

On December 13, 2007, the Board of County Commissioners directed Facilities and Library staff to begin lease negotiations with the developers of the three sites. In early May, one of the developers was eliminated from consideration. A final public meeting to solicit public input on the two remaining sites (8226 N Denver and 2133 N Argyle) was held on May 29, 2008. Comments favoring a specific site were evenly divided between the two. Neighborhood residents were also encouraged to provide further input on Commissioner Cogen's web site.

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**Required Signature**

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

*Molly Raphael*

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**Date:** 06/19/08

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BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. \_\_\_\_\_**

Authorizing the Multnomah County Library and Facilities and Property Management Division to Commence Exclusive Lease Negotiations with Craig Osbeck, Owner of the Property Located at 8226 North Denver Avenue, Portland, Oregon as the Site of the New North Portland Library Branch

**The Multnomah County Board of Commissioners Finds:**

- a. Measure No. 26-81, "Renew Five-Year Local Option Levy to Continue Library Services", approved in November 2006, included a specific requirement for new library branches in North Portland and East County. Funding for operations beginning mid-year 2009, is included in the 2006 levy rate. There are separate program offers for siting leased library premises, constructing tenant improvements, purchasing computers and peripherals, and building the opening day collection.
- b. Planning for a new branch in North Portland began in early 2007. An extensive public outreach process was begun through a collaboration of the Office of Jeff Cogen, Multnomah County Commissioner for District 2 ("Commissioner Cogen"); the Multnomah County Library ("the Library"); and Facilities and Property Management Division ("Facilities"). In addition, Facilities conducted an extensive investigation and solicitation for potential sites throughout the commercial real estate community. Public meetings were held in September, October, and November 2007, in addition to Commissioner Cogen and the Library soliciting public comment through multiple channels.
- c. Based on public comment and site investigations, the Multnomah County Board of Commissioners, at its December 13, 2007 Board Meeting, directed the Library and Facilities to enter into exclusive negotiations with three potential branch sites: "Craig Osbeck" (8226 North Denver Avenue); "Tri-Met" (2133 North Argyle Street); and, "Kenton Commons" (8408 North Brandon Avenue).
- d. Facilities issued a Lease Terms Solicitation in February 2008 to commence negotiations with the three sites. All were competitive and cooperative during the process. The Tri-Met and Craig Osbeck sites had strengths that staff believed made them especially well-suited for the new branch. A final public outreach meeting was held May 29, 2008. With overwhelming expressed public support and a more certain development timeline, Commissioner Cogen recommends authorization to proceed with exclusive negotiations with Craig Osbeck.

**The Multnomah County Board of Commissioners Resolves:**

1. It is in the best interests of the County to commence exclusive lease negotiations with Craig Osbeck, owner of the property at 8226 North Denver Avenue, Portland, Oregon, for the site of the new North Portland library branch.
2. The Library and Facilities are directed to submit to the Board for consideration a draft lease as soon as practicable. The Library and Facilities are directed to report back to the Board in the event negotiations are unable to produce a recommended lease transaction.

ADOPTED this 26th day of June 2008.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
John S. Thomas, Deputy County Attorney

SUBMITTED BY:  
Molly Raphael, Director of Libraries

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 08-095**

Authorizing the Multnomah County Library and Facilities and Property Management Division to Commence Exclusive Lease Negotiations with Craig Osbeck, Owner of the Property Located at 8226 North Denver Avenue, Portland, Oregon as the Site of the New North Portland Library Branch

**The Multnomah County Board of Commissioners Finds:**

- a. Measure No. 26-81, "Renew Five-Year Local Option Levy to Continue Library Services", approved in November 2006, included a specific requirement for new library branches in North Portland and East County. Funding for operations beginning mid-year 2009, is included in the 2006 levy rate. There are separate program offers for siting leased library premises, constructing tenant improvements, purchasing computers and peripherals, and building the opening day collection.
- b. Planning for a new branch in North Portland began in early 2007. An extensive public outreach process was begun through a collaboration of the Office of Jeff Cogen, Multnomah County Commissioner for District 2 ("Commissioner Cogen"); the Multnomah County Library ("the Library"); and Facilities and Property Management Division ("Facilities"). In addition, Facilities conducted an extensive investigation and solicitation for potential sites throughout the commercial real estate community. Public meetings were held in September, October, and November 2007, in addition to Commissioner Cogen and the Library soliciting public comment through multiple channels.
- c. Based on public comment and site investigations, the Multnomah County Board of Commissioners, at its December 13, 2007 Board Meeting, directed the Library and Facilities to enter into exclusive negotiations with three potential branch sites: "Craig Osbeck" (8226 North Denver Avenue); "Tri-Met" (2133 North Argyle Street); and, "Kenton Commons" (8408 North Brandon Avenue).
- d. Facilities issued a Lease Terms Solicitation in February 2008 to commence negotiations with the three sites. All were competitive and cooperative during the process. The Tri-Met and Craig Osbeck sites had strengths that staff believed made them especially well-suited for the new branch. A final public outreach meeting was held May 29, 2008. With overwhelming expressed public support and a more certain development timeline, Commissioner Cogen recommends authorization to proceed with exclusive negotiations with Craig Osbeck.

**The Multnomah County Board of Commissioners Resolves:**

1. It is in the best interests of the County to commence exclusive lease and purchase negotiations with Craig Osbeck, owner of the property at 8226 North Denver Avenue, Portland, Oregon, for the site of the new North Portland library branch.
2. The Library and Facilities are directed to submit to the Board for consideration a draft lease with option to purchase as soon as practicable. The Library and Facilities are directed to report back to the Board in the event negotiations are unable to produce a recommended lease transaction.

ADOPTED this 26th day of June 2008.

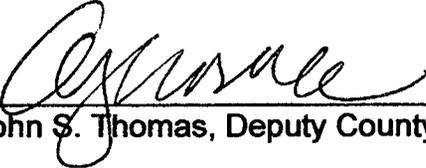


BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
\_\_\_\_\_  
Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
\_\_\_\_\_  
John S. Thomas, Deputy County Attorney

SUBMITTED BY:

Molly Raphael, Director of Libraries



**MULTNOMAH COUNTY**  
**AGENDA PLACEMENT REQUEST (short form)**

**Board Clerk Use Only**

**Meeting Date:** 06/26/08  
**Agenda Item #:** R-7  
**Est. Start Time:** 9:30 AM  
**Date Submitted:** 06/12/08

**Agenda Title:** **Construction Excise Tax Grant Intergovernmental Agreement 0809013 with Metro for Area 93 Concept Planning**

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

**Requested Meeting Date:** June 26, 2008      **Amount of Time Needed:** 10 minutes  
**Department:** DCS      **Division:** Land Use Planning  
**Contact(s):** Derrick Tokos, Sandra Duffy  
**Phone:** 503-988-3043      **Ext.** 22682      **I/O Address:** 455/1/116  
**Presenter(s):** Derrick Tokos

**General Information**

**1. What action are you requesting from the Board?**

Board approval of an Intergovernmental Agreement between the County and Metro to transfer Construction Excise Tax (CET) funds to the County to pay for concept planning for Area 93.

**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.**

Title 11 of Metro's *Urban Growth Management Function Plan* requires that concept plans be prepared for urban expansion areas, and that the plan be adopted by the governing body with jurisdiction. Multnomah County is the jurisdiction assigned responsibility for developing a concept plan for Area 93, the western portion of Bonny Slope. This area is located in unincorporated Multnomah County and borders unincorporated Washington County to the west and south, and unincorporated Multnomah County to the north and east (map attached).

Area 93 lies approximately ¾ miles west of the western edge of Portland's Urban Services Boundary. While the City of Portland cannot currently provide services to Area 93, it has a critical interest in ensuring that any future urbanization of this area complements the surrounding transportation network and development pattern; is designed to respect the area's terrain and

watershed features and functions; and conserves wildlife habitat and corridors linking Forest Park with significant natural areas to the west, north, and south. Recognizing the City's interest and that the County provides neither urban services nor zoning, the County entered into a Intergovernmental Agreement (IGA) with the City to prepare a Title 11 concept plan for Area 93. The IGA was adopted by the County on May 1, 2008 and by the City of Portland on June 4, 2008.

Metro imposes a Construction Excise Tax (CET) within the metro region to finance local comprehensive planning work, including the preparation of concept plans. Multnomah County applied for these funds, and received an award of \$202,500. This Intergovernmental Agreement between the County and Metro sets out six milestones with specific deliverables, due dates, and reimbursement rates for completing Title 11 planning work for Area 93. The first four milestones address the preparation of the concept plan, and are tasks that the City of Portland has agreed to perform for the County. This amounts to approximately \$150,000 that the County will pass through to the City. The balance of the CET funds offset costs to the County for incorporating the concept plan into its Comprehensive Framework Plan, or are reserved until such time as a final service option is selected and the County or City adopt implementing ordinances to enable urban development.

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

Disbursements begin next fiscal year and will conclude by January 1, 2011. Funds are intended to offset costs of Area 93 planning work. The agreement identifies amounts of money associated with specific tasks, but does not obligate the County to complete tasks if funding is inadequate; therefore, there should not be a financial impact to the County.

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

There are no specific legal issues. The concept plan funded by this grant will provide a vision for how the area will urbanize that will inform decision makers of what it will take to deliver services so that development can proceed. The plan will not, however, resolve the question of who will ultimately provide the services and when urban levels of development can occur. In moving ahead with this project, the County is committing to address the service issue at a future date once the options are more clearly defined. A placeholder date for this decision is included in the agreement as the final milestone. This is necessary because the last payment under the CET grant is contingent upon that decision and adoption of land use codes that implement the concept plan.

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

Staff coordinated with the City of Portland and Metro in preparing the agreement.

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**Required Signature**

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



**Date: 06/11/08**

# MULTNOMAH COUNTY CONTRACT APPROVAL FORM (CAF)

Contract #: 0809013

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

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

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

Department: Community Services

Division/

Program: Land Use & Transportation Program

Date: 6/11/08

Originator: Derrick Tokos

Phone: X22682

Bldg/Room: #455/1

Contact: Stuart Farmer

Phone: X26125

Bldg/Room: #455/1

Description of Contract: Construction Excise Tax Intergovernmental Agreement ("CET Grant IGA") with Metro to transfer CET funds to Multnomah County for local comprehensive planning needs associated with property that was included in urban growth boundary ("UGB") between 2002 and 2005. Metro has established a CET which imposes an excise tax throughout the Metro regional jurisdiction.

RENEWAL:  PREVIOUS CONTRACT #(S) \_\_\_\_\_

EEO CERTIFICATION EXPIRES \_\_\_\_\_

PROCUREMENT \_\_\_\_\_  
EXEMPTION OR \_\_\_\_\_  
CITATION # \_\_\_\_\_

ISSUE \_\_\_\_\_  
DATE: \_\_\_\_\_

EFFECTIVE \_\_\_\_\_  
DATE: \_\_\_\_\_

END \_\_\_\_\_  
DATE: \_\_\_\_\_

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

Contractor	Metro			Remittance address (If different)			
Address	600 NE Grand Avenue			Payment Schedule / Terms:			
City/State	Portland, OR				<input type="checkbox"/> Lump Sum \$ _____	<input type="checkbox"/> Due on Receipt	
ZIP Code	97232-2736				<input type="checkbox"/> Monthly \$ _____	<input type="checkbox"/> Net 30	
Phone	(503) 797-1808 (Ray Valone, AICP)				<input checked="" type="checkbox"/> Other \$ Per IGA	<input type="checkbox"/> Other	
Employer ID# or SS#	N/A			<input type="checkbox"/> Price Agreement (PA) or Requirements Funding Info:			
Contract Effective Date	07/01/2008	Term Date	01/01/2011				
Amendment Effect Date		New Term Date					
Original Contract Amount	\$	Original PA/Requirements Amount	\$				
Total Amt of Previous Amendments	\$	Total Amt of Previous Amendments	\$				
Amount of Amendment	\$	Amount of Amendment	\$				
Total Amount of Agreement	\$202,500.00	Total PA/Requirements Amount	\$				

**REQUIRED SIGNATURES:**

Department Manager _____	DATE _____
County Attorney <u>Sandra Duffy</u>	DATE <u>6.26.08</u>
CPCA Manager _____	DATE _____
County Chair <u>Tim Wheeler</u>	DATE <u>06.26.08</u>
Sheriff _____	DATE _____
Contract Administration _____	DATE _____

COMMENTS: (I/O 500424)

APPROVED - MULTNOMAH COUNTY

BOARD OF COMMISSIONERS

AGENDA # R-7 DATE 06.26.08

DEBORAH L. BOGSTAD, BOARD CLERK

**INTERGOVERNMENTAL AGREEMENT**  
**Construction Excise Tax Grant**  
**(Area 93 Project)**

This is an Agreement between Metro, a metropolitan service district organized under the laws of the state of Oregon and the Metro Charter, located at 600 Northeast Grand Avenue, Portland OR 97232-2736 ("Metro"), and Multnomah County ("the County"), located at 501 SE Hawthorne Blvd., Portland OR 97214, collectively referred to as "Parties."

**PURPOSE:** Metro has established a Construction Excise Tax ("CET") which imposes an excise tax throughout the Metro regional jurisdiction to fund local comprehensive planning needs associated with property that was included in the urban growth boundary ("UGB") between 2002 and 2005. The purpose of this CET Grant Intergovernmental Agreement ("CET Grant IGA") is to transfer CET funds from Metro to the County to fund planning services.

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The parties agree as follows:

**1. EFFECTIVE DATE.**

This CET Grant IGA is effective on the last date of signature below.

**2. RECITALS.**

- A. The CET is collected by local jurisdictions when issuing building permits, which the local jurisdictions then remit to Metro pursuant to Construction Excise Tax Intergovernmental Agreements to Collect and Remit Tax ("CET Collection IGAs") entered into separately between Metro and the local collecting jurisdictions;
- B. In creating the purpose and amount of the CET, Metro worked with local jurisdictions and received their estimates as to the total dollar amounts needed to fund their local comprehensive planning needs associated with new inclusions into the UGB between 2002 and 2005;
- C. The CET will expire when the total amount of CET collected by all jurisdictions and remitted to Metro is \$6.3 million dollars, which is estimated to take approximately three years from the date of its passage in July 2006; and
- D. Metro will distribute 100 percent of the CET expected to be remitted to Metro as grants or reimbursements to local jurisdictions, based on CET Grant Requests submitted by local jurisdictions that set forth their expected completion of certain milestones associated with Title 11 of Metro Code Chapter 3.07, the Urban Growth Management Functional Plan; and
- E. As part of the CET process, Metro has met with all of the applicable local jurisdictions regarding their local comprehensive planning funding needs associated with new inclusions into the urban growth boundary between 2002 and 2005, and the total final grant requests submitted by the local jurisdictions significantly exceed the total estimates upon which the CET was based; and therefore, the total CET dollars are being apportioned among the requesting jurisdictions; and
- F. Metro Code Chapter 7.04 and the CET Administrative Rules provide that the CET revenues will be distributed to provide funding towards local jurisdictions' eligible expenses required for compliance with Title 11 of Metro Code Chapter 3.07, the Urban Growth Management Functional Plan; and

G. The County has submitted a CET Grant Request to Metro for the Area 93 Project, and the parties wish to set forth the funding amounts, timing, and procedures for receiving grant funding from the CET fund for some of the County's planning expenditures for this Project.

**3. RESPONSIBILITIES OF METRO.**

Metro shall provide grant funding to the County for certain approved eligible expenses associated with Title 11 compliance (Metro Code Chapter 3.07, the Urban Growth Management Functional Plan) for this Project that are associated with the County's completion of those planning milestones that are set forth in Exhibit A attached hereto and incorporated herein. The total grant for this Project shall not exceed Two Hundred Two Thousand Five Hundred Dollars (\$202,500.00), and payments shall be in the amounts and upon the delivery of the milestones as set forth in Exhibit A. Payments shall be in accordance with the "payment procedures" set forth below.

**4. RESPONSIBILITIES OF COUNTY.**

The County agrees that it shall take all actions in a timely and diligent manner required or necessary to complete and fulfill the milestones set forth in Exhibit A. The County also covenants and agrees that it shall use the CET funds it receives under this Agreement only for the work approved to reach the milestones set forth in Exhibit A.

**5. ELIGIBLE EXPENSES.**

As set forth in Metro Code Chapter 7.04, Administrative Rules, the following expense categories associated with Title 11 compliance shall be considered Eligible Expenses for CET Grant consideration, up to a ceiling of the reimbursable amounts set forth in Exhibit A attached hereto: (a) materials directly related to project; (b) consultants' work on project; (c) County staff support directly related to project, and (d) overhead directly attributable to project.

**6. PAYMENT PROCEDURES.**

Within 30 days after the completion of each milestone as set forth in Exhibit A, the County shall submit to Metro a statement describing in detail the eligible and reimbursable work services performed pursuant to this Agreement. The County will furnish Metro with any other statements or reports of expenditures as may be needed to satisfy fiscal requirements. Metro shall reimburse the County for the eligible and approved reimbursable work after each milestone is reached no later than 30 days after the date Metro receives the County's invoice. Metro shall send CET payments to:

Multnomah County  
Derrick Tokos, Principal Planner  
1600 S.E. 190th Ave.  
Portland OR 97233

**7. PROJECT RECORDS.**

The County shall maintain all records and documentation relating to the work and tasks involved in this project as set forth in Exhibit A. The County shall provide Metro with such information and documentation as Metro requires for implementation of the CET grant process. The County shall establish and maintain books, records, documents, and other evidence and accounting procedures and practices sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this Agreement.

**8. AUDITS, INSPECTIONS AND RETENTION OF RECORDS.**

Metro and its representatives shall have full access to and the right to examine, during normal business hours and as often as they deem necessary, all County records with respect to all matters covered by this Agreement and Exhibit A. Such representatives shall be permitted to audit, examine, and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls, and other matters covered by this Agreement. All documents, papers, time sheets, accounting records, and other materials pertaining to costs incurred in connection with the Project shall be retained by the County and all of their contractors for three years from the date of completion of the Project or expiration of the Agreement, whichever is later, to facilitate any audits or inspection.

**9. FUNDING FROM CET FUNDS.**

Metro's funding commitment set forth in this Agreement shall be fulfilled solely through the programming of CET funds. The parties recognize and agree that if the CET is ever held to be unenforceable or is terminated through no act or omission of Metro, that Metro shall not be liable in any way for funding the amounts described in Exhibit A.

**10. TERM.**

This Agreement shall terminate when the Total Reimbursable Amount set forth in Exhibit A, representing Metro's multi-year commitment of CET funds provided herein, is fulfilled and expended, and all required documentation has been delivered, or as otherwise provided in accordance with and for the purposes set forth herein.

**11. AMENDMENT.**

This CET Grant IGA may be amended only by mutual written agreement of the Parties.

**12. OTHER AGREEMENTS.**

This CET Grant IGA does not affect or alter any other agreements between Metro and the County.

METRO

MULTNOMAH COUNTY

By: \_\_\_\_\_  
Michael Jordan

By: \_\_\_\_\_  
Ted Wheeler

Title: Metro Chief Operating Officer

Title: Chair

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

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

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By: \_\_\_\_\_  
Sandra N. Duffy  
Assistant County Attorney

Attachment: Exhibit A – CET Grant IGA Milestones, Due Dates, and Reimbursement Rates

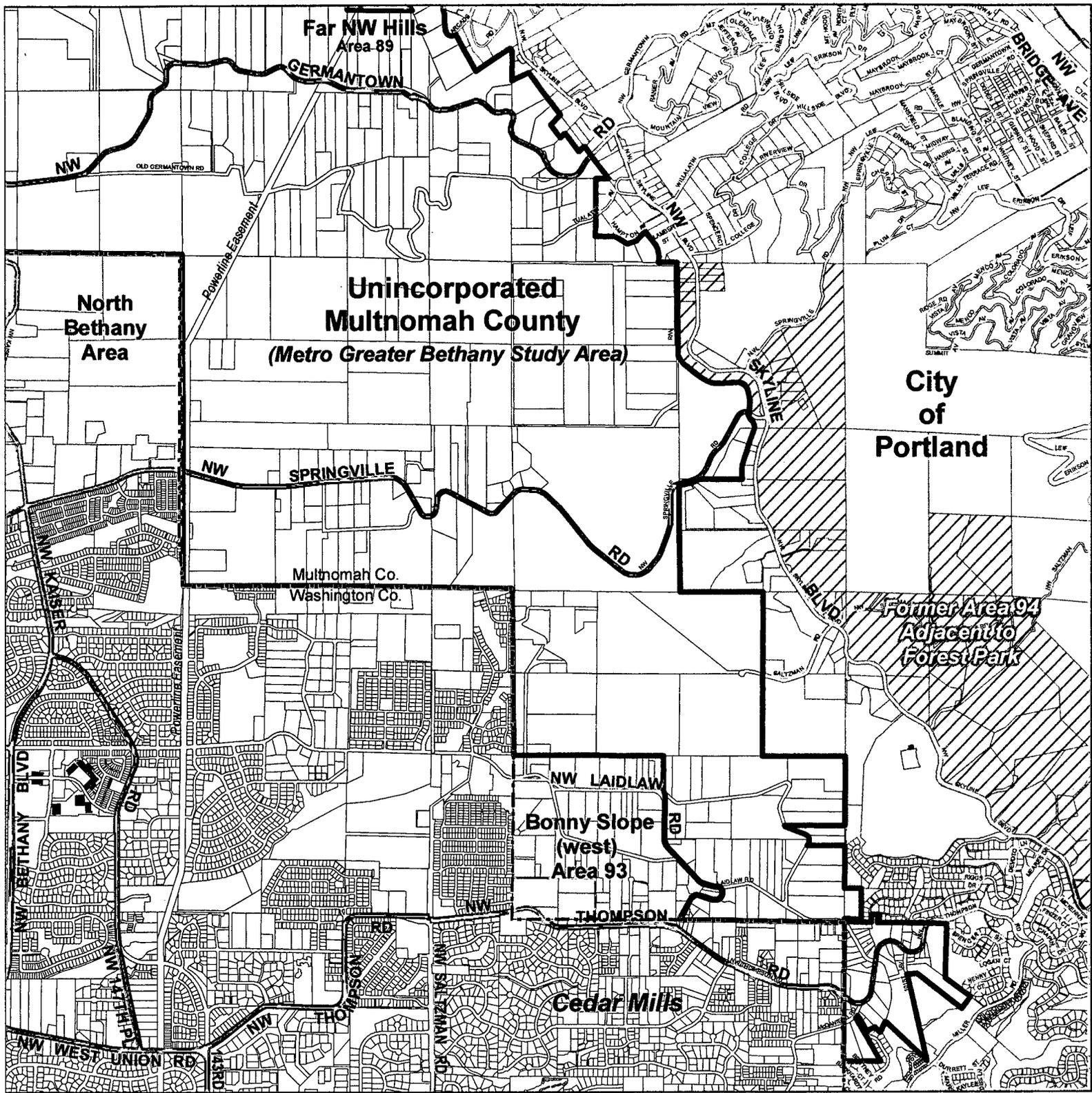
**Exhibit A**  
**CET Grant IGA**  
**Between Metro and Multnomah County for Area 93 Concept Planning**  
**Milestones, Due Dates, and Reimbursement Rates**

<b>Total Reimbursable Amount from CET funds for Title 11 Compliance:*</b>			<b>\$202,500.00</b>
<u>Milestone #:</u>	<u>Deliverable</u>	<u>Date Due**</u>	<u>Grant Payment</u>
1.	Execution of CET Grant IGA	July 1, 2008	\$ 50,625.00
2.	Existing conditions report and maps including an analysis of buildable lands based on mapping of natural areas, wetlands, floodplains, steep slopes, and hazard areas. Preparation of a Public Involvement Plan that includes outlining the membership, roles, responsibilities, and functions of an Advisory Committee(s) to assist and advise project staff.	January 1, 2009	\$ 39,375.00
3.	Draft Urban Growth Diagrams illustrating alternatives for satisfying Title 11, including an assessment of infrastructure needs and preliminary service options.	April 1, 2009	\$ 30,000.00
4.	The County's preferred Urban Growth Diagram, integrating and depicting at least those elements set forth in Title 11.	June 1, 2009	\$ 29,625.00
5.	County adoption of Comprehensive Plan amendments addressing Title 11, the applicable conditions of addition in Metro ordinance for the new urban area, and applicable state laws and regulations. The amendments will outline preliminary public service options and conditions under which urbanization can occur.	October 1, 2009	\$ 10,250.00
6.	A final service option, developed for Milestone #5, is selected, and Comprehensive Plan and ordinance language is adopted by the County or City of Portland to implement the Concept Plan	January 1, 2011***	\$ 42,625.00
<b>TOTAL REIMBURSABLE AMOUNT*</b>			<b>\$202,500.00</b>

\* The Total Reimbursable Amount is a maximum amount that will be reimbursed for Eligible Expenses required for Title 11 compliance as set forth in Metro Code Chapter 7.04 and Administrative Rules, subject to the terms and conditions of the attached CET Grant IGA.

\*\* Due dates are intended by the parties to be hard estimates of expected milestone completion dates. If the County anticipates that a due date cannot be met due to circumstances beyond its control, it shall inform Metro in writing no later than ten (10) days prior to the due date set forth above and provide a revised estimated due date, and Metro and the County shall mutually agree upon a revision to the milestone due dates set forth in this Agreement. Metro shall forward the amounts set forth above within thirty days of receiving the County's documentation of the deliverable.

\*\*\* This date assumes that all identified public service options are available. If they are not all available, then the County may seek an extension pursuant to Metro Functional Plan code section 3.07.850.



# Urban Growth Boundary Expansion Areas Vicinity Map

## Legend

-  County Boundary
-  Urban Growth Boundary
-  North Bethany, Bonny Slope (west), Far NW Hills
-  Former Area 94
-  Incorporated City of Portland



April 29, 2008



CITY OF PORTLAND, OREGON  
BUREAU OF  
**Planning**

All data compiled from source materials at different scales.  
For more detail, please refer to the source materials or  
City of Portland, Bureau of Planning.

1:24,500

**BOGSTAD Deborah L**

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**From:** DUFFY Sandra N  
**Sent:** Wednesday, June 25, 2008 8:58 AM  
**To:** TOKOS Derrick I  
**Cc:** BOGSTAD Deborah L  
**Subject:** FW: Revised CET IGA - Area 93

*The attachment I promised.*

Sandra N. Duffy  
Assistant County Attorney  
Multnomah County

---

**From:** TOKOS Derrick I  
**Sent:** Tuesday, June 24, 2008 5:04 PM  
**To:** DUFFY Sandra N  
**Subject:** RE: Revised CET IGA - Area 93

Sandy,

Thanks for following up on this detail. Do you have a revised copy of the agreement that you can send me? Also, do you happen to know if a version with this language made it into the Board packets? If not, I can mention it in my presentation on Thursday.

Anything of substance come out of Board staff?

Derrick I. Tokos, AICP  
Principal Planner  
Multnomah County  
ph. 503.988.3043 x22682

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

**From:** DUFFY Sandra N  
**Sent:** Friday, June 20, 2008 2:29 PM  
**To:** 'Alison Kean.Campbell'  
**Cc:** TOKOS Derrick I; 'Michael Jordan'; 'Ray Valone'; 'Reed Wagner'  
**Subject:** RE: Revised CET IGA - Area 93

Alison:

Your revised language is acceptable. This is scheduled for the Board next Thursday.

Sandy Duffy

Sandra N. Duffy

6/26/2008

Assistant County Attorney  
Multnomah County

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**From:** Alison Kean.Campbell [mailto:Alison.Kean.Campbell@oregonmetro.gov]  
**Sent:** Thursday, June 19, 2008 10:49 AM  
**To:** DUFFY Sandra N  
**Cc:** TOKOS Derrick I; Michael Jordan; Ray Valone; Reed Wagner  
**Subject:** Revised CET IGA - Area 93

Dear Sandra,

Our clients, Derrick Tokos and Ray Valone, have been negotiating some amendments to the Construction Excise Tax Area 93 Grant IGA, specifically with respect to the County's obligations with respect to Milestone 6.

We are proposing some language that I believe meets the County's concerns and is in conformance with the Metro guidelines for making Construction Excise Tax grants to local jurisdictions. Specifically, we propose new language in Section 4 of the IGA as follows:

"The County agrees that it shall use its best efforts to accomplish the milestones and produce the deliverables set forth in Exhibit A in a timely and diligent manner, while the parties acknowledge that accomplishing Milestone 6 may not be entirely within the County's control. Failure to produce a deliverable in the timeframe and manner set forth in Exhibit A shall result in the non-payment of any part of the Grant Payment amount allocated for that particular deliverable as set forth in Exhibit A, but no other penalty under this CET IGA. "

I understand that Derrick is out of town and so I am sending this directly to you. A redlined and clean version of the IGA are attached. Please let me know if the proposed changes meet the County's concerns.

Sincerely,

Alison Kean Campbell

**Alison Kean Campbell**  
**Deputy Metro Attorney**

600 NE Grand Ave. | Portland, Oregon 97232-2736  
Direct: 503-797-1511 | Fax: 503-797-1792

[Alison.Kean.Campbell@oregonmetro.gov](mailto:Alison.Kean.Campbell@oregonmetro.gov) | [www.oregonmetro.gov](http://www.oregonmetro.gov)

**Confidentiality Notice:** This e-mail message may contain confidential or privileged information. If you have received this message by mistake, please do not review, disclose, copy, or distribute the e-mail. Instead, please notify us immediately by replying to this message or telephoning us. Thank you.

6/26/2008

**INTERGOVERNMENTAL AGREEMENT**  
**Construction Excise Tax Grant**  
**(Area 93 Project)**

This is an Agreement between Metro, a metropolitan service district organized under the laws of the state of Oregon and the Metro Charter, located at 600 Northeast Grand Avenue, Portland, OR, 97232-2736 ("Metro"), and Multnomah County ("the County"), located at 501 SE Hawthorne Blvd, Portland OR 97214, collectively referred to as "Parties."

**PURPOSE:** Metro has established a Construction Excise Tax ("CET") which imposes an excise tax throughout the Metro regional jurisdiction to fund local comprehensive planning needs associated with property that was included into urban growth boundary ("UGB") between 2002 and 2005. The purpose of this CET Grant Intergovernmental Agreement ("CET Grant IGA") is to transfer CET funds from Metro to the County to fund planning services.

---

The parties agree as follows:

**1. EFFECTIVE DATE.**

This CET Grant IGA is effective on the last date of signature below.

**2. RECITALS.**

A. The CET is collected by local jurisdictions when issuing building permits, which the local jurisdictions then remit to Metro pursuant to Construction Excise Tax Intergovernmental Agreements to Collect and Remit Tax ("CET Collection IGAs") entered into separately between Metro and the local collecting jurisdictions;

B. In creating the purpose and amount of the CET, Metro worked with local jurisdictions, and received their estimates as to the total dollar amounts needed to fund their local comprehensive planning needs associated with new inclusions into the UGB between 2002 and 2005;

C. The CET will expire when the total amount of CET collected by all jurisdictions and remitted to Metro is \$6.3 million dollars, which is estimated to take approximately three years from the date of its passage in July 2006; and

D. Metro will distribute 100% of the CET expected to be remitted to Metro as grants or reimbursements to local jurisdictions, based on CET Grant Requests submitted by local jurisdictions that set forth their expected completion of certain milestones associated with Title 11 of Metro Code Chapter 3.07, the Urban Growth Management Functional Plan; and

E. As part of the CET process Metro has met with all of the applicable local jurisdictions regarding their local comprehensive planning funding needs associated with new inclusions into the urban growth boundary between 2002 and 2005, and the total final grant requests submitted by the local jurisdictions significantly exceed the total estimates upon which the CET was based, and therefore the total CET dollars are being apportioned among the requesting jurisdictions; and

F. Metro Code Chapter 7.04 and the CET Administrative Rules provide that the CET revenues will be distributed to provide funding towards local jurisdictions' eligible expenses required for compliance with Title 11 of Metro Code Chapter 3.07, the Urban Growth Management Functional Plan; and

G. The County has submitted a CET Grant Request to Metro for the Area 93 Project, and the parties wish to set forth the funding amounts, timing, and procedures for receiving grant funding from the CET fund for some of the County's planning expenditures for this Project.

### **3. RESPONSIBILITIES OF METRO.**

Metro shall provide grant funding to the County for certain approved eligible expenses associated with Title 11 compliance (Metro Code Chapter 3.07, the Urban Growth Management Functional Plan) for this Project that are associated with the County's completion of those planning milestones that are set forth in Exhibit A attached hereto and incorporated herein. The total grant for this Project shall not exceed Two Hundred Two Thousand Five Hundred Dollars (\$202,500.00), and payments shall be in the amounts and upon the delivery of the milestones as set forth in Exhibit A. Payments shall be in accordance with the "payment procedures" set forth below.

### **4. RESPONSIBILITIES OF COUNTY.**

The County agrees that it shall use its best efforts to accomplish the milestones and produce the deliverables set forth in Exhibit A in a timely and diligent manner, while the parties acknowledge that accomplishing Milestone 6 may not be entirely within the County's control. Failure to produce a deliverable in the timeframe and manner set forth in Exhibit A shall result in the non-payment of any part of the Grant Payment amount allocated for that particular deliverable as set forth in Exhibit A, but no other penalty under this CET IGA. The County also covenants and agrees that it shall use the CET funds it receives under this Agreement only for the work approved to reach the milestones set forth in Exhibit A.

### **5. ELIGIBLE EXPENSES.**

As set forth in Metro Code Chapter 7.04 Administrative Rules, the following expense categories associated with Title 11 compliance shall be considered Eligible Expenses for CET Grant consideration, up to a ceiling of the reimbursable amounts set forth in Exhibit A attached hereto: (a) materials directly related to project; (b) consultants' work on project; (c) County staff support directly related to project; and (d) overhead directly attributable to project.

### **6. PAYMENT PROCEDURES.**

Within 30 days after the completion of each milestone as set forth in Exhibit A, the County shall submit to Metro a statement describing in detail the eligible and reimbursable work services performed pursuant to this Agreement. The County will furnish Metro with any other statements or reports of expenditures as may be needed to satisfy fiscal requirements. Metro shall reimburse the County for the eligible and approved reimbursable work after each milestone is reached, no later than 30 days after the date Metro receives the County's invoice. Metro shall send CET payments to:

Multnomah County  
Derrick Tokos, Principal Planner  
1600 S.E. 190th Ave.  
Portland, OR 97233

### **7. PROJECT RECORDS.**

The County shall maintain all records and documentation relating to the work and tasks involved in this project as set forth in Exhibit A. The County shall provide Metro with such information and documentation as Metro requires for implementation of the CET grant process. The County shall establish and maintain books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this Agreement.

**8. AUDITS, INSPECTIONS AND RETENTION OF RECORDS.**

Metro and its representatives shall have full access to and the right to examine, during normal business hours and as often as they deem necessary, all County records with respect to all matters covered by this Agreement and Exhibit A. Such representatives shall be permitted to audit, examine, and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls and other matters covered by this Agreement. All documents, papers, time sheets, accounting records, and other materials pertaining to costs incurred in connection with the Project shall be retained by the County and all of their contractors for three years from the date of completion of the Project, or expiration of the Agreement, whichever is later, to facilitate any audits or inspection.

**9. FUNDING FROM CET FUNDS.**

Metro's funding commitment set forth in this Agreement shall be fulfilled solely through the programming of CET funds. The parties recognize and agree that if the CET is ever held to be unenforceable or is terminated through no act or omission of Metro, that Metro shall not be liable in any way for funding the amounts described in Exhibit A.

**10. TERM.**

This Agreement shall terminate when the Total Reimbursable Amount set forth in Exhibit A, representing Metro's multi-year commitment of CET funds provided herein, is fulfilled and expended, and all required documentation has been delivered, or as otherwise provided in accordance with and for the purposes set forth herein.

**11. AMENDMENT.**

This CET Grant IGA may be amended only by mutual written agreement of the Parties.

**12. OTHER AGREEMENTS.**

This CET Grant IGA does not affect or alter any other agreements between Metro and the County.

METRO

MULTNOMAH COUNTY

By: \_\_\_\_\_  
Michael Jordan

By: TED WHEELER  
Ted Wheeler

Title: Metro Chief Operating Officer

Title: Multnomah County Chair

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

Date: JUNE 26, 2008

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

APPROVED : MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-7 DATE 06.26.08  
DEBORAH L. BOGSTAD, BOARD CLERK

By: Sandra Duffy  
Sandra N. Duffy  
Assistant County Attorney

Attachment:

Exhibit A – CET Grant IGA Milestones, Due Dates, and Reimbursement Rates

**Exhibit A**  
**CET Grant IGA**  
**Between Metro and Multnomah County for Area 93 Concept Planning**  
**Milestones, Due Dates, and Reimbursement Rates**

**Total Reimbursable Amount from CET funds for Title 11 Compliance:\*** **\$202,500.00**

Milestone #:	Deliverable	Date Due**	Grant Payment
1.	Execution of CET Grant IGA	July 1, 2008	\$ 50,625.00
2.	Existing conditions report and maps including an analysis of buildable lands based on mapping of natural areas, wetlands, floodplains, steep slopes, and hazard areas. Preparation of a Public Involvement Plan that includes outlining the membership, roles, responsibilities, and functions of an Advisory Committee(s) to assist and advise project staff.	January 1, 2009	\$ 39,375.00
3.	Draft Urban Growth Diagrams illustrating alternatives for satisfying Title 11, including an assessment of infrastructure needs and preliminary service options.	April 1, 2009	\$ 30,000.00
4.	The County's preferred Urban Growth Diagram, integrating and depicting at least those elements set forth in Title 11	June 1, 2009	\$ 29,625.00
5.	County adoption of Comprehensive Plan amendments addressing Title 11, the applicable conditions of addition in Metro ordinance for the new urban area, and applicable state laws and regulations. The amendments will outline preliminary public service options and conditions under which urbanization can occur	October 1, 2009	\$ 10,250.00
6.	A final service option, developed for Milestone #5, is selected and Comprehensive Plan and ordinance language is adopted by the County or City of Portland to implement the Concept Plan	January 1, 2011***	\$ 42,625.00
<b>TOTAL REIMBURSABLE AMOUNT*</b>			<b>\$202,500.00</b>

\* The Total Reimbursable Amount is a maximum amount that will be reimbursed for Eligible Expenses required for Title 11 compliance as set forth in Metro Code Chapter 7.04 and Administrative Rules, subject to the terms and conditions of the attached CET Grant IGA.

\*\* Due dates are intended by the parties to be hard estimates of expected milestone completion dates. If the County anticipates that a due date cannot be met due to circumstances beyond its control, it shall inform Metro in writing no later than ten (10) days prior to the due date set forth above and provide a revised estimated due date; and Metro and the County shall mutually agree upon a revision to the milestone due dates set forth in this Agreement. Metro shall forward the amounts set forth above within thirty days of receiving the County's documentation of the deliverable.

\*\*\* This date assumes that all identified public service options are available. If they are not all available then the County may seek an extension pursuant to Metro Functional Plan code section 3.07.850.



**MULTNOMAH COUNTY**  
**AGENDA PLACEMENT REQUEST (short form)**

**Board Clerk Use Only**

**Meeting Date:** 06/26/08  
**Agenda Item #:** R-7  
**Est. Start Time:** 9:30 AM  
**Date Submitted:** 06/12/08

**Agenda Title:** **Construction Excise Tax Grant Intergovernmental Agreement 0809013 with Metro for Area 93 Concept Planning**

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

**Requested Meeting Date:** June 26, 2008      **Amount of Time Needed:** 10 minutes  
**Department:** DCS      **Division:** Land Use Planning  
**Contact(s):** Derrick Tokos, Sandra Duffy  
**Phone:** 503-988-3043      **Ext.** 22682      **I/O Address:** 455/1/116  
**Presenter(s):** Derrick Tokos

**General Information**

**1. What action are you requesting from the Board?**

Board approval of an Intergovernmental Agreement between the County and Metro to transfer Construction Excise Tax (CET) funds to the County to pay for concept planning for Area 93.

**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.**

Title 11 of Metro's *Urban Growth Management Function Plan* requires that concept plans be prepared for urban expansion areas, and that the plan be adopted by the governing body with jurisdiction. Multnomah County is the jurisdiction assigned responsibility for developing a concept plan for Area 93, the western portion of Bonny Slope. This area is located in unincorporated Multnomah County and borders unincorporated Washington County to the west and south, and unincorporated Multnomah County to the north and east (map attached).

Area 93 lies approximately ¾ miles west of the western edge of Portland's Urban Services Boundary. While the City of Portland cannot currently provide services to Area 93, it has a critical interest in ensuring that any future urbanization of this area complements the surrounding transportation network and development pattern; is designed to respect the area's terrain and

watershed features and functions; and conserves wildlife habitat and corridors linking Forest Park with significant natural areas to the west, north, and south. Recognizing the City's interest and that the County provides neither urban services nor zoning, the County entered into a Intergovernmental Agreement (IGA) with the City to prepare a Title 11 concept plan for Area 93. The IGA was adopted by the County on May 1, 2008 and by the City of Portland on June 4, 2008.

Metro imposes a Construction Excise Tax (CET) within the metro region to finance local comprehensive planning work, including the preparation of concept plans. Multnomah County applied for these funds, and received an award of \$202,500. This Intergovernmental Agreement between the County and Metro sets out six milestones with specific deliverables, due dates, and reimbursement rates for completing Title 11 planning work for Area 93. The first four milestones address the preparation of the concept plan, and are tasks that the City of Portland has agreed to perform for the County. This amounts to approximately \$150,000 that the County will pass through to the City. The balance of the CET funds offset costs to the County for incorporating the concept plan into its Comprehensive Framework Plan, or are reserved until such time as a final service option is selected and the County or City adopt implementing ordinances to enable urban development.

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

Disbursements begin next fiscal year and will conclude by January 1, 2011. Funds are intended to offset costs of Area 93 planning work. The agreement identifies amounts of money associated with specific tasks, but does not obligate the County to complete tasks if funding is inadequate; therefore, there should not be a financial impact to the County.

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

There are no specific legal issues. The concept plan funded by this grant will provide a vision for how the area will urbanize that will inform decision makers of what it will take to deliver services so that development can proceed. The plan will not, however, resolve the question of who will ultimately provide the services and when urban levels of development can occur. In moving ahead with this project, the County is committing to address the service issue at a future date once the options are more clearly defined. A placeholder date for this decision is included in the agreement as the final milestone. This is necessary because the last payment under the CET grant is contingent upon that decision and adoption of land use codes that implement the concept plan.

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

Staff coordinated with the City of Portland and Metro in preparing the agreement.

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**Required Signature**

---

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



**Date: 06/11/08**

# MULTNOMAH COUNTY CONTRACT APPROVAL FORM (CAF)

Contract #: 0809013

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

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

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

Department: <u>Community Services</u>	Division/Program: <u>Land Use &amp; Transportation Program</u>	Date: <u>6/11/08</u>
Originator: <u>Derrick Tokos</u>	Phone: <u>X22682</u>	Bldg/Room: <u>#455/1</u>
Contact: <u>Stuart Farmer</u>	Phone: <u>X26125</u>	Bldg/Room: <u>#455/1</u>

Description of Contract: Construction Excise Tax Intergovernmental Agreement ("CET Grant IGA") with Metro to transfer CET funds to Multnomah County for local comprehensive planning needs associated with property that was included in urban growth boundary ("UGB") between 2002 and 2005. Metro has established a CET which imposes an excise tax throughout the Metro regional jurisdiction.

RENEWAL:  PREVIOUS CONTRACT #(S) \_\_\_\_\_ EEO CERTIFICATION EXPIRES \_\_\_\_\_

PROCUREMENT \_\_\_\_\_ ISSUE \_\_\_\_\_ EFFECTIVE \_\_\_\_\_ END \_\_\_\_\_  
 EXEMPTION OR \_\_\_\_\_ DATE: \_\_\_\_\_ DATE: \_\_\_\_\_ DATE: \_\_\_\_\_  
 CITATION # \_\_\_\_\_

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

Contractor	Metro			Remittance address (If different)			
Address	600 NE Grand Avenue			Payment Schedule / Terms:			
City/State	Portland, OR				<input type="checkbox"/> Lump Sum \$ _____	<input type="checkbox"/> Due on Receipt	
ZIP Code	97232-2736				<input type="checkbox"/> Monthly \$ _____	<input type="checkbox"/> Net 30	
Phone	(503) 797-1808 (Ray Valone, AICP)				<input checked="" type="checkbox"/> Other \$ Per IGA	<input type="checkbox"/> Other	
Employer ID# or SS#	N/A			<input type="checkbox"/> Price Agreement (PA) or Requirements Funding Info:			
Contract Effective Date	07/01/2008	Term Date	01/01/2011				
Amendment Effect Date		New Term Date					
Original Contract Amount	\$	Original PA/Requirements Amount	\$				
Total Amt of Previous Amendments	\$	Total Amt of Previous Amendments	\$				
Amount of Amendment	\$	Amount of Amendment	\$				
Total Amount of Agreement	\$ 202,500.00	Total PA/Requirements Amount	\$				

**REQUIRED SIGNATURES:**

Department Manager _____	DATE _____
County Attorney _____	DATE _____
CPCA Manager _____	DATE _____
County Chair _____	DATE _____
Sheriff _____	DATE _____
Contract Administration _____	DATE _____

COMMENTS: (I/O 500424)

# INTERGOVERNMENTAL AGREEMENT

## Construction Excise Tax Grant (Area 93 Project)

This is an Agreement between Metro, a metropolitan service district organized under the laws of the state of Oregon and the Metro Charter, located at 600 Northeast Grand Avenue, Portland OR 97232-2736 ("Metro"), and Multnomah County ("the County"), located at 501 SE Hawthorne Blvd., Portland OR 97214, collectively referred to as "Parties."

**PURPOSE:** Metro has established a Construction Excise Tax ("CET") which imposes an excise tax throughout the Metro regional jurisdiction to fund local comprehensive planning needs associated with property that was included in the urban growth boundary ("UGB") between 2002 and 2005. The purpose of this CET Grant Intergovernmental Agreement ("CET Grant IGA") is to transfer CET funds from Metro to the County to fund planning services.

---

The parties agree as follows:

**1. EFFECTIVE DATE.**

This CET Grant IGA is effective on the last date of signature below.

**2. RECITALS.**

- A. The CET is collected by local jurisdictions when issuing building permits, which the local jurisdictions then remit to Metro pursuant to Construction Excise Tax Intergovernmental Agreements to Collect and Remit Tax ("CET Collection IGAs") entered into separately between Metro and the local collecting jurisdictions;
- B. In creating the purpose and amount of the CET, Metro worked with local jurisdictions and received their estimates as to the total dollar amounts needed to fund their local comprehensive planning needs associated with new inclusions into the UGB between 2002 and 2005;
- C. The CET will expire when the total amount of CET collected by all jurisdictions and remitted to Metro is \$6.3 million dollars, which is estimated to take approximately three years from the date of its passage in July 2006; and
- D. Metro will distribute 100 percent of the CET expected to be remitted to Metro as grants or reimbursements to local jurisdictions, based on CET Grant Requests submitted by local jurisdictions that set forth their expected completion of certain milestones associated with Title 11 of Metro Code Chapter 3.07, the Urban Growth Management Functional Plan; and
- E. As part of the CET process, Metro has met with all of the applicable local jurisdictions regarding their local comprehensive planning funding needs associated with new inclusions into the urban growth boundary between 2002 and 2005, and the total final grant requests submitted by the local jurisdictions significantly exceed the total estimates upon which the CET was based; and therefore, the total CET dollars are being apportioned among the requesting jurisdictions; and
- F. Metro Code Chapter 7.04 and the CET Administrative Rules provide that the CET revenues will be distributed to provide funding towards local jurisdictions' eligible expenses required for compliance with Title 11 of Metro Code Chapter 3.07, the Urban Growth Management Functional Plan; and

G. The County has submitted a CET Grant Request to Metro for the Area 93 Project, and the parties wish to set forth the funding amounts, timing, and procedures for receiving grant funding from the CET fund for some of the County's planning expenditures for this Project.

**3. RESPONSIBILITIES OF METRO.**

Metro shall provide grant funding to the County for certain approved eligible expenses associated with Title 11 compliance (Metro Code Chapter 3.07, the Urban Growth Management Functional Plan) for this Project that are associated with the County's completion of those planning milestones that are set forth in Exhibit A attached hereto and incorporated herein. The total grant for this Project shall not exceed Two Hundred Two Thousand Five Hundred Dollars (\$202,500.00), and payments shall be in the amounts and upon the delivery of the milestones as set forth in Exhibit A. Payments shall be in accordance with the "payment procedures" set forth below.

**4. RESPONSIBILITIES OF COUNTY.**

The County agrees that it shall take all actions in a timely and diligent manner required or necessary to complete and fulfill the milestones set forth in Exhibit A. The County also covenants and agrees that it shall use the CET funds it receives under this Agreement only for the work approved to reach the milestones set forth in Exhibit A.

**5. ELIGIBLE EXPENSES.**

As set forth in Metro Code Chapter 7.04, Administrative Rules, the following expense categories associated with Title 11 compliance shall be considered Eligible Expenses for CET Grant consideration, up to a ceiling of the reimbursable amounts set forth in Exhibit A attached hereto: (a) materials directly related to project; (b) consultants' work on project; (c) County staff support directly related to project, and (d) overhead directly attributable to project.

**6. PAYMENT PROCEDURES.**

Within 30 days after the completion of each milestone as set forth in Exhibit A, the County shall submit to Metro a statement describing in detail the eligible and reimbursable work services performed pursuant to this Agreement. The County will furnish Metro with any other statements or reports of expenditures as may be needed to satisfy fiscal requirements. Metro shall reimburse the County for the eligible and approved reimbursable work after each milestone is reached no later than 30 days after the date Metro receives the County's invoice. Metro shall send CET payments to:

Multnomah County  
Derrick Tokos, Principal Planner  
1600 S.E. 190th Ave.  
Portland OR 97233

**7. PROJECT RECORDS.**

The County shall maintain all records and documentation relating to the work and tasks involved in this project as set forth in Exhibit A. The County shall provide Metro with such information and documentation as Metro requires for implementation of the CET grant process. The County shall establish and maintain books, records, documents, and other evidence and accounting procedures and practices sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this Agreement.

**8. AUDITS, INSPECTIONS AND RETENTION OF RECORDS.**

Metro and its representatives shall have full access to and the right to examine, during normal business hours and as often as they deem necessary, all County records with respect to all matters covered by this Agreement and Exhibit A. Such representatives shall be permitted to audit, examine, and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls, and other matters covered by this Agreement. All documents, papers, time sheets, accounting records, and other materials pertaining to costs incurred in connection with the Project shall be retained by the County and all of their contractors for three years from the date of completion of the Project or expiration of the Agreement, whichever is later, to facilitate any audits or inspection.

**9. FUNDING FROM CET FUNDS.**

Metro's funding commitment set forth in this Agreement shall be fulfilled solely through the programming of CET funds. The parties recognize and agree that if the CET is ever held to be unenforceable or is terminated through no act or omission of Metro, that Metro shall not be liable in any way for funding the amounts described in Exhibit A.

**10. TERM.**

This Agreement shall terminate when the Total Reimbursable Amount set forth in Exhibit A, representing Metro's multi-year commitment of CET funds provided herein, is fulfilled and expended, and all required documentation has been delivered, or as otherwise provided in accordance with and for the purposes set forth herein.

**11. AMENDMENT.**

This CET Grant IGA may be amended only by mutual written agreement of the Parties.

**12. OTHER AGREEMENTS.**

This CET Grant IGA does not affect or alter any other agreements between Metro and the County.

METRO

MULTNOMAH COUNTY

By: \_\_\_\_\_  
Michael Jordan

By: \_\_\_\_\_  
Ted Wheeler

Title: Metro Chief Operating Officer

Title: Chair

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

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

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By: \_\_\_\_\_  
Sandra N. Duffy  
Assistant County Attorney

Attachment: Exhibit A – CET Grant IGA Milestones, Due Dates, and Reimbursement Rates

**Exhibit A**  
**CET Grant IGA**  
**Between Metro and Multnomah County for Area 93 Concept Planning**  
**Milestones, Due Dates, and Reimbursement Rates**

<b>Total Reimbursable Amount from CET funds for Title 11 Compliance:*</b>			<b>\$202,500.00</b>
<b>Milestone #:</b>	<b>Deliverable</b>	<b>Date Due**</b>	<b>Grant Payment</b>
1.	Execution of CET Grant IGA	July 1, 2008	\$ 50,625.00
2.	Existing conditions report and maps including an analysis of buildable lands based on mapping of natural areas, wetlands, floodplains, steep slopes, and hazard areas. Preparation of a Public Involvement Plan that includes outlining the membership, roles, responsibilities, and functions of an Advisory Committee(s) to assist and advise project staff.	January 1, 2009	\$ 39,375.00
3.	Draft Urban Growth Diagrams illustrating alternatives for satisfying Title 11, including an assessment of infrastructure needs and preliminary service options.	April 1, 2009	\$ 30,000.00
4.	The County's preferred Urban Growth Diagram, integrating and depicting at least those elements set forth in Title 11.	June 1, 2009	\$ 29,625.00
5.	County adoption of Comprehensive Plan amendments addressing Title 11, the applicable conditions of addition in Metro ordinance for the new urban area, and applicable state laws and regulations. The amendments will outline preliminary public service options and conditions under which urbanization can occur.	October 1, 2009	\$ 10,250.00
6.	A final service option, developed for Milestone #5, is selected, and Comprehensive Plan and ordinance language is adopted by the County or City of Portland to implement the Concept Plan	January 1, 2011***	\$ 42,625.00
<b>TOTAL REIMBURSABLE AMOUNT*</b>			<b>\$202,500.00</b>

\* The Total Reimbursable Amount is a maximum amount that will be reimbursed for Eligible Expenses required for Title 11 compliance as set forth in Metro Code Chapter 7.04 and Administrative Rules, subject to the terms and conditions of the attached CET Grant IGA.

\*\* Due dates are intended by the parties to be hard estimates of expected milestone completion dates. If the County anticipates that a due date cannot be met due to circumstances beyond its control, it shall inform Metro in writing no later than ten (10) days prior to the due date set forth above and provide a revised estimated due date, and Metro and the County shall mutually agree upon a revision to the milestone due dates set forth in this Agreement. Metro shall forward the amounts set forth above within thirty days of receiving the County's documentation of the deliverable.

\*\*\* This date assumes that all identified public service options are available. If they are not all available, then the County may seek an extension pursuant to Metro Functional Plan code section 3.07.850.

**BOGSTAD Deborah L**

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**From:** DUFFY Sandra N  
**Sent:** Friday, June 20, 2008 2:37 PM  
**To:** BOGSTAD Deborah L  
**Subject:** FW: Revised CET IGA - Area 93

Sandra N. Duffy  
Assistant County Attorney  
Multnomah County

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**From:** Alison Kean.Campbell [mailto:Alison.Kean.Campbell@oregonmetro.gov]  
**Sent:** Friday, June 20, 2008 2:34 PM  
**To:** DUFFY Sandra N  
**Cc:** TOKOS Derrick I; Michael Jordan; Ray Valone; Reed Wagner; Sharon Martin  
**Subject:** RE: Revised CET IGA - Area 93

Thank you Sandy. Please just print out a "final" document for your Board, and then once approved, please send two final executed IGAs to Metro, to Ray Valone's attention, which Metro will execute and we will return one original to you.

**Alison Kean Campbell**  
**Deputy Metro Attorney**  
600 NE Grand Ave. | Portland, Oregon 97232-2736  
Direct: 503-797-1511 | Fax: 503-797-1792  
[Alison.Kean.Campbell@oregonmetro.gov](mailto:Alison.Kean.Campbell@oregonmetro.gov) | [www.oregonmetro.gov](http://www.oregonmetro.gov)

**Confidentiality Notice:** This e-mail message may contain confidential or privileged information. If you have received this message by mistake, please do not review, disclose, copy, or distribute the e-mail. Instead, please notify us immediately by replying to this message or telephoning us. Thank you.

>>> "DUFFY Sandra N" <sandra.n.duffy@co.multnomah.or.us> 6/20/2008 2:28 PM >>>  
Alison:

Your revised language is acceptable. This is scheduled for the Board next Thursday.

Sandy Duffy

Sandra N. Duffy  
Assistant County Attorney  
Multnomah County

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**From:** Alison Kean.Campbell [mailto:Alison.Kean.Campbell@oregonmetro.gov]  
**Sent:** Thursday, June 19, 2008 10:49 AM

6/23/2008

**To:** DUFFY Sandra N  
**Cc:** TOKOS Derrick I; Michael Jordan; Ray Valone; Reed Wagner  
**Subject:** Revised CET IGA - Area 93

Dear Sandra,

Our clients, Derrick Tokos and Ray Valone, have been negotiating some amendments to the Construction Excise Tax Area 93 Grant IGA, specifically with respect to the County's obligations with respect to Milestone 6.

We are proposing some language that I believe meets the County's concerns and is in conformance with the Metro guidelines for making Construction Excise Tax grants to local jurisdictions. Specifically, we propose new language in Section 4 of the IGA as follows:

"The County agrees that it shall use its best efforts to accomplish the milestones and produce the deliverables set forth in Exhibit A in a timely and diligent manner, while the parties acknowledge that accomplishing Milestone 6 may not be entirely within the County's control. Failure to produce a deliverable in the timeframe and manner set forth in Exhibit A shall result in the non-payment of any part of the Grant Payment amount allocated for that particular deliverable as set forth in Exhibit A, but no other penalty under this CET IGA. "

I understand that Derrick is out of town and so I am sending this directly to you. A redlined and clean version of the IGA are attached. Please let me know if the proposed changes meet the County's concerns.

Sincerely,

Alison Kean Campbell

**Alison Kean Campbell**  
**Deputy Metro Attorney**

600 NE Grand Ave. | Portland, Oregon 97232-2736

Direct: 503-797-1511 | Fax: 503-797-1792

[Alison.Kean.Campbell@oregonmetro.gov](mailto:Alison.Kean.Campbell@oregonmetro.gov) | [www.oregonmetro.gov](http://www.oregonmetro.gov)

**Confidentiality Notice:** This e-mail message may contain confidential or privileged information. If you have received this message by mistake, please do not review, disclose, copy, or distribute the e-mail. Instead, please notify us immediately by replying to this message or telephoning us. Thank you.

6/23/2008

**INTERGOVERNMENTAL AGREEMENT**  
**Construction Excise Tax Grant**  
**(Area 93 Project)**

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**PURPOSE:** Metro has established a Construction Excise Tax ("CET") which imposes an excise tax throughout the Metro regional jurisdiction to fund local comprehensive planning needs associated with property that was included into urban growth boundary ("UGB") between 2002 and 2005. The purpose of this CET Grant Intergovernmental Agreement ("CET Grant IGA") is to transfer CET funds from Metro to the County to fund planning services.

---

The parties agree as follows:

**1. EFFECTIVE DATE.**

This CET Grant IGA is effective on the last date of signature below.

**2. RECITALS.**

A. The CET is collected by local jurisdictions when issuing building permits, which the local jurisdictions then remit to Metro pursuant to Construction Excise Tax Intergovernmental Agreements to Collect and Remit Tax ("CET Collection IGAs") entered into separately between Metro and the local collecting jurisdictions;

B. In creating the purpose and amount of the CET, Metro worked with local jurisdictions, and received their estimates as to the total dollar amounts needed to fund their local comprehensive planning needs associated with new inclusions into the UGB between 2002 and 2005;

C. The CET will expire when the total amount of CET collected by all jurisdictions and remitted to Metro is \$6.3 million dollars, which is estimated to take approximately three years from the date of its passage in July 2006; and

D. Metro will distribute 100% of the CET expected to be remitted to Metro as grants or reimbursements to local jurisdictions, based on CET Grant Requests submitted by local jurisdictions that set forth their expected completion of certain milestones associated with Title 11 of Metro Code Chapter 3.07, the Urban Growth Management Functional Plan; and

E. As part of the CET process Metro has met with all of the applicable local jurisdictions regarding their local comprehensive planning funding needs associated with new inclusions into the urban growth boundary between 2002 and 2005, and the total final grant requests submitted by the local jurisdictions significantly exceed the total estimates upon which the CET was based, and therefore the total CET dollars are being apportioned among the requesting jurisdictions; and

F. Metro Code Chapter 7.04 and the CET Administrative Rules provide that the CET revenues will be distributed to provide funding towards local jurisdictions' eligible expenses required for compliance with Title 11 of Metro Code Chapter 3.07, the Urban Growth Management Functional Plan; and

G. The County has submitted a CET Grant Request to Metro for the Area 93 Project, and the parties wish to set forth the funding amounts, timing, and procedures for receiving grant funding from the CET fund for some of the County's planning expenditures for this Project.

**3. RESPONSIBILITIES OF METRO.**

Metro shall provide grant funding to the County for certain approved eligible expenses associated with Title 11 compliance (Metro Code Chapter 3.07, the Urban Growth Management Functional Plan) for this Project that are associated with the County's completion of those planning milestones that are set forth in Exhibit A attached hereto and incorporated herein. The total grant for this Project shall not exceed Two Hundred Two Thousand Five Hundred Dollars (\$202,500.00), and payments shall be in the amounts and upon the delivery of the milestones as set forth in Exhibit A. Payments shall be in accordance with the "payment procedures" set forth below.

**4. RESPONSIBILITIES OF COUNTY.**

The County agrees that it shall use its best efforts to accomplish the milestones and produce the deliverables set forth in Exhibit A in a timely and diligent manner, while the parties acknowledge that accomplishing Milestone 6 may not be entirely within the County's control. Failure to produce a deliverable in the timeframe and manner set forth in Exhibit A shall result in the non-payment of any part of the Grant Payment amount allocated for that particular deliverable as set forth in Exhibit A, but no other penalty under this CET IGA. The County also covenants and agrees that it shall use the CET funds it receives under this Agreement only for the work approved to reach the milestones set forth in Exhibit A.

**5. ELIGIBLE EXPENSES.**

As set forth in Metro Code Chapter 7.04 Administrative Rules, the following expense categories associated with Title 11 compliance shall be considered Eligible Expenses for CET Grant consideration, up to a ceiling of the reimbursable amounts set forth in Exhibit A attached hereto: (a) materials directly related to project; (b) consultants' work on project; (c) County staff support directly related to project; and (d) overhead directly attributable to project.

**6. PAYMENT PROCEDURES.**

Within 30 days after the completion of each milestone as set forth in Exhibit A, the County shall submit to Metro a statement describing in detail the eligible and reimbursable work services performed pursuant to this Agreement. The County will furnish Metro with any other statements or reports of expenditures as may be needed to satisfy fiscal requirements. Metro shall reimburse the County for the eligible and approved reimbursable work after each milestone is reached, no later than 30 days after the date Metro receives the County's invoice. Metro shall send CET payments to:

Multnomah County  
Derrick Tokos, Principal Planner  
1600 S.E. 190th Ave.  
Portland, OR 97233

**7. PROJECT RECORDS.**

The County shall maintain all records and documentation relating to the work and tasks involved in this project as set forth in Exhibit A. The County shall provide Metro with such information and documentation as Metro requires for implementation of the CET grant process. The County shall establish and maintain books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this Agreement.

**8. AUDITS, INSPECTIONS AND RETENTION OF RECORDS.**

Metro and its representatives shall have full access to and the right to examine, during normal business hours and as often as they deem necessary, all County records with respect to all matters covered by this Agreement and Exhibit A. Such representatives shall be permitted to audit, examine, and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls and other matters covered by this Agreement. All documents, papers, time sheets, accounting records, and other materials pertaining to costs incurred in connection with the Project shall be retained by the County and all of their contractors for three years from the date of completion of the Project, or expiration of the Agreement, whichever is later, to facilitate any audits or inspection.

**9. FUNDING FROM CET FUNDS.**

Metro's funding commitment set forth in this Agreement shall be fulfilled solely through the programming of CET funds. The parties recognize and agree that if the CET is ever held to be unenforceable or is terminated through no act or omission of Metro, that Metro shall not be liable in any way for funding the amounts described in Exhibit A.

**10. TERM.**

This Agreement shall terminate when the Total Reimbursable Amount set forth in Exhibit A, representing Metro's multi-year commitment of CET funds provided herein, is fulfilled and expended, and all required documentation has been delivered, or as otherwise provided in accordance with and for the purposes set forth herein.

**11. AMENDMENT.**

This CET Grant IGA may be amended only by mutual written agreement of the Parties.

**12. OTHER AGREEMENTS.**

This CET Grant IGA does not affect or alter any other agreements between Metro and the County.

METRO

MULTNOMAH COUNTY

By: \_\_\_\_\_  
Michael Jordan

By: \_\_\_\_\_  
Ted Wheeler

Title: Metro Chief Operating Officer

Title: Multnomah County Chair

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

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

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By: \_\_\_\_\_  
Sandra N. Duffy  
Assistant County Attorney

Attachment:

Exhibit A – CET Grant IGA Milestones, Due Dates, and Reimbursement Rates

**Exhibit A**  
**CET Grant IGA**  
**Between Metro and Multnomah County for Area 93 Concept Planning**  
**Milestones, Due Dates, and Reimbursement Rates**

**Total Reimbursable Amount from CET funds for Title 11 Compliance:\*** **\$202,500.00**

Milestone #:	Deliverable	Date Due**	Grant Payment
1.	Execution of CET Grant IGA	July 1, 2008	\$ 50,625.00
2.	Existing conditions report and maps including an analysis of buildable lands based on mapping of natural areas, wetlands, floodplains, steep slopes, and hazard areas. Preparation of a Public Involvement Plan that includes outlining the membership, roles, responsibilities, and functions of an Advisory Committee(s) to assist and advise project staff.	January 1, 2009	\$ 39,375.00
3.	Draft Urban Growth Diagrams illustrating alternatives for satisfying Title 11, including an assessment of infrastructure needs and preliminary service options.	April 1, 2009	\$ 30,000.00
4.	The County's preferred Urban Growth Diagram, integrating and depicting at least those elements set forth in Title 11	June 1, 2009	\$ 29,625.00
5.	County adoption of Comprehensive Plan amendments addressing Title 11, the applicable conditions of addition in Metro ordinance for the new urban area, and applicable state laws and regulations. The amendments will outline preliminary public service options and conditions under which urbanization can occur	October 1, 2009	\$ 10,250.00
6.	A final service option, developed for Milestone #5, is selected and Comprehensive Plan and ordinance language is adopted by the County or City of Portland to implement the Concept Plan	January 1, 2011***	\$ 42,625.00
<b>TOTAL REIMBURSABLE AMOUNT*</b>			<b>\$202,500.00</b>

\* The Total Reimbursable Amount is a maximum amount that will be reimbursed for Eligible Expenses required for Title 11 compliance as set forth in Metro Code Chapter 7.04 and Administrative Rules, subject to the terms and conditions of the attached CET Grant IGA.

\*\* Due dates are intended by the parties to be hard estimates of expected milestone completion dates. If the County anticipates that a due date cannot be met due to circumstances beyond its control, it shall inform Metro in writing no later than ten (10) days prior to the due date set forth above and provide a revised estimated due date; and Metro and the County shall mutually agree upon a revision to the milestone due dates set forth in this Agreement. Metro shall forward the amounts set forth above within thirty days of receiving the County's documentation of the deliverable.

\*\*\* This date assumes that all identified public service options are available. If they are not all available then the County may seek an extension pursuant to Metro Functional Plan code section 3.07.850.





# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

## Board Clerk Use Only

Meeting Date: 06/26/08  
Agenda Item #: R-8  
Est. Start Time: 9:40 AM  
Date Submitted: 06/04/08

Agenda Title: **Portland-Milwaukie Light Rail Project Briefing**

Requested Meeting Date: June 26, 2008 Amount of Time Needed: 30 minutes  
Department: Community Services Division: Land Use & Transportation  
Contact(s): Ken Born, Karen Schilling  
Phone: 503-988-3043 Ext. 29397 I/O Address: 455/1  
Presenter(s): Project staff (to be determined), Metro

## General Information

### 1. What action are you requesting from the Board?

This Briefing provides an update to the Board on the status of the Portland-Milwaukie light rail project.

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

The six and one-half mile alignment between Milwaukie and Portland would provide additional transportation options for fast-growing communities with high traffic congestion in north Clackamas County and Southeast Portland. The line would put more than 22,000 households and almost 89,000 employees within walking distance of a light rail station, creating access to central eastside, South Waterfront, downtown Portland, Hillsboro, Gresham and the Portland airport. Ten to 12 stations and a new transit bridge across the Willamette River would be part of the line.

A Supplemental Draft Environmental Impact Statement for the project was published on May 9, and the 45-day comment period closes at noon on June 23, 2008. Shortly after the comment period ends, the project Steering Committee will make their recommendation on a Locally Preferred Alternative (LPA). The Board will need take action on this LPA before it is voted upon by the Metro Council in midsummer.

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

N/A.

**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.**

A Citizen Advisory Committee (CAC) was formed in the summer 2007 and meets regularly. The CAC makes recommendations to a Steering Committee, Technical Advisory Committee and Project Management Group. The Steering Committee is comprised of elected officials from Portland City Council, Milwaukie City Council, Oregon City Commission, Multnomah County Commission, Clackamas County Commission, executives from TriMet and the Oregon Department of Transportation, and the Citizen Advisory Committee chair. The Steering Committee makes final recommendations to Metro Council and to jurisdictions along the alignment.

Public open houses, community meetings, workshops and public hearings have been held throughout the preparation of the SDEIS. Station area planning workshops and open houses were held in Portland, Milwaukie and Oak Grove in the fall and spring. Project staff met with neighborhood associations, business and citizen groups along the proposed alignment prior to publication of the SDEIS to provide information about the public comment period and walk through the decision making process. In May the project held four open houses to share results of the SDEIS. A hearing before the Steering Committee is scheduled for June 9.

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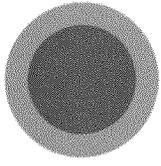
**Required Signature**

---

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



**Date: 06/04/08**



# Portland–Milwaukie

## LIGHT RAIL PROJECT

[www.oregonmetro.gov/southcorridor](http://www.oregonmetro.gov/southcorridor)

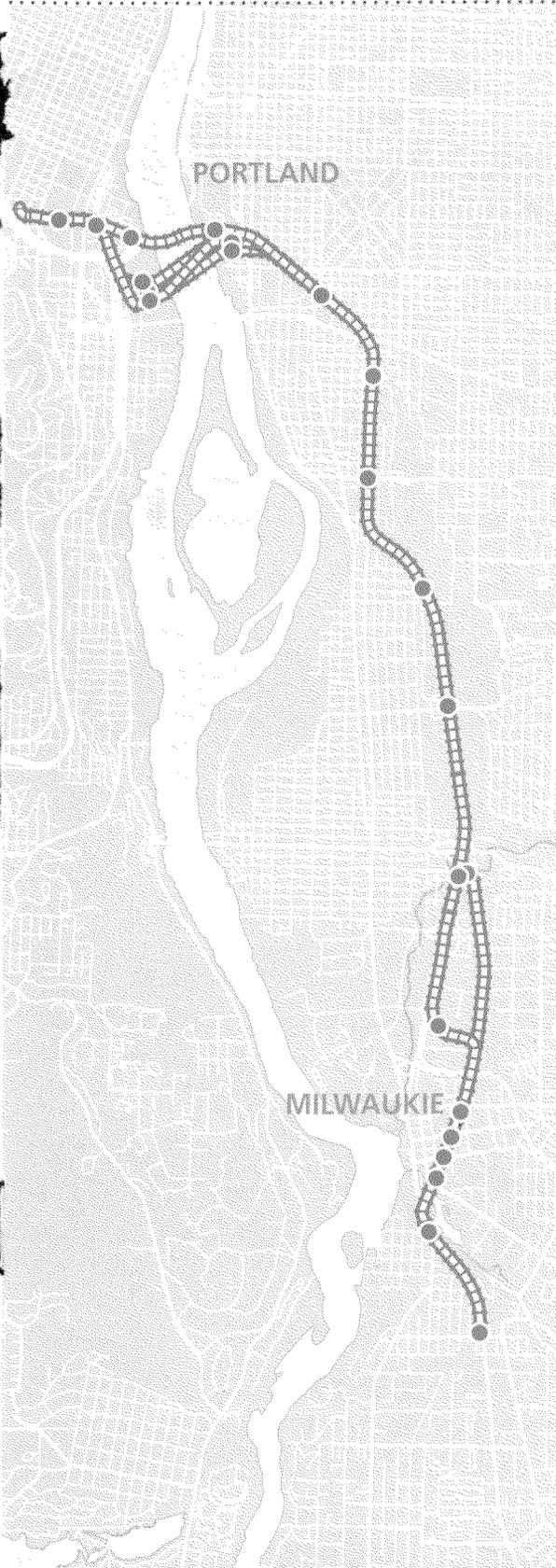
### PROJECT PARTNERS

Cities of Milwaukie,  
Oregon City and Portland  
Clackamas and Multnomah  
counties

Oregon Department  
of Transportation

TriMet

Metro



*We need to hear from you!*

## Comment now on the Supplemental Draft Environmental Impact Statement

Our region is changing and growing. The health, sustainability and livability of our communities are indeed dependent upon the choices we make today. The Portland – Milwaukie Light Rail Project will provide a dependable way for people in our communities — from northern Clackamas County to downtown Portland — to travel in the region conveniently, safely and economically. It will connect communities and build the most important transit bridge our area has seen in a generation.

The project will construct an extension of the MAX system from downtown Portland to a terminus at Lake Road in Milwaukie or Park Avenue in the Oak Grove neighborhood of Clackamas County, a distance just over 6 miles. Metro is leading the project in partnership with TriMet, the Oregon Department of Transportation, the cities of Milwaukie, Oregon City and Portland and Clackamas and Multnomah counties. The project team just published the Supplemental Draft Environmental Impact Statement (SDEIS). The SDEIS describes the potential effects in sixteen topic areas and includes a transportation and financial analysis of the project. It also includes a Draft Section 4(f) Evaluation with Preliminary Findings of De Minimis Impacts to Public Parks, a federally-required environmental analysis that documents the costs, impacts and benefits of the project.

### Now is the time to tell us what you think!

Visit [www.oregonmetro.gov/southcorridor](http://www.oregonmetro.gov/southcorridor) to review and comment on the SDEIS. Attend an upcoming open house or public hearing. Dates and times are listed on the back.



Metro | *People places. Open spaces.*

*How we got here*

**A Milwaukie Light Rail connection is Phase II of the South Corridor Project**

The Portland – Milwaukie Light Rail Project is the latest step in connecting our region through high capacity transit. It is a part of the regional transportation system planning that Metro undertook in the 1980s that has produced an active and vibrant light rail system.

The project was originally part of the Vancouver to Oregon City corridor in the 1990s. The northern portion became the Interstate or Yellow line, which opened for business in May 2004.

The southern portion was studied in the South Corridor Project and adopted in 2003 by all local jurisdictions and the Metro Council. Phase I of the South Corridor Project is I-205 or the Green line, which is expected to open in Fall 2009. Connecting downtown Portland to Milwaukie is Phase II. If the project moves forward, construction will begin in 2011 and you could board the new MAX line in 2015.

DECISION-MAKING PROCESS TIMELINE					
	FALL 2007	WINTER 2008	SPRING	SUMMER	FALL
<b>Environmental Analysis</b>	Select and design alternatives	Analyze alternatives: <ul style="list-style-type: none"> <li>• Environmental</li> <li>• Traffic</li> <li>• Financial</li> </ul>	Publish Supplemental Draft Environmental Impact Statement (SDEIS)		Initiate Final Environmental Impact Statement
<b>Decision Process</b>			<ul style="list-style-type: none"> <li>• Open houses and public hearings</li> <li>• Steering Committee recommends locally preferred alternative (LPA)</li> <li>• Local government action on LPA</li> </ul>		Metro action on LPA
<b>Public Involvement</b>	<ul style="list-style-type: none"> <li>• Open houses, community presentations</li> <li>• Newsletter, ads, web information</li> <li>• Citizen Advisory Committee meetings</li> <li>• Station Area Planning meetings</li> </ul>		Initiate 45-day public comment period		<ul style="list-style-type: none"> <li>• Community meetings</li> <li>• Citizen Advisory Committee meetings</li> <li>• Web information</li> </ul>

*Citizen involvement*

**Citizen Advisory Committee helps guide project**

The project’s Citizen Advisory Committee (CAC) formed in the summer 2007 and meets regularly. CAC members are local residents, business leaders and representatives from public institutions and community groups. Over the course of the year they learned about and toured the proposed alignment, participated in public meetings and reviewed the technical findings on such things as cost, acquisitions and displacements, safety and security, traffic impacts, ridership, project finance, the river crossing and station areas. They have asked questions, actively engaged in dialog and continually provided feedback and local knowledge that project staff have found invaluable. In June, the CAC is expected to make a recommendation to the Steering Committee on the river crossing, alignment and terminus and stations.

Rick Williams, Portland resident and CAC Chair reflected, “I am impressed with the level of commitment, participation and interest by our citizen stakeholders.”

Valerie Chapman, resident of Oak Grove, said she valued “the opportunity to listen to the various viewpoints of CAC members to view the project from a much wider lens.”

David Aschenbrenner of Milwaukie is proud that “future generations will benefit from our work.”

Lance Lindahl, of Portland said, “My colleagues on the CAC have been strong advocates not only for the livability of their own neighborhoods, but for the economic health and general well-being of the region as a whole.”

## How we evaluate the alternatives

With a broad-reaching project like a new light rail line, the objectives and criteria for evaluating the alternatives must be comprehensive. The SDEIS studied how the alternatives perform using the following measures. \*

OBJECTIVES	MEASURES
<ul style="list-style-type: none"> <li>• Provide high quality transit service</li> </ul>	<ul style="list-style-type: none"> <li>• Access</li> <li>• Ridership and ease of transfers</li> <li>• Travel times and schedule reliability</li> </ul>
<ul style="list-style-type: none"> <li>• Ensure effective transit system operations</li> </ul>	<ul style="list-style-type: none"> <li>• Operating effectiveness</li> </ul>
<ul style="list-style-type: none"> <li>• Maximize the ability of the transit network to accommodate future growth in travel demand</li> </ul>	<ul style="list-style-type: none"> <li>• Future expansion capability</li> </ul>
<ul style="list-style-type: none"> <li>• Minimize traffic congestion and traffic through neighborhoods</li> </ul>	<ul style="list-style-type: none"> <li>• Highway system use</li> <li>• Traffic activity through neighborhoods</li> </ul>
<ul style="list-style-type: none"> <li>• Promote desired land use patterns and development</li> </ul>	<ul style="list-style-type: none"> <li>• Support of activity centers like Oregon Museum of Science and Industry</li> <li>• Support of land use policies</li> <li>• Transit access to labor force and employment</li> </ul>
<ul style="list-style-type: none"> <li>• Provide for a fiscally stable and financially efficient transit system</li> </ul>	<ul style="list-style-type: none"> <li>• Cost-effectiveness</li> <li>• Financial feasibility</li> </ul>
<ul style="list-style-type: none"> <li>• Maximize the efficiency and environmental sensitivity of the design of the project</li> </ul>	<ul style="list-style-type: none"> <li>• Ecosystems, air quality, wetlands, parks, noise and vibration</li> <li>• Historic and cultural resources, visual impacts and displacements</li> </ul>

\*Results are summarized in Chapter 5 of the SDEIS.

## Summarizing the advantages and disadvantages of the project

In addition to the river crossing, alignment and station options evaluated, the SDEIS compares the benefits and impacts of building a new light rail line to not building one.

NO-BUILD ALTERNATIVE	LIGHT RAIL ALTERNATIVE
<p><b>Advantages</b></p> <ul style="list-style-type: none"> <li>• No impacts to the natural environment due to construction.</li> <li>• No community impacts such as displacement or noise and vibration.</li> </ul> <p><b>Disadvantages</b></p> <ul style="list-style-type: none"> <li>• Would not provide light rail service to the corridor.</li> <li>• Would not construct a new transit bridge across the Willamette River, which would improve bus, light rail and streetcar connections.</li> </ul> <p><b>Other things to know</b></p> <ul style="list-style-type: none"> <li>• From Lake Road, the transit travel time (which includes waiting, walking and transfers) is 42 minutes to Portland State University and 56 minutes to South Waterfront.</li> </ul>	<p><b>Advantages</b></p> <ul style="list-style-type: none"> <li>• More than 22,000 households and almost 89,000 employees within walking distance of a light rail station.</li> <li>• Between 1,475 and 2,600 additional park and ride spaces.</li> <li>• Up to 24,400 additional light rail rides each weekday.</li> <li>• Up to 59 percent reduction in transit travel time.</li> <li>• Short-term addition of 10,000 to 12,000 construction jobs in the region resulting in \$490 million of economic activity.</li> <li>• Reduction in peak hour congestion on the highway system.</li> <li>• Number of people using transit for work trips to downtown Portland grows by as much as 24 percent.</li> </ul> <p><b>Disadvantages*</b></p> <ul style="list-style-type: none"> <li>• Up to 62 potential full acquisitions.</li> <li>• Impacts to up to 4 historic resources and up to 6 existing and 2 planned parks.</li> <li>• Impacts to one fish-bearing river and 6 streams.</li> <li>• Noise and vibration impacts.</li> </ul> <p><b>Other things to know</b></p> <ul style="list-style-type: none"> <li>• Saves 15 minutes in transit travel time to Portland State University and 32 minutes to South Waterfront.</li> <li>• Would cost between \$1.25 and 1.4 billion to build (in year of construction dollars, 2013).</li> <li>• Would add between \$5.5 million and \$6.6 million in operating costs.</li> </ul>

\*Mitigation planning in process.

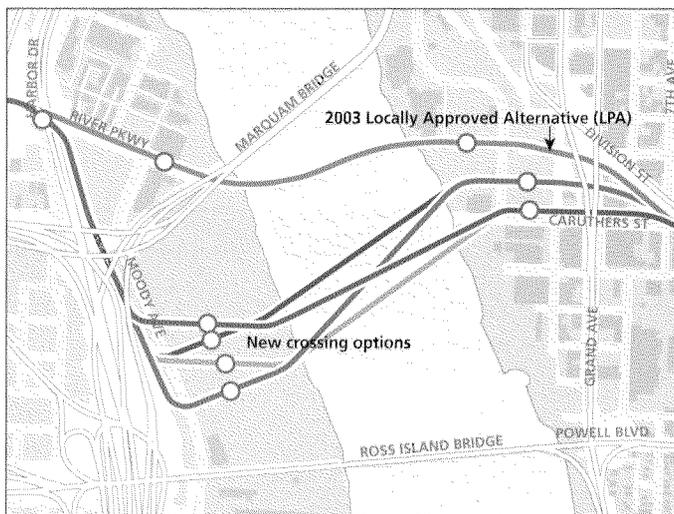
## River crossing options

### Choosing the location for a new bridge

A new bridge across the Willamette River will carry pedestrians, bicycles, buses, streetcar and the new MAX line. It will be an important and unique addition to the region's family of bridges. The recent growth in the South Waterfront area creates an increasing need for transit further south than the original river crossing location, last studied in 1998 and adopted in 2003. The SDEIS studies four alternative bridge locations with an east landing at SE Sherman or SE Caruthers streets and a west landing at SW Meade or SW Porter streets in South Waterfront.

The four options have similar benefits and impacts. They contribute equally to the percentage of people using transit, have very similar travel times and traffic impacts to nearby roadways. They also access the same activity centers on either side of the bridge, places like the Oregon Museum of Science and Industry and Oregon Health Science University. The difference in cost to build and operate the four options is relatively minimal.

### River crossings studied in the project

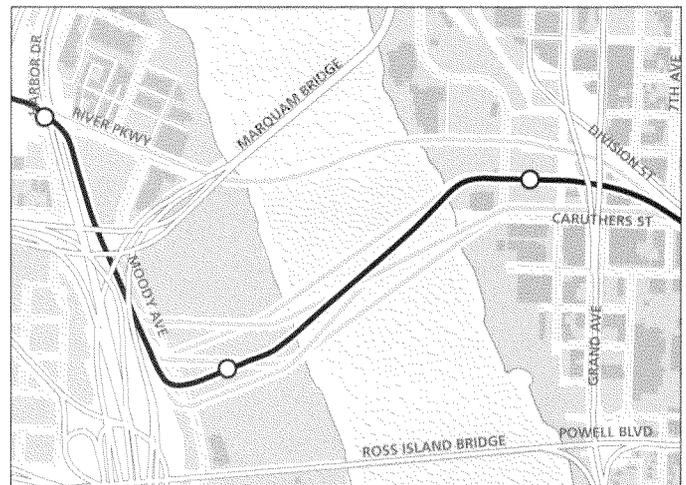


### Willamette River Crossing Partnership

Portland Mayor Tom Potter and City Commissioner Sam Adams assembled a group of property owners and neighborhood representatives from both sides of the river to study possible locations for the new bridge. Called the Willamette River Crossing Partnership and chaired by Portland's former mayor Vera Katz, this group reviewed the benefits and impacts of each river crossing location and shared their unique perspectives.

In May, the group recommended a refinement of the Porter-Sherman crossing. The adjustment would serve Oregon Museum of Science and Industry while complementing Oregon Health and Science University, the Greenway and South Waterfront area master planning and providing a short walk distance to the tram. Their recommendation includes suggestions to inform future work on bridge structure and design, street network, open space and land uses. The project's Steering Committee could recommend this option for further study.

### River crossing recommended by the Willamette River Partnership Committee

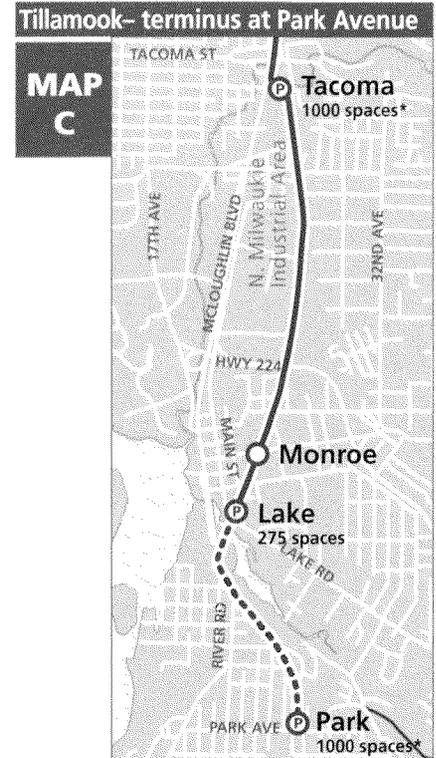


### Differences between the new Willamette River crossing options and the 2003 Locally Preferred Alternative (LPA)

While the four new river crossing options share many similarities, there are a few key differences between them and the 2003 LPA river crossing that has a western landing at River Place:

- **Residents and employees served by light rail:** The new crossing options would serve almost 3,000 more residents and 4,000+ more employees than the 2003 LPA.
- **Light rail ridership:** The four newer crossing options would add between 1,200 and 1,400 light rail trips a day between downtown Portland and Milwaukie over the 2003 LPA.
- **Travel time:** The 2003 LPA would be one to two minutes faster, but the four crossing options would reduce travel time to South Waterfront for people on transit by five minutes.
- **Nearby uses:** The 2003 alternative would have fewer impacts to businesses on the east side, but the new crossing options would have fewer noise impacts and would impact one less park.

*Different routes and end points to consider*



**How far should we extend the line?**

The line could terminate at Lake Road in Milwaukie or extend to Park Avenue in Oak Grove, an unincorporated community in Clackamas County. The two terminus choices have different benefits.

**Benefits of the Lake Road terminus: See map A**

- Requires 6 to 7 fewer full acquisitions.
- Impacts 2 fewer planned parks.
- Results in fewer noise and vibration impacts.
- Costs \$99 to \$124 million less to construct.
- Costs \$1 million less annually to operate.

**Benefits of the Park Avenue terminus:**

*See maps B and C*

- Increases the number of people using alternate forms of transportation to get to downtown Portland.
- Adds 1 or 2 more light rail stations.
- Puts a light rail station within a 1/2 mile walk for 1,100 to 1,600 more households.
- Reaches more commuters in North Clackamas County and maximizes park and ride opportunities by providing 800 to 1,100 more spaces.
- Increases light rail ridership by 2,300 to 3,100 rides each day.

\* The environmental analysis identified a need for additional park and ride spaces along the alignment. A traffic sensitivity analysis indicates it is likely feasible to include 1,250 spaces at SE Tacoma Street and 1,200 spaces at Park Avenue.

**Which route should MAX take through the North Milwaukie industrial area?**

South of the Tacoma station, the route could either follow the 2003 Locally Preferred Alternative on Main Street or the Tillamook Branch railroad through the North Milwaukie industrial area. Each route presents unique challenges and opportunities. The following compares these routes extending to Park Avenue.

**Benefits of the 2003 Locally Preferred Alternative on Main Street: See map B**

- Provides 600 parking spaces with a park and ride at Milwaukie/Southgate.
- Facilitates access to light rail for employees of the industrial area.
- Offers walking access to a light rail station to 500 more households and 1,600 more employees.
- Increases transit ridership by 800 trips each day.
- Results in fewer impacts to the freight railroad.
- Reduces the need for an extension to Park Avenue, which would reduce cost.

**Benefits of the Tillamook Branch option: See map C**

- Requires fewer acquisitions or displacements of businesses in the industrial area.
- Results in fewer impacts to traffic and freight access for businesses in the industrial area.
- Reduces light rail travel time by one minute.
- Costs \$25.6 million less to construct.
- Avoids impacting the historic ODOT property on McLoughlin Boulevard.

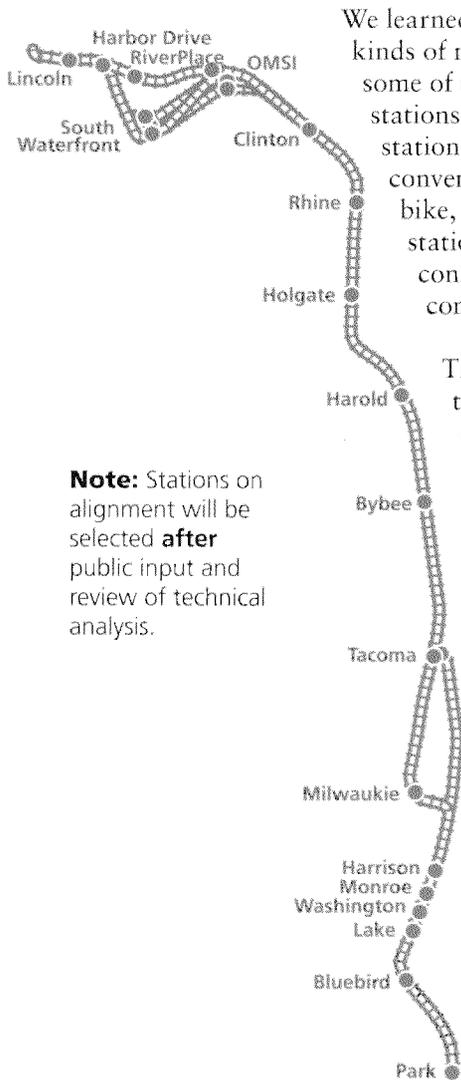
## Station options that will serve the community

### What makes a great station community?

By design, our region is made up of individual neighborhoods and communities, each with its own distinct character. Some neighborhoods are a piece of the big city where people live in high-rise towers and greet each other as they pick up their mail or take the elevator; other neighborhoods feel like small towns where people congregate on sunny weekends for the farmers market or the kids' soccer game.



The Portland - Milwaukie Light Rail Project is an opportunity to connect these different neighborhoods while respecting what makes each place special. Through a variety of workshops, meetings and open houses in Southeast Portland, Milwaukie and Oak Grove, we asked community members about the areas near and around stations.



**Note:** Stations on alignment will be selected **after** public input and review of technical analysis.

We learned that people from all kinds of neighborhoods want some of the same things for stations in their neighborhoods – stations that people can access conveniently and safely on foot, bike, bus or by car. They want stations that are visible and connected to the surrounding community.

There are differences, though. In some communities, people envision their stations as catalysts for new development and opportunities to help create a place where people will want to go – whether to catch MAX or to grab lunch with a friend. In other communities, people want the station to blend into the existing neighborhood. Our region's planning process allows for both these types of stations and everything in between – it allows stations to match the vision of community members.

### Portland station choices

At two station workshops in Fall 2007 approximately 80 participants wrote on maps to illustrate their ideas for station areas including development and redevelopment, bike and pedestrian connections and areas where crossings may be challenging. At the two open houses that followed, about 60 participants reviewed and confirmed ideas provided in the workshops and provided comments on how the ideas might come to fruition.

Ideas for station areas included things like:

- Improving existing pedestrian and bicycle connections within and to the neighborhood and adding new ones
- Providing adequate parking near stations and/or signage or other tools to limit parking in neighborhoods
- Preserving the character of neighborhoods and making stations reflect the unique quality of nearby neighborhoods
- Completing mitigation to limit noise impacts
- Exploring, along with local jurisdictions, concerns about impacts of truck traffic

Public input during the comment period will inform the decision to include – or not include these stations – in the selected alignment. Beyond that, some of the ideas – like station design details and mitigating traffic, noise and parking impacts – will be addressed during the Final Environmental Impact Statement (FEIS) which is expected to begin Fall or Winter 2008.

Other ideas, such as rezoning land for transit-oriented development, will not be included in the project because they fall under the jurisdiction of the City of Portland. The project teamed with and shared results of this community dialog with the city and with all project partners.

#### Harold Station

The project could include a station at SE Harold Street. This station was not part of the 2003 Locally Preferred Alternative, but had been discussed in past processes and was suggested for analysis by community members from the surrounding area.

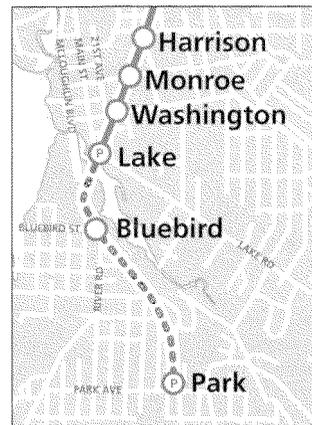
The community has expressed strong support for a SE Harold Street station. The station would support local land use plans, which call for higher density development in the station area. However, the SE Harold Street station would increase capital costs by \$6.4 million and add about one minute in travel time for anyone traveling past the station. And, even with a \$6-8 million pedestrian bridge to connect Reed College and neighborhoods to the east, it would add few riders to the system.

## Milwaukie and Oak Grove station choices

There are four station choices in downtown Milwaukie and one at Bluebird Street south of downtown. One or two downtown stations at Harrison, Monroe, Washington and/or Lake could be combined in different ways with a potential Bluebird station just south of downtown. Each combination comes with its own opportunities and challenges.

Meetings were held in Milwaukie to share information about, and discuss, station choices.

- Approximately 100 people attended a station workshop in March. Participants asked questions about ridership, redevelopment, safety and security, and traffic impacts and shared their preferences for station locations.
- The City of Milwaukie hosted a follow-up meeting for people to rank station locations in relation to the terminus. In June, the Milwaukie City Council will recommend Milwaukie stations to the Steering Committee.



Meetings were also held in Oak Grove.

• Approximately 130 people attended a station workshop in March. The community dialog highlighted interests in safety, redevelopment and light rail compatibility with trails and the existing neighborhood character.

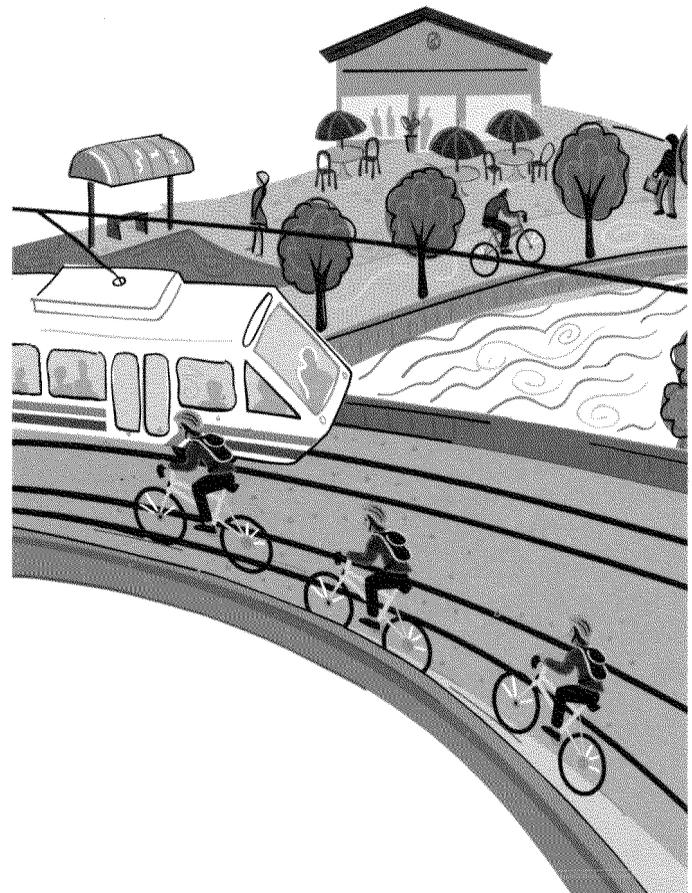
• Oak Lodge Community Planning Organization hosted a follow-up meeting. Some questioned the need for the project. Others emphasized opportunities for senior communities to access transit and suggested integrating Metro's Nature in Neighborhood program into station design.

## Other considerations

### Safety and Security Task Force

Planning for safety and security on and around light rail is essential. The Safety and Security Task Force was created to ensure that public concerns about safety were reflected in this process. They identified concerns and brainstormed possible design ideas and policies to address them, things that give us insight for this light rail project and for current MAX operations. A number of these suggestions are already used by TriMet.

- Review and use best practices, especially Crime Prevention through Environmental Design.
- Improve use of closed circuit TV at station platforms.
- Increase TriMet or other authoritative presence on trains and at stations.
- Design park and rides to be safe and secure for people and property.
- Improve coordination with local first responders.
- Design light rail system to promote safe interaction between light rail trains, cars, bicycles and pedestrians, especially near schools.
- Create inviting, safe platforms and station areas.





600 NE Grand Ave.  
 Portland, OR 97232  
[www.oregonmetro.gov/southcorridor](http://www.oregonmetro.gov/southcorridor)

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**Contact information**

- City of Milwaukie**  
Grady Wheeler, 503-786-7503
- City of Oregon City**  
Nancy Kraushaar, 503-496-1545
- City of Portland**  
Mauricio LeClerc, 503-823-7808
- Clackamas County**  
Ellen Rogalin, 503-353-4274
- Multnomah County**  
Ken Born, 503-998-3043 x 29397
- TriMet**  
Claudia Steinberg, 503-962-2154
- Oregon Department of Transportation**  
Ralph Drewfs, 503-731-3359
- Metro**  
Dana Lucero, 503-797-1755
- Project website:**  
[www.oregonmetro.gov/southcorridor](http://www.oregonmetro.gov/southcorridor)

**Upcoming events**

**Public comment period**  
**May 9 to**  
**noon on June 23**

**Public hearing**  
**Monday, June 9**  
 5:30 - 8:30 p.m.  
 Metro Regional Center  
 Council Chambers  
 600 NE Grand Ave., Portland

**Farmers markets**  
**Wednesday, May 14**  
 4:30 to 7:30 p.m.  
 Moreland farmers market  
 SE Bybee/14<sup>th</sup>, Eastmoreland

**Saturday, May 17**  
 9 a.m. to 2 p.m.  
 Oregon City farmers market  
 2051 Kaen Rd, Oregon City

**Sunday, May 18**  
 9:30 to 2 p.m.  
 Milwaukie farmers market  
 Main St. across from City Hall,  
 Milwaukie

**Open houses**

**Wednesday, May 21**  
 6 to 8 p.m.  
 Cleveland High School  
 3400 SE 26th Ave., Portland

**Thursday, May 22**  
 6 to 8 p.m.  
 Marriott Residence Inn  
 Broadway Room  
 2115 SW River Parkway  
 Portland

**Tuesday, May 27**  
 6 to 8 p.m.  
 Putnam High School cafeteria  
 4950 SE Roethe Rd.  
 Oak Grove

**Wednesday, May 28**  
 6 to 8 p.m.  
 Milwaukie High School commons  
 11300 SE 23rd St.  
 Milwaukie





# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-9 DATE 06/26/08  
DEBORAH L. BOGSTAD, BOARD CLERK

### Board Clerk Use Only

Meeting Date: 06/26/08  
Agenda Item #: R-9  
Est. Start Time: 10:05 AM  
Date Submitted: 06/18/08

## BUDGET MODIFICATION: DCM - 18

**Budget Modification DCM-18 Appropriating \$84,642 General Fund**  
**Agenda Contingency to Transfer to Departments Impacted by Local 88 Class/Comp**  
**Title: Studies Completed During the Year**

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

<b>Date Requested:</b> <u>June 26, 2008</u>	<b>Time Requested:</b> <u>5 minutes</u>
<b>Department:</b> <u>Dept. of County Management</u>	<b>Division:</b> <u>Budget Office</u>
<b>Contact(s):</b> <u>Mark Campbell</u>	
<b>Phone:</b> <u>503 988-3312</u> <b>Ext.</b> <u>24213</u>	<b>I/O Address:</b> <u>503/531</u>
<b>Presenter(s):</b> <u>Mark Campbell/Joi Doi</u>	

## General Information

### 1. What action are you requesting from the Board?

Appropriation of \$84,642 in FY 2008 General Fund contingency to departments that have been impacted by Local 88 class/comp studies. \$78,165 is the impact of Class Comp studies and \$6,474 is the total cost of consultants contracted during the process. Under terms of the contract between the County and Local 88 there is an earmark in the contingency account to provide funding to implement studies that are completed during the fiscal year.

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

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

In addition, any funds not used within a given fiscal year are carried over and dedicated to the class/comp reserve. The FY 2008 budget included \$789,284 for this purpose. The full amount was carried over from previous years.

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

New language in the Local 88 contract provides for a separate account – established at \$75,000 – to cover costs incurred by outside consultants. These funds have not been specifically earmarked in the General Fund contingency because the Local 88 contract was not settled prior to adoption of the FY 2008 budget. We will make provision this year to reimburse Human Resources for any costs incurred for this purpose from the normal contingency. In future years, these funds will be allocated along with the amount calculated for implementation of the studies. For FY 2008 the amount to be reimbursed to Human Resources for consultants used during Local 88 studies is \$6,474.

This budget modification requests that funds be transferred to the District Attorney's Office, the Health Department, the Library, the Department of County Management and the Department of Community Services for studies that were completed during FY 2007. Those studies include Legal Assistants, Trades, and Media positions.

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

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

If this transfer is approved there will be \$711,119 remaining in the class/comp reserve. This amount will be carried over into FY 2009.

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

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

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

N/A

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# ATTACHMENT A

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## Budget Modification

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

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

There is no change in revenue.

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

The following budgets will be affected by this action:

Decrease the General Fund contingency by \$78,165.

Increase personal services costs in DA, Health, DCM, Library, and DCS by a combined total of \$78,165

Increase Professional Services in DCM Human Resources by \$6,474 to cover consultant fees

- **What do the changes accomplish?**

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

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

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

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

NA

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

N/A

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

NA

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

NA

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## Contingency Request

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

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

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

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

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

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

See above.

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

Departments budget for the additional payroll costs in future years.

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

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

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

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## ATTACHMENT B

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**BUDGET MODIFICATION: DCM - 18**

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### Required Signatures

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**Department/  
Agency Director:**

*Carol M. Ford*

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**Date:** 06/18/08

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**Budget Analyst:**

*Angela Burdine*

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**Date:** 06/18/06

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**Department HR:**

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**Date:**

---

**Countywide HR:**

*Joi E. Ott*

---

**Date:** 06/18/08

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Fund Center	Fund Code	Func. Area	Internal Order	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Cost Center	WBS Element						
91-00	1000	0020		700000		60000		2,961	2,961	4,024	DCS
91-00	1000	0020		700000		60130		858	858		
91-00	1000	0020		700000		60140		205	205		
40-90	1000	0030		409050		60000	0	3,564	3,564	4,829	HD
40-90	1000	0030		409050		60130	0	1,033	1,033		
40-90	1000	0030		409050		60140	0	232	232		
15-00	1000	0050		154100		60000		19,709	19,709	27,115	DA
15-00	1000	0050		154100		60130		6,223	6,223		
15-00	1000	0050		154100		60140		1,183	1,183		
10-00	1000	0020		100100		60000		11,547	11,547	15,585	Non Dept
10-00	1000	0020		100100		60130		3,345	3,345		
10-00	1000	0020		100100		60140		693	693		
72-01	1000	0020		704000		60000		16,695	16,695	22,688	DCM
72-01	1000	0020		704000		60130		4,836	4,836		
72-01	1000	0020		704000		60140		1,157	1,157		
80-00	1510	0070		800000		60000		2,920	2,920	3,927	Library
80-00	1510	0070		800000		60130		846	846		
80-00	1510	0070		800000		60140		161	161		
72-80	1000	0020		705250		60170		6,474	6,474	6,474	Consultant Charges
								0			
19	1000	0020		9500001000		60470		(84,642)	(84,642)		reduce GF Contingency
								0			
72-10	3500	0020		705210		50316		(3,631)	(3,631)		Insurance Revenue
72-10	3500	0020		705210		60330		3,631	3,631		Offsetting expenditure
								0			
								0			
								0			
								0			
								0			
								0			
								0			
								0			
								0		0	Total - Page 1
								0		0	GRAND TOTAL

**ANNUALIZED PERSONNEL CHANGE**

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

						ANNUALIZED			
Fund	Job #	HR Org	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
			CARPENTER	6147	8.00	6,872	1,991	482	9,345
			CARPENTER/LOCKSMITH	6149	2.00	2,472	716	173	3,361
			FACILITIES MAINTENANCE WKR	6094	2.00	1,723	499	121	2,343
			PUBLIC HEALTH VECTOR SPEC	6093	6.00	4,798	1,390	312	6,500
			STRIPER OPERATOR	6098	3.00	1,168	338	85	1,591
			VECTOR CONTROL SPEC	6355	(2.00)				0
			SR GIS CARTOGRAPHER	6082	5.00	4,833	1,400	322	6,555
			FACILITIES SPECIALIST 2	6017	2.00	1,355	393	99	1,847
			PRINTING SPECIALIST	7209	1.00	701	203	39	943
			PRODUCTION ASSISTANT	7230	1.00	679	197	37	913
			PUBLICATION SPECIALIST	7208	(1.00)				0
			PROGRAM COMMUNICATIONS & WEB SPEC	6178	1.00	1,535	445	84	2,064
			HUMAN RESOURCE TECH	6101	1.00	4,959	1,566	298	6,822
			LEGAL ASSISTANT SR	6241	6.00	8,927	2,819	536	12,282
			LEGAL ASSISTANT 2	6246	1.00	1,975	624	119	2,717
			CREATIVE MEDIA COORDINATOR	7232	1.00	1,044	302	63	1,409
			PUBLIC AFFAIRS COORDINATOR	6089	3.00	10,503	3,043	630	14,176
			DATA ANALYST	6073	1.00	3,848	1,215	231	5,294
			<b>TOTAL ANNUALIZED CHANGES</b>		<b>41.00</b>	<b>57,392</b>	<b>17,141</b>	<b>3,630</b>	<b>78,162</b>



**Department of County Management**  
**MULTNOMAH COUNTY OREGON**

Budget Office

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

TO: Board of County Commissioners

FROM: Mark Campbell, Deputy Budget Manager

DATE: June 18, 2008

SUBJECT: General Fund Contingency Request for \$84,642 to Transfer Appropriations from the Local 88 Class/Comp Reserve to Departments Impacted by Implementation of Class/Comp Studies. (Bud Mod DCM – 18).

This budget modification transfers \$84,642 from the General Fund contingency to departments that have been impacted by implementation of two Local 88 class/comp studies completed during the current year. Funding exists within the contingency specifically for this purpose. The contract between the County and Local 88 outlines how the funding is established. In FY 2008, there is **\$789,284** available for this purpose. No other transfers have been made this year and the remaining balance will be carried over into FY 2008.

This contingency transfer memorializes the studies that have been implemented this year. It provides additional funding to departments to cover additional payroll costs.

**General Fund Contingency Policy Compliance**

The Budget Office is required to inform the Board if contingency requests submitted for approval satisfy the general guidelines and policies for using the General Fund Contingency. The request is consistent with County policy because it was an unanticipated situation. In particular,

- Criteria 1 states contingency requests should be for one-time-only purposes. If this is not judged to be one-time-only transition funding, the request essentially funds ongoing programs with one-time-only emergency contingency funds.
- Criteria 2 Addresses emergencies and unanticipated expenditures necessary to keep a public commitment or fulfill a legislative or contractual mandate. **This item is required to uphold a contractual obligation associated with the Local 88 contract.**
- Criteria 3 addresses items identified in Board Budget Notes.



**MULTNOMAH COUNTY**  
**AGENDA PLACEMENT REQUEST (short form)**

**Board Clerk Use Only**

**Meeting Date:** 06/26/08  
**Agenda Item #:** R-10  
**Est. Start Time:** 10:07 AM  
**Date Submitted:** 06/19/08

**Agenda Title:** **RESOLUTION Approving the 2007-2010 Labor Agreement between Multnomah County and the Federation of Oregon Parole and Probation Officers (FOPPO)**

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

**Requested Meeting Date:** June 26, 2008      **Amount of Time Needed:** 15 minutes  
**Department:** Dept. of County Management      **Division:** Central HR/Labor Relations  
**Contact(s):** Blaise Lamphier, Labor Relations Manager  
**Phone:** 503.988.5135      **Ext.** 22168      **I/O Address:** 503/400  
**Presenter(s):** Blaise Lamphier and Pat Brasesco, president of FOPPO

**General Information**

**1. What action are you requesting from the Board?**

The Department of County Management recommends approval of a three-year labor agreement with the Federation of Oregon Parole and Probation Officers (FOPPO) covering Parole and Probation Officers employed by the County.

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

The 2004-2007 Agreement expired on June 30, 2007. The parties have negotiated a new contract to run from July 1, 2007 through June 30, 2010. The agreement provides for the continuation of wages, benefits and other working conditions. Significant provisions include:

- Term of Agreement: July 1, 2007 to June 30, 2010
- Holiday Leave: Established holiday leave bank to allow employees to carry over 24 hours of unused holiday time into following calendar year.
- Vacation Leave: Revised accrual rates for employees with less than two years of service and created new accrual rates for employees with 5 to 10 years of service. Clarified accrual language.
- FMLA/OFLA: Established "only actual hours worked" eligibility consistent with law.
- Workers Compensation: Clarified limitation of County's liability when employees are on Federation Leave.

- Wages: See fiscal section below.
- Health & Welfare: See fiscal section below.
- Job Shares: New language addressing particulars of job shares.
- Investigatory Procedures: New language clarifying procedures.
- Grievance Arbitration: New language clarifying parties' options on arbitrability and bench decisions.
- Defense of Civil Claims: Clarification on procedures.
- Drug & Alcohol Policy: Clarifying language on Last Chance Agreements.

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

The wage agreement for the contract is as follows:

- As of 7/1/07, employees covered by the agreement receive a 2.7% cost of living (COLA) increase. This equates to the Portland CPI-W 2<sup>nd</sup> Half increase for December 2006.
- As of 7/1/08, employees covered by the agreement receive a 3.8% cost of living (COLA) increase. This equates to the Portland CPI-W 2<sup>nd</sup> Half increase for December 2007. They will receive 2.8% as a wage increase and 1% as a VEBA health account contribution.
- As of 7/1/09, the parties agree to a limited re-opener including wages and other specified compensation.

Health & Welfare: As of 1/1/09, medical-dental insurance premiums will be charged to employees at a percentage of premium costs (this language mirrors the Local 88 contract).

The cost to the County for FY2008 is estimated at \$422,532; the cost to the County for FY2009 is estimated at \$541,943.

Depending on the amount of the wage increase during the third year, the total estimated increased cost to the County of this contract over the three year period ranges from \$1,488,547 to \$2,050,255, a 13.14% to 18.10% increase in total cost to the County over the life of the contract.

**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

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**Required Signature**

---

Elected Official or  
Department/  
Agency Director:

*Carol M. Ford*

---

Date: 06/19/08

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BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. \_\_\_\_\_

Approving the 2007-2010 Labor Agreement Between Multnomah County and the Federation of Oregon Parole and Probation Officers

**The Multnomah County Board of Commissioners Finds:**

- a. The Parole and Probation Officers elected to be represented by the Federation of Oregon Parole and Probation Officers, effective July 1, 2004. Representatives of Multnomah County and Federation of Oregon Parole and Probation Officers completed bargaining for a labor agreement effective July 1, 2007 through June 30, 2010.
- b. The labor agreement was negotiated pursuant to ORS 243.650-243.782.

**The Multnomah County Board of Commissioners Resolves:**

The 2007–2010 Labor Agreement between Multnomah County and the Federation of Oregon Parole and Probation Officer is approved with an effective date of July 1, 2007.

ADOPTED this 26th 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 \_\_\_\_\_  
Kathryn A. Short, Assistant County Attorney

SUBMITTED BY:  
Carol M. Ford, Director, Dept. of County Management

**BOGSTAD Deborah L**

---

**From:** LAMPHIER Blaise M  
**Sent:** Monday, June 23, 2008 4:40 PM  
**To:** BOGSTAD Deborah L  
**Cc:** WHEELER Ted; ROJO DE STEFFEY Maria; COGEN Jeff; NAITO Lisa H; ROBERTS Lonnie J; BROWN Carol L -Labor Relations  
**Subject:** Postponement of Agenda Item # R-10 for Meeting of 6/26/08 to 7/3/08

Deb:

Per our discussion, I hereby request that Agenda Item # R-10 for the Board Meeting of June 26, 2008, be postponed and rescheduled for the July 3, 2008 meeting agenda.

Two minor items meriting correction and clarification were discovered by the parties subsequent to the submission of the tentative agreement to FOPPO members. Therefore, the items will be modified by the parties and the corrected tentative agreement will be resubmitted to FOPPO's membership for ratification. The vote will be completed in time for the item to be considered by the Board at the July 3<sup>rd</sup> meeting.

Please let me know if you have any questions.

Thank you,  
Blaise

**Blaise M. Lamphier**  
Labor Relations Manager  
Department of County Management, Multnomah County  
Human Resources Division  
501 SE Hawthorne Blvd., Suite 400  
Portland, OR 97214  
(503) 988-5135 ext. 4 or (503) 988-5015 ext. 22168  
(503) 988-5670 FAX

[blaise.m.lamphier@co.multnomah.or.us](mailto:blaise.m.lamphier@co.multnomah.or.us)

6/24/2008



**MULTNOMAH COUNTY**  
**AGENDA PLACEMENT REQUEST (short form)**

**Board Clerk Use Only**

**Meeting Date:** 06/26/08  
**Agenda Item #:** R-10 AM  
**Est. Start Time:** 10:07 AM  
**Date Submitted:** 06/19/08

**Agenda Title:** **Approval of the 2007-2010 Labor Agreement between Multnomah County and the Federation of Oregon Parole and Probation Officers (FOPPO)**

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

**Requested Meeting Date:** June 26, 2008      **Amount of Time Needed:** 15 minutes  
**Department:** Dept. of County Management      **Division:** Central HR/Labor Relations  
**Contact(s):** Blaise Lamphier, Labor Relations Manager  
**Phone:** 503.988.5135      **Ext.** 22168      **I/O Address:** 503/400  
**Presenter(s):** Blaise Lamphier and Pat Brasesco, president of FOPPO

**General Information**

**1. What action are you requesting from the Board?**

The Department of County Management recommends approval of a three-year labor agreement with the Federation of Oregon Parole and Probation Officers (FOPPO) covering Parole and Probation Officers employed by the County.

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

The 2004-2007 Agreement expired on June 30, 2007. The parties have negotiated a new contract to run from July 1, 2007 through June 30, 2010. The agreement provides for the continuation of wages, benefits and other working conditions. Significant provisions include:

- Term of Agreement: July 1, 2007 to June 30, 2010
- Holiday Leave: Established holiday leave bank to allow employees to carry over 24 hours of unused holiday time into following calendar year.
- Vacation Leave: Revised accrual rates for employees with less than two years of service and created new accrual rates for employees with 5 to 10 years of service. Clarified accrual language.
- FMLA/OFLA: Established "only actual hours worked" eligibility consistent with law.
- Workers Compensation: Clarified limitation of County's liability when employees are on

Federation Leave.

- Wages: See fiscal section below.
- Health & Welfare: See fiscal section below.
- Job Shares: New language addressing particulars of job shares.
- Investigatory Procedures: New language clarifying procedures.
- Grievance Arbitration: New language clarifying parties' options on arbitrability and bench decisions.
- Defense of Civil Claims: Clarification on procedures.
- Drug & Alcohol Policy: Clarifying language on Last Chance Agreements.

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

The wage agreement for the contract is as follows:

- As of 7/1/07, employees covered by the agreement receive a 2.7% cost of living (COLA) increase. This equates to the Portland CPI-W 2<sup>nd</sup> Half increase for December 2006.
- As of 7/1/08, employees covered by the agreement receive a 3.8% cost of living (COLA) increase. This equates to the Portland CPI-W 2<sup>nd</sup> Half increase for December 2007. They will receive 2.8% as a wage increase and 1% as a VEBA health account contribution.
- As of 7/1/09, the parties agree to a limited re-opener including wages and other specified compensation.

Health & Welfare: As of 1/1/09, medical-dental insurance premiums will be charged to employees at a percentage of premium costs (this language mirrors the Local 88 contract).

The cost to the County for FY2008 is estimated at \$422,532; the cost to the County for FY2009 is estimated at \$541,943.

Depending on the amount of the wage increase during the third year, the total estimated increased cost to the County of this contract over the three year period ranges from \$1,488,547 to \$2,050,255, a 13.14% to 18.10% increase in total cost to the County over the life of the contract.

**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:

*Carol M. Ford*

Date: 06/19/08



**MULTNOMAH COUNTY**  
**AGENDA PLACEMENT REQUEST (short form)**

**Board Clerk Use Only**

**Meeting Date:** 06/26/08  
**Agenda Item #:** R-11  
**Est. Start Time:** 10:15 AM  
**Date Submitted:** 06/17/08

<b>Agenda Title:</b>	<b>RESOLUTION Authorizing Use of County Property for the Installation of Solar Facilities to Provide Solar Energy to County Facilities</b>
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*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.*

<b>Requested Meeting Date:</b>	<u>June 26, 2008</u>	<b>Amount of Time Needed:</b>	<u>15 minutes</u>
<b>Department:</b>	<u>Department of County Management</u>	<b>Division:</b>	<u>FPM</u>
<b>Contact(s):</b>	<u>Clark Jurgemeyer</u>		
<b>Phone:</b>	<u>503 988-3074</u>	<b>Ext.:</b>	<u>83074</u>
<b>Presenter(s):</b>	<u>Clark Jurgemeyer, Peter West (Energy Trust), Scott Reed (SunEdison)</u>		
<b>I/O Address:</b>	<u>clark.r.jurgemeyer@co...</u>		

**General Information**

**1. What action are you requesting from the Board?**

Approve resolution authorizing use of County property for the installation of solar facilities to provide solar energy to County facilities.

**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 may not allow use of their property for more than 90 days without Board approval.

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

None.

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

Contracts will be drawn up with the solar energy provider that will detail their access rights and limit their use of County property.

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

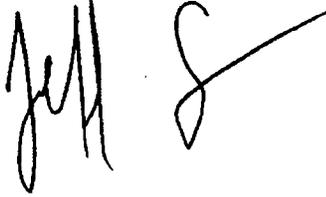
Energy Trust of Oregon, Inc. has provided technical support and assistance in procuring a solar energy provider.

---

**Required Signature**

---

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

A handwritten signature in black ink, consisting of stylized initials and a long, sweeping flourish extending to the right.

**Date: 06/17/08**

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. \_\_\_\_\_**

Authorizing Use of County Property for the Installation of Solar Facilities to Provide Solar Energy to County Facilities

**The Multnomah County Board of Commissioners Finds:**

- a. By Resolution 07-125, adopted June 28, 2007, the Board resolved to collaborate with Energy Trust of Oregon, Inc. (Energy Trust) on a series of solar energy production projects sited on County facilities with a goal of generating at least 1,000,000 kWh per year of renewable electricity from County owned buildings and properties by the end of 2010.
- b. With the assistance of Energy Trust, Facilities and Property Management issued an RFP seeking proposals for solar energy production on certain County facilities.
- c. A proposal from SunEdison LLC was selected and, with the assistance of Energy Trust, contracts are being negotiated for the installation of solar facilities on three County properties for a minimum period of 20 years. The contracts are for the purchase by the County of the entire output of solar energy from such facilities for a cost below the current cost of power purchased by the County from the local electric utility at those sites plus an escalator that is near the historic average for electrical service. The solar facilities will be installed, operated, monitored and maintained by SunEdison LLC subsidiaries (SunE BLD LLC, SunE JBY LLC, SunE JJC LLC) without additional cost to the County.
- d. The County properties at which the solar facilities are proposed to be installed are The Multnomah Building, the John B Yeon Facility and Yeon Annex, and the Juvenile Justice Complex. The areas where the solar facilities will be installed are surplus to other County uses. It is in the best interest of the County to permit solar facilities to be installed on these properties.

**The Multnomah County Board of Commissioners Resolves:**

1. To allow the installation of solar facilities at The Multnomah Building, the John B Yeon Facility and Yeon Annex, and the Juvenile Justice Complex pursuant to contracts with SunE Multnomah BLD LLC, SunE JBY LLC, and SunE Multnomah JJC LLC for the generation of solar energy for sale to the County to help meet the County's energy needs.

2. The Chair is authorized to execute appropriate contracts allowing use of these County properties for installation of solar energy facilities.

ADOPTED this 26th 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 S. Thomas, Deputy County Attorney

SUBMITTED BY:  
Jeff Cogen, Commissioner District 2

**BOGSTAD Deborah L**

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**From:** KINOSHITA Carol  
**Sent:** Wednesday, June 25, 2008 12:07 PM  
**To:** BOGSTAD Deborah L  
**Cc:** THOMAS John S; JURGEMEYER Clark R  
**Subject:** RE: Solar - Multnomah project LLC names

Here's the revised doc. Thanx!

*Carol*

---

**From:** THOMAS John S  
**Sent:** Wednesday, June 25, 2008 10:34 AM  
**To:** KINOSHITA Carol  
**Cc:** BOGSTAD Deborah L; JURGEMEYER Clark R  
**Subject:** FW: Solar - Multnomah project LLC names  
**Importance:** High

Carol: Please see Clark's email below. For R-11 tomorrow there is a new entity to be added to the parenthetical in paragraph c and in 1 of the resolves. Can you please make this change and forward to Deb?

Deb: Can you please arrange for substitution of this resolution for the one that was published?

Thanks

*John Thomas*  
*Deputy County Attorney*  
*501 SE Hawthorne, Portland 97214*  
*(503)988-3138*  
*(503)988-3377(fax)*

---

**From:** JURGEMEYER Clark R  
**Sent:** Wednesday, June 25, 2008 7:44 AM  
**To:** THOMAS John S  
**Subject:** Solar - Multnomah project LLC names  
**Importance:** High

SunEdison has added a fourth contract entity (SunE Multnomah JBY Ground LLC) for ground-mounted panels at John B Yeon Facility. Do we need to add the fourth entity to the Resolution ... and correct previous references to other entities (because I did not enter their full names both times)? If so, can you do the swap with Deb? Please advise. Thanx.

*Clark Richard Jurgemeyer, Energy Manager*  
*Facilities and Property Management*  
*Multnomah County Oregon*  
*503 988-5082 fax*  
*503 988-3074*

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

6/26/2008

**From:** Scott Reed [mailto:sreed@sunedison.com]  
**Sent:** Wednesday, June 25, 2008 7:37 AM  
**To:** JURGEMEYER Clark R  
**Subject:** Multnomah project LLC names

Clark,  
The new project LLC is:

SunE Multnomah JBY Ground, LLC

This gets added to the others I've previously sent:

SunE Multnomah BLD, LLC  
SunE Multnomah JJC, LLC  
SunE Multnomah JBY, LLC

-Scott

**Scott Reed**  
Solar Project Development  
*SunEdison LLC*



949-289-0194 (cell)  
323-297-1517 ("phax")

[SReed@SunEdison.com](mailto:SReed@SunEdison.com)  
[www.SunEdison.com](http://www.SunEdison.com)

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. \_\_\_\_\_**

Authorizing Use of County Property for the Installation of Solar Facilities to Provide Solar Energy to County Facilities

**The Multnomah County Board of Commissioners Finds:**

- a. By Resolution 07-125, adopted June 28, 2007, the Board resolved to collaborate with Energy Trust of Oregon, Inc. (Energy Trust) on a series of solar energy production projects sited on County facilities with a goal of generating at least 1,000,000 kWh per year of renewable electricity from County owned buildings and properties by the end of 2010.
- b. With the assistance of Energy Trust, Facilities and Property Management issued an RFP seeking proposals for solar energy production on certain County facilities.
- c. A proposal from SunEdison LLC was selected and, with the assistance of Energy Trust, contracts are being negotiated for the installation of solar facilities on three County properties for a minimum period of 20 years. The contracts are for the purchase by the County of the entire output of solar energy from such facilities for a cost below the current cost of power purchased by the County from the local electric utility at those sites plus an escalator that is near the historic average for electrical service. The solar facilities will be installed, operated, monitored and maintained by SunEdison LLC subsidiaries (SunE Multnomah BLD LLC, SunE Multnomah JBY LLC, SunE Multnomah JBY Ground LLC, SunE Multnomah JJC LLC) without additional cost to the County.
- d. The County properties at which the solar facilities are proposed to be installed are The Multnomah Building, the John B Yeon Facility and Yeon Annex, and the Juvenile Justice Complex. The areas where the solar facilities will be installed are surplus to other County uses. It is in the best interest of the County to permit solar facilities to be installed on these properties.

**The Multnomah County Board of Commissioners Resolves:**

1. To allow the installation of solar facilities at The Multnomah Building, the John B Yeon Facility and Yeon Annex, and the Juvenile Justice Complex pursuant to contracts with SunE Multnomah BLD LLC, SunE Multnomah JBY LLC, SunE Multnomah JBY Ground LLC, and SunE Multnomah JJC LLC for the generation of solar energy for sale to the County to help meet the County's energy needs.

2. The Chair is authorized to execute appropriate contracts allowing use of these County properties for installation of solar energy facilities.

ADOPTED this 26th 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 S. Thomas, Deputy County Attorney

SUBMITTED BY:

Jeff Cogen, Commissioner District 2

①  
**MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP**

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Please complete this form and return to the Board Clerk  
\*\*\*This form is a public record\*\*\*

MEETING DATE: 6/26/08

SUBJECT: County Solar Project

---

AGENDA NUMBER OR TOPIC: R#1

---

FOR: X AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: Joe Reinhart c/o OSEIA

---

ADDRESS: 833 SE Main St

---

CITY/STATE/ZIP: Portland OR 97229

---

PHONE: DAYS: 503 236-0367 EVES: 503 330-2386

---

EMAIL: joe@oseia.org FAX: \_\_\_\_\_

---

SPECIFIC ISSUE: Support the Multnomah Co.  
Solar Projects

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WRITTEN TESTIMONY: \_\_\_\_\_

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**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

2

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk  
\*\*\*This form is a public record\*\*\*

MEETING DATE: 6/26/08

SUBJECT: Solar

AGENDA NUMBER OR TOPIC: R-11

FOR: X AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: Deane Fuchs

ADDRESS: 121 SW Salmon St,

CITY/STATE/ZIP: PDX OR

PHONE: DAYS: 464-8565 EVES: \_\_\_\_\_

EMAIL: Deane.Fuchs@pgh.com FAX: \_\_\_\_\_

SPECIFIC ISSUE: Solar installation

WRITTEN TESTIMONY: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

3

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk  
\*\*\*This form is a public record\*\*\*

MEETING DATE: 6/26

SUBJECT: Solar ORDINANCE

AGENDA NUMBER OR TOPIC: Support Solar PV contracts R-11

FOR:  AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: David Tooze

ADDRESS: 721 NW 9th #350 (Wk)

CITY/STATE/ZIP: RL

PHONE: DAYS: 503 823 7582 EVES: \_\_\_\_\_

EMAIL: \_\_\_\_\_ FAX: \_\_\_\_\_

SPECIFIC ISSUE: \_\_\_\_\_

WRITTEN TESTIMONY: NONE

**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 08-096**

Authorizing Use of County Property for the Installation of Solar Facilities to Provide Solar Energy to County Facilities

**The Multnomah County Board of Commissioners Finds:**

- a. By Resolution 07-125, adopted June 28, 2007, the Board resolved to collaborate with Energy Trust of Oregon, Inc. (Energy Trust) on a series of solar energy production projects sited on County facilities with a goal of generating at least 1,000,000 kWh per year of renewable electricity from County owned buildings and properties by the end of 2010.
- b. With the assistance of Energy Trust, Facilities and Property Management issued an RFP seeking proposals for solar energy production on certain County facilities.
- c. A proposal from SunEdison LLC was selected and, with the assistance of Energy Trust, contracts are being negotiated for the installation of solar facilities on three County properties for a minimum period of 20 years. The contracts are for the purchase by the County of the entire output of solar energy from such facilities for a cost below the current cost of power purchased by the County from the local electric utility at those sites plus an escalator that is near the historic average for electrical service. The solar facilities will be installed, operated, monitored and maintained by SunEdison LLC subsidiaries (SunE Multnomah BLD LLC, SunE Multnomah JBY LLC, SunE Multnomah JBY Ground LLC, SunE Multnomah JJC LLC) without additional cost to the County.
- d. The County properties at which the solar facilities are proposed to be installed are The Multnomah Building, the John B Yeon Facility and Yeon Annex, and the Juvenile Justice Complex. The areas where the solar facilities will be installed are surplus to other County uses. It is in the best interest of the County to permit solar facilities to be installed on these properties.

**The Multnomah County Board of Commissioners Resolves:**

1. To allow the installation of solar facilities at The Multnomah Building, the John B Yeon Facility and Yeon Annex, and the Juvenile Justice Complex pursuant to contracts with SunE Multnomah BLD LLC, SunE Multnomah JBY LLC, SunE

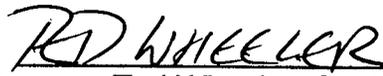
Multnomah JBY Ground LLC, and SunE Multnomah JJC LLC for the generation of solar energy for sale to the County to help meet the County's energy needs.

2. The Chair is authorized to execute appropriate contracts allowing use of these County properties for installation of solar energy facilities.

ADOPTED this 26th day of June 2008.

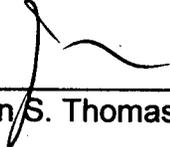


BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
\_\_\_\_\_  
Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
\_\_\_\_\_  
John S. Thomas, Deputy County Attorney

SUBMITTED BY:  
Jeff Cogen, Commissioner District 2



**MULTNOMAH COUNTY**  
**AGENDA PLACEMENT REQUEST (short form)**

**Board Clerk Use Only**

**Meeting Date:** 06/26/08  
**Agenda Item #:** R-12  
**Est. Start Time:** 10:30 AM  
**Date Submitted:** 06/17/08

**Agenda Title:** Briefing on Initiative 40 and Senate Bill 1087

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

**Requested Meeting Date:** Thursday, June 26, 2008      **Amount of Time Needed:** 90 minutes  
**Department:** Non-Departmental      **Division:** LPSCC & District 3  
**Contact(s):** Carol Wessinger, Executive Director, LPSCC  
**Phone:** 503 988-5217      **Ext.** 85217      **I/O Address:** 503-600  
**Presenter(s):** Craig Prins, Executive Director, Criminal Justice Commission

**General Information**

**1. What action are you requesting from the Board?**

Briefing, no action required

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

No current fiscal impact.

Initiative 40 and SB 1087 will both appear on the November 2008 ballot. Both have the potential of impacting the counties budget.

The Initiative 40 measure creates mandatory minimum prison sentences for specified crimes for which current law does not require mandatory minimums. It requires 36-month minimums for identity theft, first degree burglary, and Class A felony manufacture/delivery of methamphetamine, heroin, cocaine, or methylenedioxymethamphetamine; 30-months minimums for Class B felony manufacture/delivery of same specified controlled substances. For offenders with one or more prior felony convictions, or two prior misdemeanor convictions, measure requires 18-month minimums for first degree forgery, motor vehicle theft; 14-month minimums for first degree theft, second degree burglary. Prohibits reductions in sentences required by measure. Sentences must be served in state prisons, not in county jails. State must reimburse counties for pretrial incarceration costs for

persons sentenced under measure.

SB 1087 increases term of imprisonment for persons convicted of specified drug and property crimes under certain circumstances. Prohibits court from imposing less than presumptive sentence for persons convicted of specified drug and property crimes under certain circumstances. Requires Department of Corrections to provide treatment to (certain) offences and to administer grant program to provide supplemental funding to local governments for certain purposes.

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

No current fiscal impact

Potential financial impacts to the state and county will include but not be limited to increased numbers of people sent to jail and/or prison, increased numbers of people in the court system, increased numbers of people in parole and probation and increased numbers of individuals who will be in need of county human services as well as health department services.

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

Both Initiative 40 and SB 1087 will have dramatic effects on the criminal justice system as well as all related systems. They will affect how dollars are allocated in the state budget as well as county budgets.

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

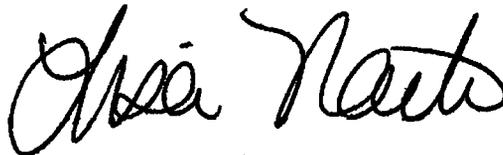
Support and dissent are present throughout the state. Groups throughout the state and county are garnering support and dissent for these measures.

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**Required Signature**

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Elected Official or  
Department/  
Agency Director:



Date: 06/17/08

**BOGSTAD Deborah L**

---

**From:** WHEELER Ted  
**Sent:** Friday, June 20, 2008 12:40 PM  
**To:** WESSINGER Carol M; BOGSTAD Deborah L  
**Cc:** NAITO Lisa H; KARNES Ana; OZANNE Peter A; FARVER Bill  
**Subject:** RE: Multnomah County Commissioners meeting agenda for June 24 and 26, 2008

Sounds good, thanks!

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

**From:** WESSINGER Carol M  
**Sent:** Friday, June 20, 2008 10:32 AM  
**To:** WHEELER Ted; BOGSTAD Deborah L  
**Cc:** NAITO Lisa H; KARNES Ana; OZANNE Peter A; WESSINGER Carol M; FARVER Bill  
**Subject:** RE: Multnomah County Commissioners meeting agenda for June 24 and 26, 2008

Ted,  
 I have asked for Craig Prins, Executive Director of the Oregon Criminal Justice Commissioner to shorten his presentation on Initiative 40 \* SB 1087 to 45 minutes.  
 Regards,  
 Carol

Carol M. Wessinger  
 Executive Director - LPSCC  
 Senior Policy Advisor to Commissioner Lisa Naito  
 501 SE Hawthorne Blvd. #600  
 Portland, Oregon 97201  
 503-988-5217  
 FAX 503-988-5262  
 carol.m.wessinger@co.multnomah.or.us

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

**From:** NAITO Lisa H  
**Sent:** Friday, June 20, 2008 9:18 AM  
**To:** WESSINGER Carol M  
**Subject:** FW: Multnomah County Commissioners meeting agenda for June 24 and 26, 2008

Carol,

I didn't realize they wanted 90 minutes. I don't see why we would need more than 30 minutes. A 20 minute presentation with 10 minutes of discussion would be all we should schedule since this is a voting day, not a general briefing day. We have seen much of this before. Can you get back to Ted on this? Lisa

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

**From:** WHEELER Ted  
**Sent:** Friday, June 20, 2008 9:06 AM  
**To:** NAITO Lisa H  
**Subject:** FW: Multnomah County Commissioners meeting agenda for June 24 and 26, 2008

Lisa – I don't meant to be a bother and you are certainly entitled to as much time as you would like for your presentation on the 26<sup>th</sup>, but it is shaping up to be a marathon meeting so if there is

6/23/2008

any way to shorten your 90 minute presentation that would be appreciated. I'm going to ask Jeff to do likewise on his presentations (just because I know the board has a tough time keeping focused over three hours...) Thanks

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

**From:** BOGSTAD Deborah L

**Sent:** Thursday, June 19, 2008 8:37 PM

**Subject:** Multnomah County Commissioners meeting agenda for June 24 and 26, 2008

Greetings! Attached is the Multnomah County Commissioners meeting agenda for June 24 and 26, 2008. Information for these meetings is available at <http://www.co.multnomah.or.us/cc/WeeklyAgendaPacket/>. Click onto the appropriate agenda number folder to access the documents contained therein.

**Please note, the Thursday, June 26th Board meeting starts at 9:00 a.m.**

If you have any questions, please do not hesitate to contact me. 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](mailto: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



# Issue Brief - 2008

OREGON DEPARTMENT OF CORRECTIONS

## SB 1087 and IP 40 Comparison

### Overview

Oregonians may have the choice between two competing measures on the November 4, 2008 ballot. One referral is Initiative Petition 40 (IP 40), which has qualified for November 4 ballot, Kevin Mannix, Duane Fletchall and Steve Beck are the chief petitioners. The other is the legislatively referred, Senate Bill 1087. Both IP 40 and SB 1087 would be assigned different ballot-measure numbers.

Both measures provide for more severe sentences for certain property and drug crimes, and SB 1087 provides alcohol and drug treatment for certain offenders.

### Sentencing highlights of SB 1087

SB 1087 is the proposed legislative referral that would increase sentences for repeat drug and property offenders and provide drug and alcohol treatment for certain addicted offenders in order to reduce the likelihood of future criminal activity.

SB 1087 does not establish mandatory minimum sentences for property crime on the first offense, but enhances sentences for repeat offenders, drug traffickers and manufacturers who possess substantial amounts of methamphetamine, heroin, ecstasy and cocaine.

For people convicted of delivering or manufacturing cocaine, ecstasy, heroin or methamphetamine, prison sentences would range from 58 to 130 months, or 34 to 72 months, depending on drug amounts involved, a person's criminal history and whether it was sold to a person younger than 18. Currently, the sentence for this crime is probation to 45 months.

For people convicted of first-degree aggravated theft, first-degree burglary, third-degree robbery, identity theft or aggravated identity theft, the presumptive sentence would go up from 19 to 24 months.

If there is a previous conviction for any of the above mentioned crimes, or a conviction for one of 19 other property crimes, within three years of release from prison or supervision, the sentence would be increased by two months for each previous conviction, up to a maximum of 12 additional months.

For people convicted of certain property crimes, the sentence would go up from 13 to 18 months. If there is a previous conviction for any one of nine specific crimes, or one of 19 other property crimes committed within three years after supervision ends for a prior conviction, a sentence would be increased by two months for each previous conviction, up to a maximum of 12 additional months.

There would also be enhanced penalties for a person who steals \$10,000 or more from a victim who is 65 years of age or older at the time of the crime and for a person who delivers meth, cocaine, ecstasy or heroin to a person under 18.

### Sentencing highlights of IP 40

IP 40 would require mandatory minimum prison sentences for those convicted of property and drug crimes.

IP 40 would set 36-month minimums for identity theft, first-degree burglary, and Class A felony manufacture/delivery of cocaine, heroin or

methamphetamine; 30-month minimums for Class B felony manufacture/delivery of those same drugs.

For offenders with one or more prior felony convictions, or two or more prior misdemeanor convictions, IP 40 would require 18-month minimums for first-degree forgery, motor vehicle theft; 14-month minimums for first-degree theft, second-degree burglary.

IP 40 states that sentences must be served in state prisons, not in county jails. IP 40 would require the state to reimburse the county for all actual costs of pretrial incarceration for each person sentenced under IP 40.

### **Treatment programs**

IP 40 does not have any treatment programs or funding for treatment associated with the measure.

SB 1087 states that the Department of Corrections shall provide "appropriate" treatment to drug-addicted persons with moderate or severe needs, and at a high or medium risk of committing another crime.

Under SB 1087, the Oregon Criminal Justice Commission would be charged with conducting regular and independent evaluations of programs funded through this grant system to ensure the delivery of effective treatment.

If an offender does not comply with court-ordered treatment, judges and probation/parole officers have the authority to impose swift and certain punishment for those offenders.

### **Estimated costs**

IP 40 would add an additional 4,000 to 6,000 non-violent inmates to DOC custody by July 2012. IP 40 would add \$256 million to \$400 million per biennium to DOC's 2009-11 budget. IP 40 provides no funding for new prison construction or for treatment programs.

SB 1087 would add 1,600 non-violent inmates to DOC custody by 2012. SB 1087 would add an estimated \$140 million per biennium to DOC's budget. This figure does not include money for debt

service or new prison construction. SB 1087 provides funding for county treatment programs and jail beds.

### **House Bill 3638**

HB 3638 is the companion measure to SB 1087. HB 3638 contains language implementing the treatment grant language of SB 1087. This measure would change the requirements for entry into the Department's Alternative Incarceration Programs (AIP).

The bill also provides that national criminal history checks for county jail inmates would be reimbursed by the state. Also, incarcerated felons in county jails would be unable to vote during incarceration. It is already impermissible for incarcerated felons at state correctional facilities to vote.

**The mission of the  
Oregon Department of Corrections  
is to promote public safety by  
holding offenders accountable for their  
actions and reducing the risk of  
future criminal behavior.**



---

**Max Williams, Director  
(503) 945-0920**

**Mitch Morrow, Deputy Director  
(503) 945-0921**

**Ginger Martin  
Assistant Director for Transitional Services  
(503) 945-9062**

**Oregon Department of Corrections  
2575 Center Street NE  
Salem, Oregon 97301-4667**

[www.oregon.gov/doc](http://www.oregon.gov/doc)

73-OC/PA:6/13/08

**Enrolled**  
**Senate Bill 1087**

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary)

CHAPTER .....

AN ACT

Relating to crime; creating new provisions; amending ORS 137.717 and 164.162; and providing that this Act shall be referred to the people for their approval or rejection.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. The Legislative Assembly finds and declares that:**

(1) **The manufacturing and dealing of methamphetamine, heroin, cocaine and ecstasy are especially damaging to our community.**

(2) **Many Oregonians are addicted to these drugs. Some of these drug-addicted persons present a danger to public safety by committing crimes to feed their addictions.**

(3) **In order to reduce the risk of future criminal activity, these drug-addicted offenders need the opportunity to change their behavior through effective drug treatment.**

(4) **Sections 2 to 5 and 6 of this 2008 Act and the amendments to ORS 137.717 and 164.162 by sections 7 and 10 of this 2008 Act increase the punishment for offenders who commit high-level or repeat drug and property crimes.**

(5) **Section 8 of this 2008 Act increases the availability of treatment for drug-addicted offenders.**

(6) **Section 9 of this 2008 Act requires swift and certain punishment for offenders who refuse or fail to successfully complete treatment as a condition of probation, parole or post-prison supervision.**

**SECTION 2. When a person is convicted of the unlawful delivery or manufacture of a controlled substance, the court shall sentence the person to a term of incarceration ranging from:**

(1) **58 months to 130 months, depending on the person's criminal history, if the delivery or manufacture involves:**

(a) **500 grams or more of a mixture or substance containing a detectable amount of cocaine;**

(b) **500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers or salts of its isomers;**

(c) **100 grams or more of a mixture or substance containing a detectable amount of heroin; or**

(d) **100 grams or more or 500 or more pills, tablets or capsules of a mixture or substance containing a detectable amount of ecstasy.**

(2) 34 months to 72 months, depending on the person's criminal history, if the delivery or manufacture involves:

(a) 100 grams or more of a mixture or substance containing a detectable amount of cocaine;

(b) 100 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers or salts of its isomers;

(c) 50 grams or more of a mixture or substance containing a detectable amount of heroin;

or

(d) 50 grams or more or 250 or more pills, tablets or capsules of a mixture or substance containing a detectable amount of ecstasy.

**SECTION 3.** (1) When a person is convicted of the unlawful delivery of cocaine, methamphetamine, heroin or ecstasy to a person under 18 years of age, the court shall sentence the person to a term of incarceration ranging from 34 months to 72 months, depending on the person's criminal history.

(2) The sentence described in subsection (1) of this section does not apply to a person who is less than three years older than the person under 18 years of age to whom the controlled substance was delivered, unless the person has a previous conviction for delivery of cocaine, methamphetamine, heroin or ecstasy to a person under 18 years of age.

**SECTION 4.** When a person is convicted of aggravated theft in the first degree under ORS 164.057, the court shall sentence the person to a term of incarceration ranging from 16 months to 45 months, depending on the person's criminal history, if:

(1) The victim of the theft was 65 years of age or older at the time of the commission of the offense; and

(2) The value of the property stolen from the victim described in subsection (1) of this section, in a single or aggregate transaction, is \$10,000 or more.

**SECTION 5.** As used in sections 2 to 5 of this 2008 Act:

(1) "Controlled substance" means:

(a) Cocaine;

(b) Methamphetamine;

(c) Heroin; or

(d) Ecstasy.

(2) "Ecstasy" means:

(a) 3,4-methylenedioxymethamphetamine;

(b) 3,4-methylenedioxyamphetamine; or

(c) 3,4-methylenedioxy-N-ethylamphetamine.

(3) "Mixture or substance" means any mixture or substance, whether or not the mixture or substance is in an ingestible or marketable form at the time of the offense.

**SECTION 6.** (1) When a court sentences a person convicted of a crime listed in subsection (2) of this section, the court may not impose a sentence of optional probation or grant a downward dispositional departure or a downward durational departure under the rules of the Oregon Criminal Justice Commission if the person has a previous conviction for any of the crimes listed in subsection (2) of this section.

(2) The crimes to which subsection (1) of this section applies are:

(a) Manufacture or delivery of a controlled substance, other than marijuana, under ORS 475.840 (1);

(b) Creation or delivery of a counterfeit substance, other than marijuana, under ORS 475.840 (2);

(c) Manufacture or delivery of heroin under ORS 475.846, 475.848, 475.850 or 475.852;

(d) Manufacture or delivery of 3,4-methylenedioxymethamphetamine under ORS 475.866, 475.868, 475.870 or 475.872;

(e) Manufacture or delivery of cocaine under ORS 475.876, 475.878, 475.880 or 475.882;

(f) Manufacture or delivery of methamphetamine under ORS 475.886, 475.888, 475.890 or 475.892;

(g) Manufacture or delivery of a controlled substance within 1,000 feet of a school under ORS 475.904;

(h) Delivery of a controlled substance to a person under 18 years of age under ORS 475.906; and

(i) Possession of a precursor substance with intent to manufacture a controlled substance under ORS 475.967.

(3)(a) For a crime committed on or after November 1, 1989, a conviction is considered to have occurred upon the pronouncement in open court of sentence. However, when sentences are imposed for two or more convictions arising out of the same conduct or criminal episode, none of the convictions is considered to have occurred prior to any of the other convictions arising out of the same conduct or criminal episode.

(b) For a crime committed prior to November 1, 1989, a conviction is considered to have occurred upon the pronouncement in open court of a sentence or upon the pronouncement in open court of the suspended imposition of a sentence.

(4) For purposes of this section, previous convictions must be proven pursuant to ORS 137.079.

(5) As used in this section, "previous conviction" means:

(a) Convictions occurring before, on or after the effective date of this 2008 Act; and

(b) Convictions entered in any other state or federal court for comparable offenses.

**SECTION 7.** ORS 137.717 is amended to read:

137.717. (1) When a court sentences a person convicted of:

(a) Aggravated theft in the first degree under ORS 164.057, burglary in the first degree under ORS 164.225, robbery in the third degree under ORS 164.395, identity theft under ORS 165.800 or aggravated identity theft under ORS 165.803, the presumptive sentence is [19] 24 months of incarceration, unless the rules of the Oregon Criminal Justice Commission prescribe a longer presumptive sentence, if the person has:

(A) A previous conviction for aggravated theft in the first degree under ORS 164.057, burglary in the first degree under ORS 164.225, robbery in the third degree under ORS 164.395, robbery in the second degree under ORS 164.405, robbery in the first degree under ORS 164.415 or aggravated identity theft under ORS 165.803; [or]

(B) [Four] Two or more previous convictions for any combination of the [other] crimes listed in subsection (2) of this section[.]; or

(C) A previous conviction for a crime listed in subsection (2) of this section if the current crime of conviction was committed while the defendant was on supervision for the previous conviction or less than three years after the date the defendant completed the period of supervision for the previous conviction.

(b) Theft in the first degree under ORS 164.055, unauthorized use of a vehicle under ORS 164.135, mail theft or receipt of stolen mail under ORS 164.162, burglary in the second degree under ORS 164.215, criminal mischief in the first degree under ORS 164.365, computer crime under ORS 164.377, forgery in the first degree under ORS 165.013, criminal possession of a forged instrument in the first degree under ORS 165.022, fraudulent use of a credit card under ORS 165.055 (4)(b), [identity theft under ORS 165.800,] possession of a stolen vehicle under ORS 819.300 or trafficking in stolen vehicles under ORS 819.310, the presumptive sentence is [13] 18 months of incarceration, unless the rules of the Oregon Criminal Justice Commission prescribe a longer presumptive sentence, if the person has:

(A) A previous conviction for aggravated theft in the first degree under ORS 164.057, unauthorized use of a vehicle under ORS 164.135, burglary in the first degree under ORS 164.225, robbery in the third degree under ORS 164.395, robbery in the second degree under ORS 164.405, robbery in the first degree under ORS 164.415, possession of a stolen vehicle under ORS 819.300,

trafficking in stolen vehicles under ORS 819.310 or aggravated identity theft under ORS 165.803; [or]

(B) [Four] Two or more previous convictions for any combination of the [other] crimes listed in subsection (2) of this section.; or

(C) A previous conviction for a crime listed in subsection (2) of this section if the current crime of conviction was committed while the defendant was on supervision for the previous conviction or less than three years after the date the defendant completed the period of supervision for the previous conviction.

(2) The crimes to which subsection (1) of this section applies are:

(a) Theft in the second degree under ORS 164.045;

(b) Theft in the first degree under ORS 164.055;

(c) Aggravated theft in the first degree under ORS 164.057;

(d) Unauthorized use of a vehicle under ORS 164.135;

(e) Mail theft or receipt of stolen mail under ORS 164.162;

[(e)] (f) Burglary in the second degree under ORS 164.215;

[(f)] (g) Burglary in the first degree under ORS 164.225;

[(g)] (h) Criminal mischief in the second degree under ORS 164.354;

[(h)] (i) Criminal mischief in the first degree under ORS 164.365;

[(i)] (j) Computer crime under ORS 164.377;

[(j)] (k) Forgery in the second degree under ORS 165.007;

[(k)] (L) Forgery in the first degree under ORS 165.013;

[(L)] (m) Criminal possession of a forged instrument in the second degree under ORS 165.017;

[(m)] (n) Criminal possession of a forged instrument in the first degree under ORS 165.022;

[(n)] (o) Fraudulent use of a credit card under ORS 165.055;

[(o)] (p) Identity theft under ORS 165.800;

[(p)] (q) Possession of a stolen vehicle under ORS 819.300; [and]

[(q)] (r) Trafficking in stolen vehicles under ORS 819.310[.]; and

(s) Any attempt to commit a crime listed in this subsection.

(3)(a) A presumptive sentence described in subsection (1) of this section shall be increased by two months for each previous conviction the person has that:

(A) Was for any of the crimes listed in subsection (1) or (2) of this section; and

(B) Was not used as a predicate for the presumptive sentence under subsection (1) of this section.

(b) Previous convictions may not increase a presumptive sentence described in subsection (1) of this section by more than 12 months under this subsection.

[(3)] (4) The court may impose a sentence other than the sentence provided by subsection (1) or (3) of this section if the court imposes:

(a) A longer term of incarceration that is otherwise required or authorized by law; or

(b) A departure sentence authorized by the rules of the Oregon Criminal Justice Commission based upon findings of substantial and compelling reasons. Unless the law or the rules of the Oregon Criminal Justice Commission allow for imposition of a longer sentence, the maximum departure allowed for a person sentenced under this subsection is double the presumptive sentence provided in subsection (1) or (3) of this section.

[(4) As used in this section, "previous conviction" includes:]

[(a) Convictions occurring before, on or after July 1, 2003; and]

[(b) Convictions entered in any other state or federal court for comparable offenses.]

(5) Notwithstanding subsection (4)(b) of this section, the court may not sentence a person under subsection (4) of this section to a term of incarceration that exceeds the period of time described in ORS 161.605.

(6) The court shall sentence a person under this section to at least the presumptive sentence described in subsection (1) or (3) of this section, unless the parties stipulate otherwise or the court finds that:

(a) The person was not on probation, parole or post-prison supervision for a crime listed in subsection (1) of this section at the time of the commission of the current crime of conviction;

(b) The person has not previously received a downward departure from a presumptive sentence for a crime listed in subsection (1) of this section;

(c) The harm or loss caused by the crime is not greater than usual for that type of crime; and

(d) In consideration of the nature of the offense and the harm to the victim, a downward departure will:

(A) Increase public safety;

(B) Enhance the likelihood that the person will be rehabilitated; and

(C) Not unduly reduce the appropriate punishment.

[(5)(a)] (7)(a) For a crime committed on or after November 1, 1989, a conviction is considered to have occurred upon the pronouncement of sentence in open court. However, when sentences are imposed for two or more convictions arising out of the same conduct or criminal episode, none of the convictions is considered to have occurred prior to any of the other convictions arising out of the same conduct or criminal episode.

(b) For a crime committed prior to November 1, 1989, a conviction is considered to have occurred upon the pronouncement in open court of a sentence or upon the pronouncement in open court of the suspended imposition of a sentence.

[(6)] (8) For purposes of this section, previous convictions must be proven pursuant to ORS 137.079.

(9) As used in this section:

(a) "Downward departure" means a downward dispositional departure or a downward durational departure under the rules of the Oregon Criminal Justice Commission.

(b) "Previous conviction" includes:

(A) Convictions occurring before, on or after July 1, 2003; and

(B) Convictions entered in any other state or federal court for comparable offenses.

**SECTION 8.** (1) The Department of Corrections shall:

(a) Provide appropriate treatment services to drug-addicted persons in the custody of the department who are at a high or medium risk of reoffending and who have moderate to severe treatment needs; and

(b) Make grants to counties in order to provide supplemental funding for:

(A) The operation of local jails;

(B) Appropriate treatment services for drug-addicted persons on probation, parole or post-prison supervision; or

(C) The intensive supervision of drug-addicted persons on probation, parole or post-prison supervision, including the incarceration of drug-addicted persons who have violated the terms and conditions of probation, parole or post-prison supervision.

(2) The Oregon Criminal Justice Commission shall make grants to counties in order to provide supplemental funding for drug courts for drug-addicted persons, including the costs of appropriate treatment services and the incarceration of persons who have violated the terms and conditions of a drug court.

(3)(a) The appropriate legislative committee shall periodically conduct oversight hearings on the effectiveness of this section.

(b) The Oregon Criminal Justice Commission shall periodically conduct independent evaluations of the programs funded by this section for their effectiveness in reducing criminal behavior in a cost-effective manner.

(4) Nothing in section 1, 2 to 5, 6, 8, 9 or 11 of this 2008 Act or the amendments to ORS 137.717 or 164.162 by sections 7 and 10 of this 2008 Act:

(a) Creates any claim, right of action or civil liability; or

(b) Requires a supervisory authority or the Department of Corrections to provide treatment to any individual under the authority's supervision or in the department's custody.

**SECTION 9.** If a person on probation, parole or post-prison supervision is required to successfully complete a drug or alcohol treatment program as a condition of supervision and the person refuses or otherwise fails to successfully complete the treatment program, the court or the supervising authority shall impose swift and certain punishment, including incarceration in jail.

**SECTION 10.** ORS 164.162 is amended to read:

164.162. (1) A person commits the crime of mail theft or receipt of stolen mail if the person intentionally:

(a) Takes or, by fraud or deception, obtains mail from a post office, postal station, mail receptacle, authorized depository or mail carrier;

(b) Takes from mail any article contained therein;

(c) Secretes, embezzles or destroys mail or any article contained therein;

(d) Takes or, by fraud or deception, obtains mail that has been delivered to or left for collection on or adjacent to a mail receptacle or authorized depository; or

(e) Buys, receives, conceals or possesses mail or any article contained therein knowing that the mail or article has been unlawfully taken or obtained.

(2) Mail theft or receipt of stolen mail is a Class C felony [A misdemeanor].

**SECTION 11.** (1) When a court sentences a person under sections 2 to 5 of this 2008 Act:

(a) The court shall use the criminal history scale of the sentencing guidelines grid of the Oregon Criminal Justice Commission to determine the sentence to impose. The sentence described in:

(A) Section 2 (1) of this 2008 Act shall be determined utilizing crime category 10 of the sentencing guidelines grid.

(B) Sections 2 (2) and 3 (1) of this 2008 Act shall be determined utilizing crime category 9 of the sentencing guidelines grid.

(C) Section 4 of this 2008 Act shall be determined utilizing crime category 8 of the sentencing guidelines grid.

(b)(A) Notwithstanding ORS 161.605, the court shall impose the sentence described in sections 2 to 5 of this 2008 Act and may not impose a sentence of optional probation or grant a downward dispositional departure or a downward durational departure under the rules of the commission.

(B) The court may impose a sentence other than the sentence described in sections 2 to 5 of this 2008 Act if the court imposes a longer term of incarceration that is otherwise required or authorized by law.

(2) A person sentenced under sections 2 to 5 of this 2008 Act may not receive a reduction in the term of incarceration for appropriate institutional behavior that exceeds 20 percent of the sentence imposed.

**SECTION 12.** (1) Sections 1 to 6 and 11 of this 2008 Act and the amendments to ORS 137.717 and 164.162 by sections 7 and 10 of this 2008 Act become operative on January 1, 2009.

(2) Sections 2 to 6 and 11 of this 2008 Act and the amendments to ORS 137.717 and 164.162 by sections 7 and 10 of this 2008 Act apply to sentences imposed for crimes committed on or after January 1, 2009.

(3) Sections 8 and 9 of this 2008 Act become operative on July 1, 2009.

**SECTION 13.** If Initiative Petition 40 (2008) is placed on the ballot at the next regular general election held throughout this state on November 4, 2008, and both Initiative Petition 40 (2008) and this 2008 Act are enacted or approved by a majority of the votes cast thereon:

(1) Sections 1 to 6, 8, 9, 11 and 12 of this 2008 Act and the amendments to ORS 137.717 and 164.162 by sections 7 and 10 of this 2008 Act are repealed if Initiative Petition 40 (2008) receives a number of affirmative votes greater than the number of affirmative votes received by this 2008 Act; or

(2) The preamble and sections 1 to 8 of Initiative Petition 40 (2008) are repealed if this 2008 Act receives a number of affirmative votes greater than the number of affirmative votes received by Initiative Petition 40 (2008).

**SECTION 14.** If any part of sections 1 to 6 and 11 of this 2008 Act and the amendments to ORS 137.717 and 164.162 by sections 7 and 10 of this 2008 Act is held to be unconstitutional or otherwise invalid, all remaining parts of sections 1 to 6 and 11 of this 2008 Act and the amendments to ORS 137.717 and 164.162 by sections 7 and 10 of this 2008 Act shall not be affected by the holding and shall remain in full force and effect.

**SECTION 15.** This 2008 Act shall be submitted to the people for their approval or rejection at the next regular general election held throughout this state.

Passed by Senate February 22, 2008

Referred to People

.....  
Secretary of Senate

Filed in Office of Secretary of State:

.....M.,....., 2008

.....  
President of Senate

Passed by House February 22, 2008

.....  
Secretary of State

.....  
Speaker of House

**BILL BRADBURY**  
SECRETARY OF STATE



ELECTIONS DIVISION  
JOHN LINDBACK  
DIRECTOR  
141 STATE CAPITOL  
SALEM, OREGON 97310-0722  
ELECTIONS—(503) 986-1518

August 21, 2006

To All Interested Parties:

Secretary of State Bill Bradbury is responsible for the pre-election review of proposed initiative petitions for compliance with the procedural constitutional requirements established in the Oregon Constitution for initiative petitions. This review will be completed before approving the form of the cover and signature sheets for the purpose of circulating the proposed initiative petition to gather signatures.

The Secretary of State is seeking public input on whether proposed initiative petition (#40), satisfies the procedural constitutional requirements for circulation as a proposed initiative petition. Petition #40 was filed in our office on August 18, 2006, by Duane Fletchall and Steve Beck, for the General Election of November 4, 2008.

Enclosed is a copy of the text of this proposed initiative petition. If you are interested in providing comments on whether the proposed initiative petition meets the procedural constitutional requirements, please write to the secretary at the Elections Division in the State Capitol. Your comments, if any, must be received by the Elections Division no later than September 12, 2006, in order for them to be considered in the review.

**BILL BRADBURY**  
Secretary of State

BY:

Summer Davis  
Compliance Specialist

**PREAMBLE.** The manufacturing and dealing of street drugs are especially damaging to our communities. Certain property crimes are especially damaging to our citizens because they create a sense of personal violation. Criminals who commit these crimes need to be held accountable commensurate with the damage they do to our communities and citizens. There is also a connection between a heavy incidence of drug addiction and a heavy incidence of property crime, as addicts turn to crime to feed their habits. Both these crime cycles are addressed in this Act to better protect our communities.

**SECTION 1.** When a person is convicted of one of the offenses listed in Section 2 of this Act and the offense was committed on or after January 1, 2009, the court shall impose, and the person shall serve, at least the entire term of imprisonment listed in Section 2. The person is not, during the service of the term of imprisonment, eligible for release on post-prison supervision or any form of temporary leave from custody. The person is not eligible for any reduction in the sentence for any reason whatsoever under any statute. The court may impose a greater prison sentence, if otherwise permitted by law, but may not impose a lower prison sentence than the sentence specified in Section 2.

**SECTION 2.** The offenses to which Section 1 of this Act applies and the mandatory minimum prison sentences are:

- |  |           |
|--|-----------|
| (a) Illegal manufacture or illegal delivery of methamphetamine, heroin, cocaine, or 3, 4-methylenedioxymethamphetamine under circumstances constituting a Class A felony under ORS Chapter 475 | 36 months |
| (b) Illegal manufacture or illegal delivery of methamphetamine, heroin, cocaine, or 3, 4-methylenedioxymethamphetamine under circumstances constituting a Class B felony under ORS Chapter 475 | 30 months |
| (c) Identity theft as defined in ORS 165.800   | 36 months |
| (d) Burglary in the first degree as defined in ORS 164.225   | 36 months |
| (e) Forgery in the first degree as defined in ORS 165.013, when the person has a serious criminal record   | 18 months |
| (f) Motor vehicle theft as defined in Section 4 of this Act, when the person has a serious criminal record   | 18 months |
| (g) Theft in the first degree as defined in ORS 164.055, when the person has a serious criminal record   | 14 months |

(h) Burglary in the second degree, as defined in ORS 164.215,  
when the person has a serious criminal record

14 months

SECTION 3. For purposes of this Act, a person has a serious criminal record when the person has at least one previous conviction of a felony or at least two previous convictions of misdemeanors.

SECTION 4. For purposes of this Act, "motor vehicle theft" means theft, as defined in ORS 164.015, of a passenger motor vehicle as defined in ORS 801.360, a motor truck as defined in ORS 801.355, or a motorcycle as defined in ORS 801.365. Motor vehicle theft is classified as a Class C felony.

SECTION 5. For purposes of this Act, "previous conviction" includes any conviction occurring before, on, or after January 1, 2009, and any conviction entered in any other state or federal court for any offense comparable to any Oregon misdemeanor or felony.

SECTION 6. The sentences imposed under this Act shall be served in state prison facilities and work camps. The sentences shall not be served in county jails, except as to time served pending trial. The state shall reimburse the county as to the actual cost of pretrial incarceration for each person sentenced under this Act.

SECTION 7. If any part of this Act is found to be unconstitutional, the remaining parts shall survive in full force and effect. This Act shall be in all parts self-executing.

SECTION 8. This Act takes effect on January 1, 2009.

2006 AUG 10 10:11:10

2006 AUG 10 10:11:10

CLERK OF THE STATE

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# Impacts of IP40 & SB 1087

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Craig Prins  
Oregon Criminal Justice Commission  
Multnomah LPSCC  
June 26, 2008

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# Context of Measures

- Crime
- Budgets
- Prisons

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# How do we measure crime?

- FBI collects “Uniform Crime Reports” data
- Only Offenses “made known” to L.E.
- FBI reports on two key measures
  - Violent Crime Rate
    - Murder, Forcible Rape, Robbery, Aggravated Assault
  - Property Crime Rate
    - Burglary, Larceny Theft, Motor Vehicle Theft, Arson

---

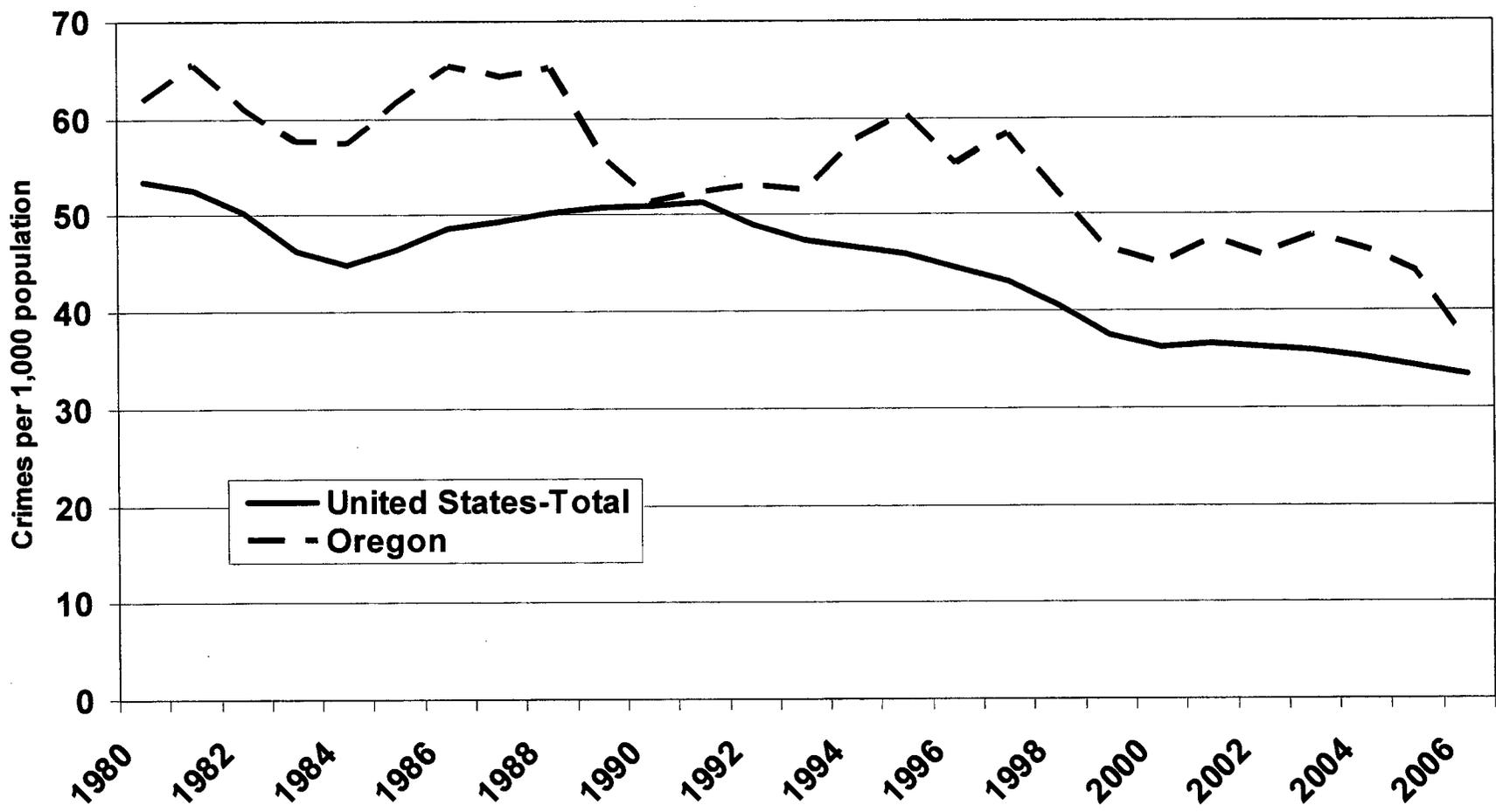
# Property Crime and Violent Crime Rate

Ranks: 2006

Oregon's rank nationally:

- 18<sup>th</sup> in US for Property Crime Rate  
One being the highest (Arizona)
- 38<sup>th</sup> in US for Violent Crime Rate  
One being the highest (South Carolina)

# Property Crime Rates



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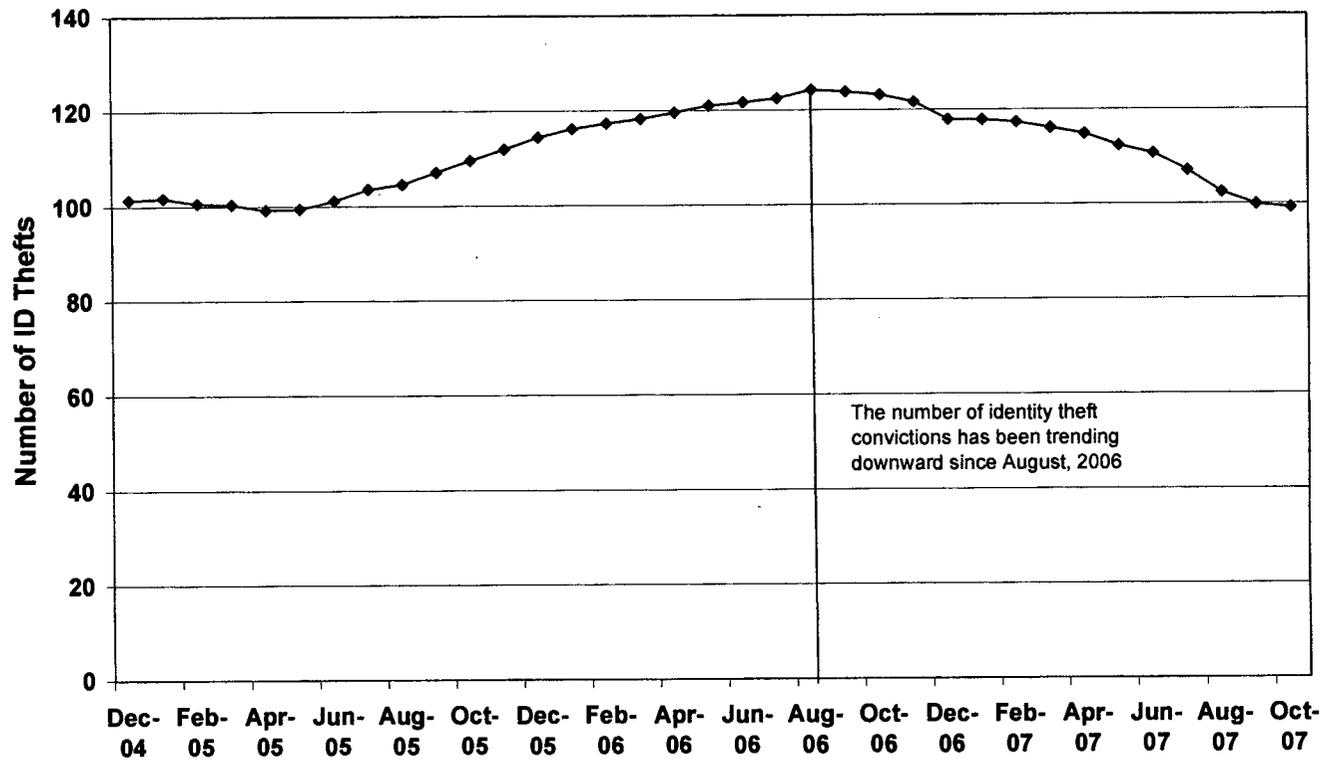
## Oregon had the largest drop in property crime in 2006

- Oregon's property crime fell more than 16% from 2005 to 2006
- In 2006 Oregon's property crime rank was the first time since 1993 we were out of the top 10
- This was the lowest state rank since data were available beginning in 1965

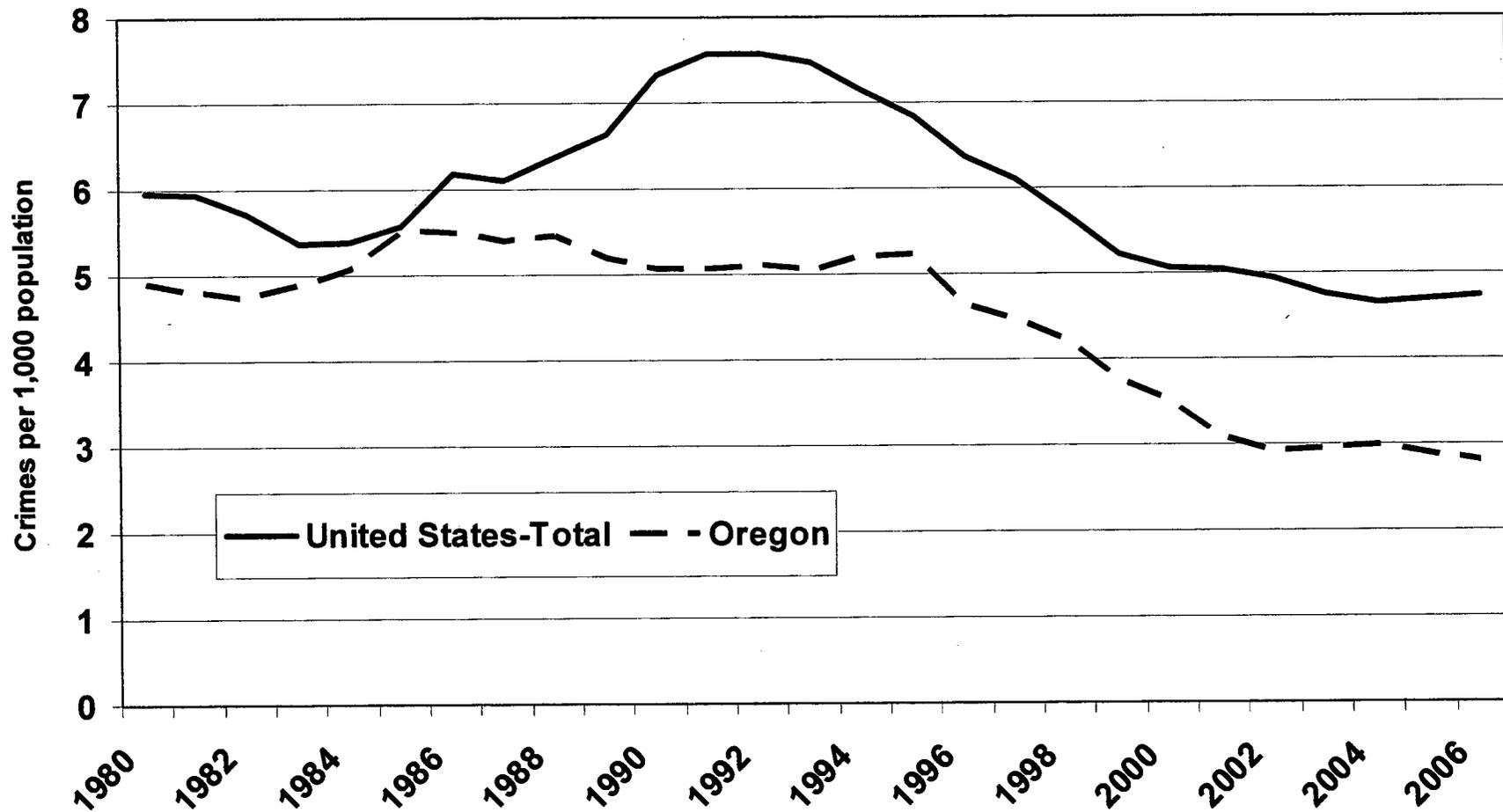
# Oregon ID Theft Rates

## 12 Month Moving Average

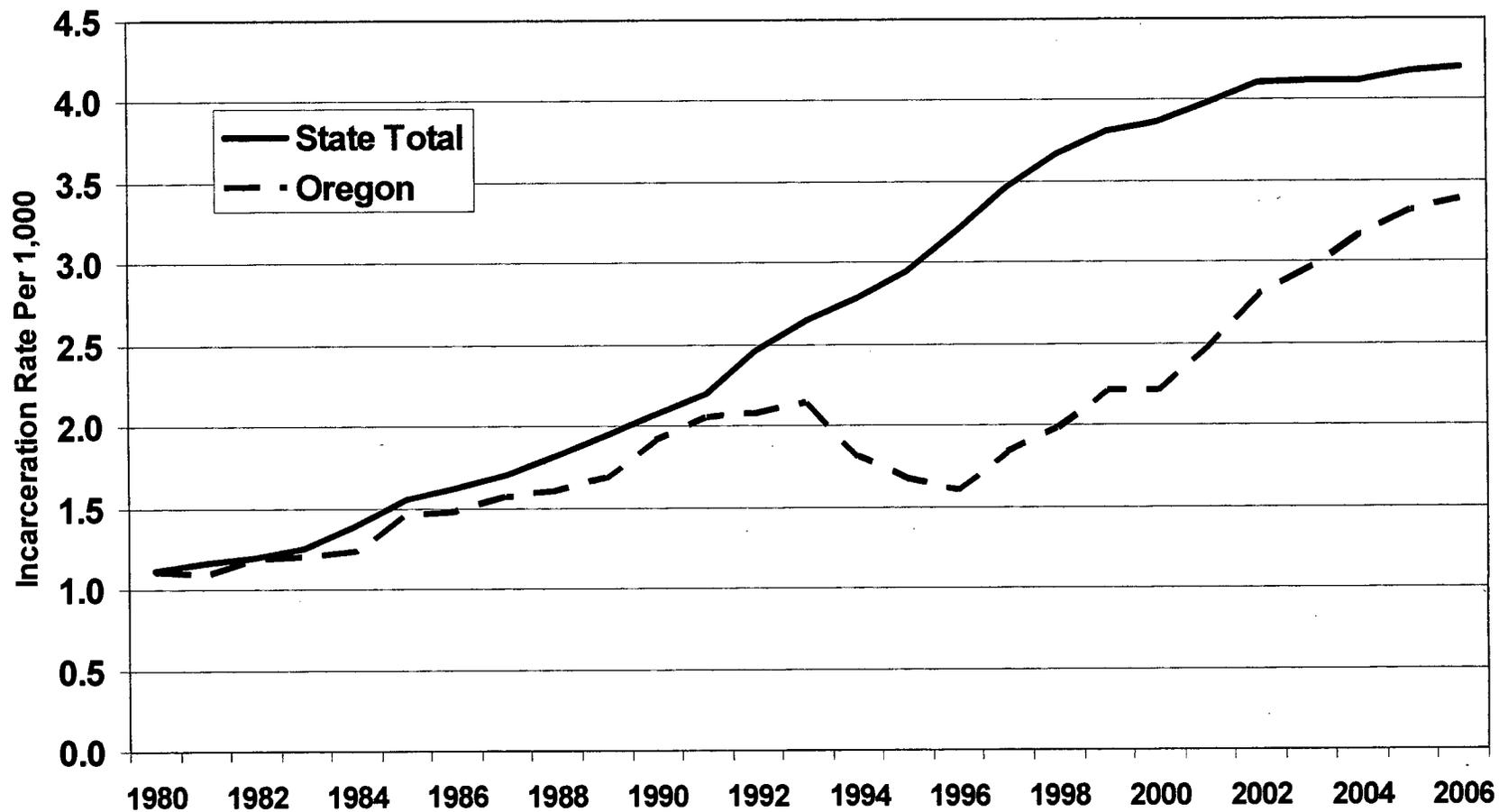
This chart shows a 12 month average number of ID Theft Convictions in Oregon



## Violent Crime Rates



## Prison Incarceration Rate Comparison



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# Context of Measures

- Budgets and Taxpayer Spending

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# Tax Payer Costs

- State General Fund Criminal Justice costs have increased substantially since 1985
  - From \$632 per household to \$1,133 per household per biennium in inflation adjusted dollars
  - The largest increase has come from DOC
  - Criminal Justice costs include DOC, OYA, OSP and the courts
    - Courts includes the criminal portion of OJD, Public Defense and the entire budget for District Attorney's and their Deputies and DOJ

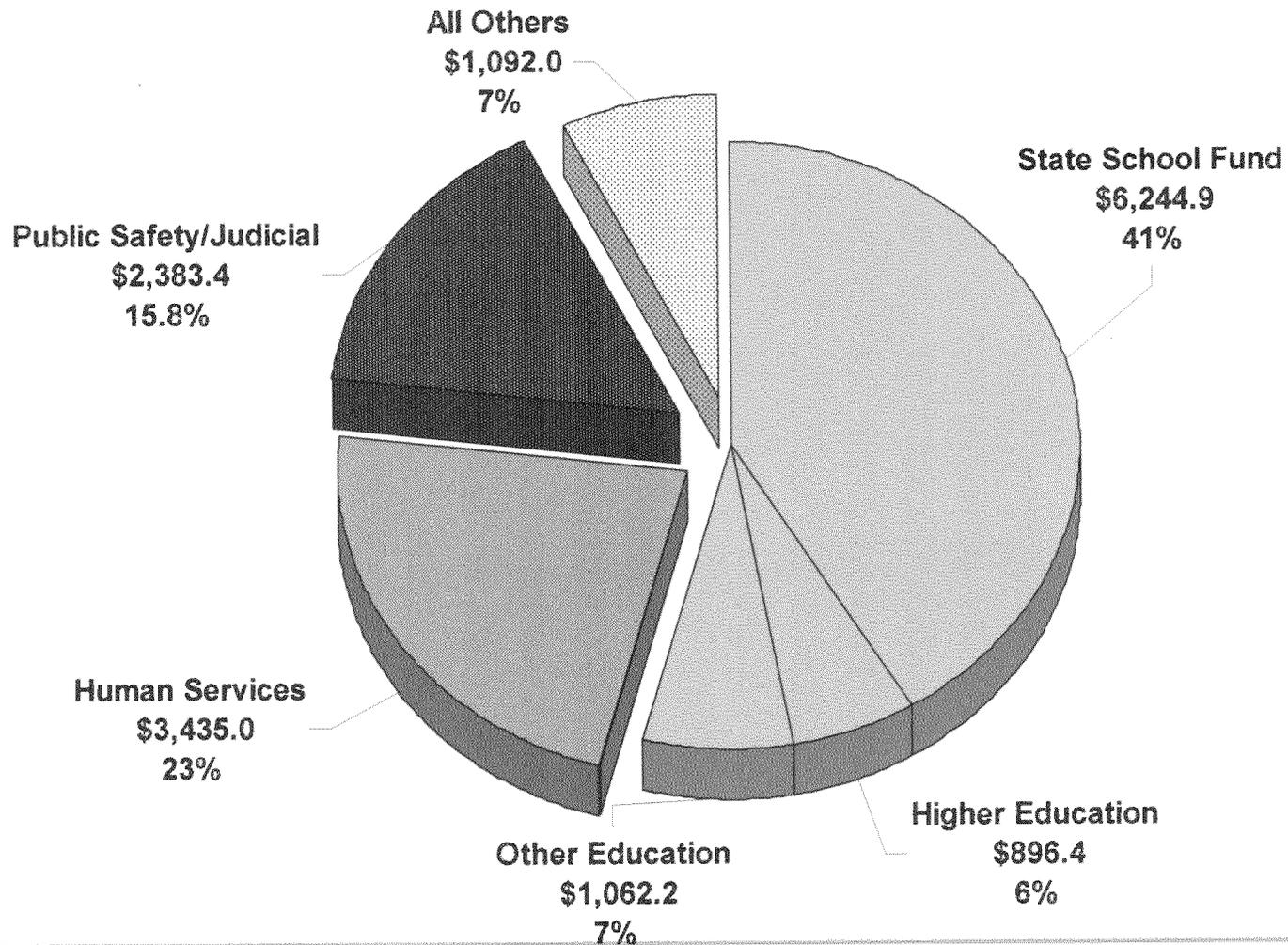
## General Fund Growth by Category

- Total spending on criminal justice has increased by 79%, mostly due to DOC (up 179%)
  - Courts includes the criminal portion of OJD, Public Defense and the District Attorney's and their Deputies

<b>Inflation adjusted per household general fund spending</b>			
	<b>85-87</b>	<b>05-07</b>	<b>% Change</b>
DOC	\$245	\$684	179%
OYA	\$98	\$137	39%
Courts	\$148	\$199	35%
OSP	\$140	\$114	-19%
<b>Total</b>	<b>\$632</b>	<b>\$1,133</b>	<b>79%</b>

*Source: Legislatively Adopted Budget*

# 2007-09 Legislatively Adopted Budget (Preliminary) General and Lottery Funds (\$ Millions)

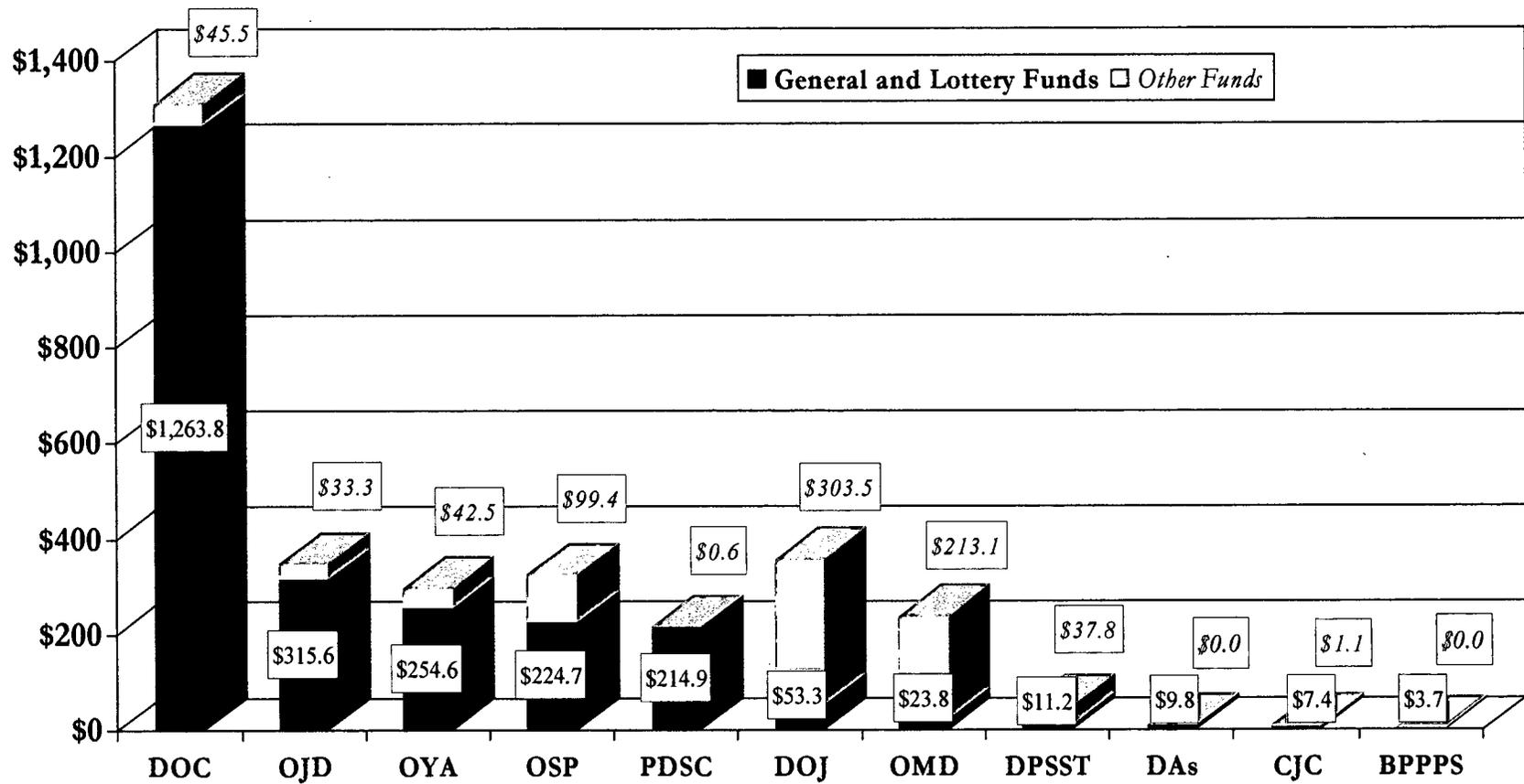


# 2007-09 Public Safety

## Legislatively Adopted Budgets

General Fund/Lottery Funds and Total Funds (\$ Millions)

(Total Funds Exclude Capital Construction and Nonlimited)



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# IP 40 & SB 1087 Overview

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# Disclaimers

- This is not the financial impact estimate prepared by the Financial Estimate Committee for November 2008 ballot
- Summary of analysis of IP 40 & SB 1087 we did for the legislature
- Financial estimate committee will make the official estimates for the ballot statement
- June 25, July 2, July 10 Meeting Dates

---

# IP 40: Summary

## November 2008 Ballot

- ❑ Crimes committed on or after January 1, 2009
- ❑ Mandatory minimums drug and property crimes  
(No judicial discretion, No earned time or AIP)
- ❑ Does not apply to juveniles
- ❑ Section 6 – reimburse counties for actual costs of pretrial incarceration
- ❑ State Prisons and Work Camps

---

## Mandatory minimum prison sentences for first conviction

- Dealing/Manu Heroin or Ecstasy 36 mo.
- Dealing/Manu Cocaine or Meth  
within 1000 feet or to Minor 36 mo.
- Dealing/Manufacturing  
Cocaine or Meth 30 mo.
- ID Theft 36 mo.
- Burglary First Degree (home) 36 mo.

---

Mandatory minimum for offender with  
*Serious Criminal Record*

- |                                |        |
|--------------------------------|--------|
| ■ Forgery 1 (\$1000 aggregate) | 18 mo. |
| ■ Motor Vehicle Theft (UUMV)   | 18 mo. |
| ■ Theft 1 (\$750 or receiving) | 14 mo. |
| ■ Burglary 2 (non-dwelling)    | 14 mo. |
- 
- “Serious Criminal Record” defined as:
    - One felony or two misdemeanor convictions (state or federal)
    - Juvenile adjudications do not count
-

---

# IP 40-Impact Scenarios

Step 1: Eligible Offenders from 2006

Step 2: Analyze what happens now

Step 3: Assume DA's practice changes in light of the initiative in some way- 2 scenarios

Step 4: Determine number of beds - change from current forecast

Step 5: Apply operational costs

---

## Step 1: Eligible Offenders

- Initiative 40 would have applied to over 4,900 offenders if it were in place in 2006
- DOC had 5031 intakes in 2007

---

## Step 2: What happens now: Burglary in the First

All Burg 1 convictions are eligible:

- In 2006, 734 offenders convicted
  - 332 Prison (19 mo. LOS)
  - 8 Local Jail
  - 394 Probation

Grids: 7,8,9

---

## Step 2: What happens now: Identity Theft

All ID thefts are eligible:

- In 2006- 1295 offenders convicted
  - 435 Prison (16.9 mo)
  - 59 Local Jail
  - 801 Probation

Grid: 2

RPO: 13 months

---

---

## Step 2: What happens now:

### Theft 1

#### Grids A-H Eligible:

- In 2006- 740 Offenders
  - 189 Prison (LOS 10.7)
  - 26 Local Jail
  - 525 Probation

Grid: 2,3,4

RPO: 13 months

---

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## Step 3: How will DA's apply 40?

- 36 DA's decide the bed impact
- Learn from the past - Measure 11
- Increased leverage for DA
- New "going rate" for plea offers
- Scenario 1: "Rob 2"
- Scenario 2: "Section 6"

---

## Rob 2: Why Did We Use Rob 2?

- Theft + Force + Another or Purport Weapon
- Closest M11 Crime to These Crimes
- No Weapon
- No Serious Physical Injury
- No Death
- No Sexual Abuse
- Not Perfect Comparison

---

# “Rob 2” Scenario

- Developed ratio looking at charge versus conviction - shows application
  - Used Multnomah, checked against State
    - 43% DA indicts Rob 2, convicts Rob 2
    - 36% Plead down, prison sentence - 57% of MM
    - 21% Receive Probation or Local Jail
- Apply ratio to Initiative 40

---

## “Rob 2” Scenario Impact

**4,106 additional beds  
needed by July 1, 2012  
(3 years + phase-in)**

---

## “Section 6” Scenario

Initiative 40, Section 6 – Provides economic incentive to convict “under this act”

- 75% Drugs, Burg 1, ID Theft – Prison for MM
- 25% Probation - Little or no criminal history
  
- All others receive mandatory minimum and counties receive reimbursement
- “Actual cost” of pretrial incarceration

---

## “Section 6” Scenario

Using the same eligible offenders as in  
the “Rob 2” Scenario:

**6,389 additional beds needed**

by July 1, 2012  
(3 years + phase-in)

---

## Step 5: Apply costs

### Working assumptions for this estimate

- 1) **\$77.78 per prison bed per day**
  - 07-09 legislative figure for DOC
  - Not accurate for this scale of growth
  - Operating cost, not construction, capital, or administration.
  
- 2) **\$105 per jail bed per day**
  - Avg. not “actual cost”
  - Based on 2007 jail survey

---

## Cost estimate for Rob 2 Scenario

- \$19.2 million for jails
- \$256 million jail + prison
  - Per biennium full phase in (July 2012)

---

## Cost Estimate for Section 6 Scenario

- \$37.4 million for jails
- \$400 million jail + prison
  - Per biennium full phase in (July 2012)

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# SB 1087-Response to IP40

- Passed during the February session
- Referral to the people
- Crimes on or after January 1, 2009
- Measure with majority + most votes wins
- Enhanced Penalties + Treatment

---

# SB 1087-Drug Offenses

- Section 2: “major traffickers”
- Gap in state law, no increase in sentence for more than 10gms. (1/3 ounce)
- Feds usually only take cases of a pound or more
- Section 4: Selling to a minor
- Section 6: Repeat manufacture or deliver

---

# Drug Sentences

- 500 gms of meth or coke: 58-130mos.
- 100 gms of heroin or X: 58-130mos.
- 100 gms of meth or coke: 34-72mos.
- 50 gms of heroin or X: 34-72mos.
- Sell to a minor 34-72mos.
- Repeat Dealers: No departure from prison
- Sentence range based on criminal history

---

# Property Crimes

- Repeat Property Offenders
- Lengthened Sentences
- Easier to qualify for RPO sentence
- Second Property Conviction if during supervision or w/in 3yrs. of supervision

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# RPO Sentences

19 month sentences to 24 months

13 month sentences to 18 months

2 mos. for each additional prior (up to 12mo)

Key impact is more admissions, not sentence length

Harder to “depart down” to probation

Eligible for AIP

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# Treatment+Jail+Supervision

- Section 8:
  - For In-custody “shall treat” medium to high risk with moderate to severe treatment needs
  - DOC shall provide supplement grants for
    - Community based treatment
    - Intensive Supervision (smaller caseloads)
    - Jail sanctions
  - CJC shall provide grants for drug courts
- No individual right to treatment

---

# Estimating Bed Impact

- Analyzed Crime Lab Receipts
- Trafficking 292 beds by 2013-15
- Repeat drug 126 beds by 2013-15
- To a minor 12 beds by 2013-15
- RPO 1225 beds by 2013-15
- Other 20 beds by 2013-15
- Total 1675 beds by 2013-15

# Summary

	<u>IP 40</u>	<u>SB 1087</u>
Eligible	4900	1900
Men	3600	1500
Women	1300 (26%)	400 (22%)

# Summary

**IP 40**

**SB 1087**

**Beds**      **6000 Section6**  
**4100 Rob 2**

**1640**

**Op Cost.**      **\$256-400m**

**\$100M +40m**

**Per Biennium**

**Compare '07-'09 OSP + OYA Budgets: \$479m**

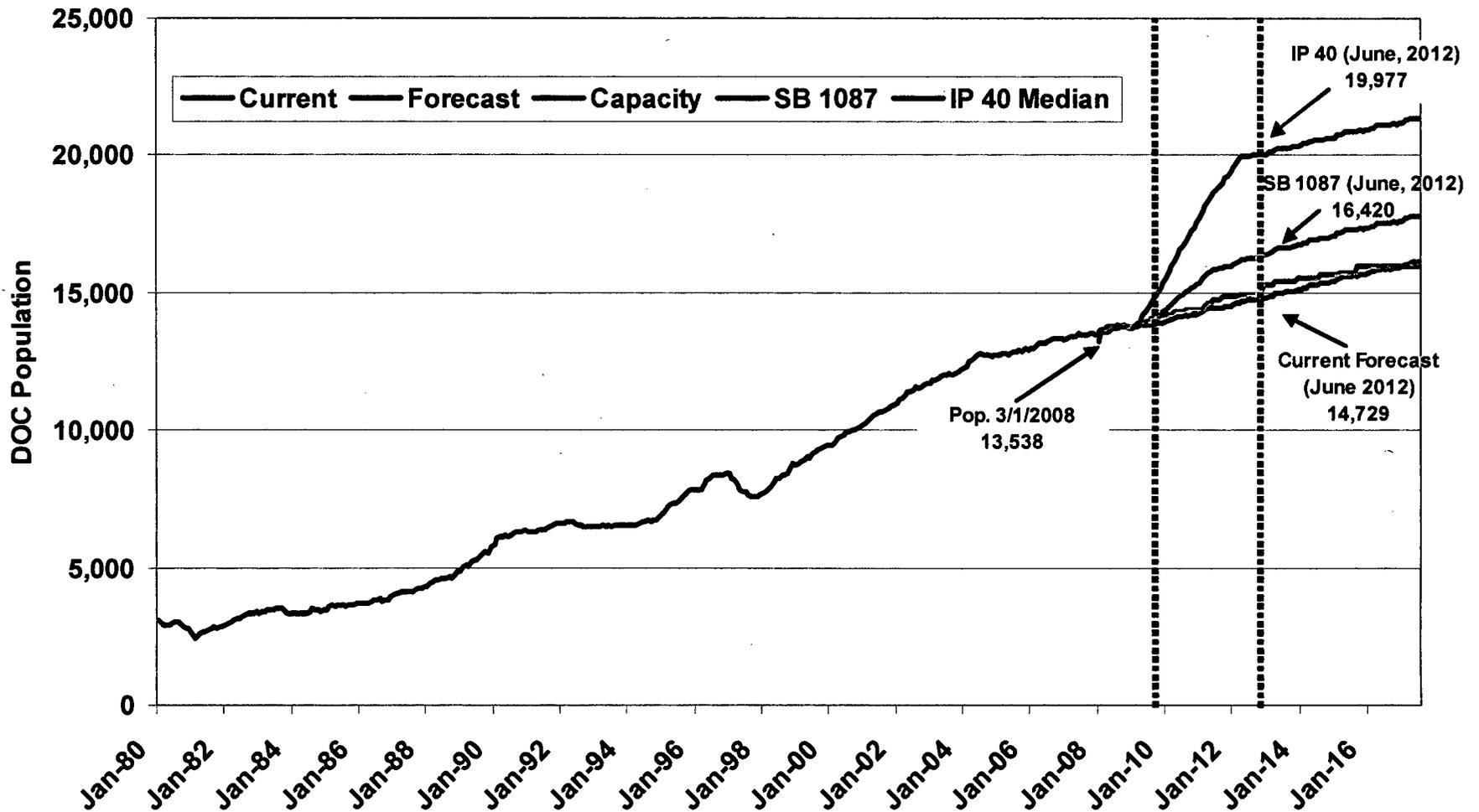
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# Context

Moves Oregon's Incarceration Rate Rank  
among states from 30<sup>th</sup> to:

- 24<sup>th</sup> under SB 1087
- 16<sup>th</sup> under Rob2
- 7<sup>th</sup> under Section 6

# Historical and Forecasted Prison Population





**MULTNOMAH COUNTY**  
**AGENDA PLACEMENT REQUEST (long form)**

APPROVED : MULTNOMAH COUNTY  
 BOARD OF COMMISSIONERS  
 AGENDA # R-13 DATE 06-26-08  
 DEBORAH L. BOGSTAD, BOARD CLERK

**Board Clerk Use Only**

**Meeting Date:** 06/26/08  
**Agenda Item #:** R-13  
**Est. Start Time:** 11:15 AM  
**Date Submitted:** 06-20-08

**BUDGET MODIFICATION: DCS-09**

**Agenda Title: Budget Modification DCS-09 Increasing Budgeted Revenue and Expense by \$106,536 for Reimbursable Expenses Related to the TOPOFF 4 Exercise**

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

**Requested Meeting Date:** June 26, 2008      **Amount of Time Needed:** 5 minutes  
**Department:** Emergency Mgmt      **Division:** Emergency Mgmt  
**Contact(s):** George Whitney/Jerry Elliott  
**Phone:** (503) 988-4580    **Ext.** 84580    **I/O Address:** 503/6  
**Presenter(s):** Jerry Elliott

**General Information**

**1. What action are you requesting from the Board?**

Approval of Budget Modification DCS 2008-09 to increase budgeted revenue and expense by \$106,536 for reimbursable expenses related to the TOPOFF 4 exercise.

**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 October of 2007 the County participated in the TOPOFF 4 exercise. Certain costs for this exercise were eligible for reimbursement from the Department of Homeland Security through the City of Portland. These costs were incurred by several County departments. The request for reimbursement has been processed and received. It has been decided that the proper method of accounting for these costs and this reimbursement is to move them from the individual departments to a code in Emergency Management. This budget modification will increase the budget of Emergency Management accommodate these costs and the revenue associated with them.

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

This budget modification will increase both revenue and expense in FY09 by \$106,536.

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

There are no legal or policy issues involved.

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

None expected

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## ATTACHMENT A

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### Budget Modification

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

- **What revenue is being changed and why?**  
Revenue is being increased by \$106,536 to account for TOPOFF 4 expense reimbursements.
- **What budgets are increased/decreased?**  
Several cost elements are being increased by a total \$106,536.
- **What do the changes accomplish?**  
They allow proper accounting of the expense and revenue.
- **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?**  
Yes, this is a one time only situation.
- **If a grant, what period does the grant cover?**  
January 1, 2007 through October 31, 2007
- **If a grant, when the grant expires, what are funding plans?**  
This is a one time only grant.

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

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## ATTACHMENT B

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**BUDGET MODIFICATION: DCS-09**

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### Required Signatures

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



**Date:** 06/16/08

**Budget Analyst:**



**Date:** 06/16/08

**Department HR:**

---

**Date:**

---

**Countywide HR:**

---

**Date:**

---

Budget Modification ID: DCS-09

## 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	91-20	1505	0020			EM015	50195	(106,536)	(106,536)		Increase Revenue	
2	91-20	1505	0020			EM015	60000	58,377	58,377		Increase Wages	
4	91-20	1505	0020			EM015	60100	896	896		Increase Temp Wages	
5	91-20	1505	0020			EM015	60130	18,049	18,049		Increase Benefits	
6	91-20	1505	0020			EM015	60135	221	221		Increase Temp Benefits	
7	91-20	1505	0020			EM015	60140	726	726		Increase Insurance	
8	91-20	1505	0020			EM015	60145	9	9		Increase Temp Insurance	
9	91-20	1505	0020			EM015	60160	26,078	26,078		Increase Pass Through	
10	91-20	1505	0020			EM015	60180	141	141		Increase Printing	
11	91-20	1505	0020			EM015	60240	620	620		Increase Supplies	
12	91-20	1505	0020			EM015	60260	1,253	1,253		Increase Travel	
13	91-20	1505	0020			EM015	60410	166	166	0	Increase Motor Pool	
14								0				
15								0				
16								0				
17								0				
18								0				
19								0				
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27								0				
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									0	0	<b>Total - Page 1</b>	
									0	0	<b>GRAND TOTAL</b>	