

ANNOTATED MINUTES

Tuesday, March 16, 2004 - 9:30 AM
Multnomah Building, Sixth Floor Commissioners Conference Room 635
501 SE Hawthorne Boulevard, Portland

EXECUTIVE SESSION

Chair Diane Linn convened the meeting at 9:30 a.m., with Vice-Chair Serena Cruz and Commissioners Lisa Naito and Maria Rojo de Steffey present, and Commissioner Lonnie Roberts excused.

- E-1 The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(h) AND ORS 192.660(1)(d). Only Representatives of the News Media and Designated Staff are allowed to Attend. Representatives of the News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Executive Session. No Final Decision will be made in the Executive Session. Presented by Agnes Sowle.

EXECUTIVE SESSION HELD.

There being no further business, the meeting was adjourned at 10:05 a.m.

Tuesday, March 16, 2004 - 10:00 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BOARD BRIEFINGS

Chair Diane Linn convened the meeting at 10:13 a.m., with Vice-Chair Serena Cruz and Commissioners Lisa Naito and Maria Rojo de Steffey present, and Commissioner Lonnie Roberts excused.

- B-1 Findings of Measure 30 Public Affairs Office/Budget Workgroup. Presented by Gina Mattioda and Stephanie Soden.

***STEPHANIE SODEN AND GINA MATTIODA
PRESENTATIONS AND RESPONSE TO BOARD***

QUESTIONS AND DISCUSSION ON ISSUES INCLUDING FINANCIAL OUTLOOK AND POLITICAL ENVIRONMENT IN SALEM; POTENTIAL E BOARD RESTORATIONS; PUBLIC AFFAIRS AND BUDGET OFFICE WORKGROUP DEVELOPMENT AND PROPOSED OUTCOMES; HB 5077 CUTS TO HEALTH AND HUMAN SERVICES AND PUBLIC SAFETY PROGRAMS WITHIN MULTNOMAH COUNTY; AND OREGON HEALTH PLAN PLUS VERSUS OREGON HEALTH PLAN STANDARDS.

- B-2. Update on Multnomah County Personal Income Tax (ITAX). Presented by Dave Boyer, Bob Gravely, Karyne Dargan and Ed Sheets.

DAVE BOYER, BOB GRAVELY, ED SHEETS AND KARYNE DARGAN PRESENTATIONS AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION ON ISSUES INCLUDING: UPDATE ON PUBLIC AND EMPLOYER COMMUNICATION EFFORTS; UPDATE ON SCHOOL EFFICIENCY AND QUALITY ADVISORY COUNCIL ACTIVITIES, PROGRESS, CONCLUSIONS AND NEXT STEPS; ITAX ADMINISTRATION SUCCESSES AND CHALLENGES; PROJECTED COSTS SAVINGS; ITAX MONITORING AND ACTUAL AND PROJECTED BUDGETS; AND 2003 COLLECTION PLAN. SCHOOL EFFICIENCY AND QUALITY ADVISORY COUNCIL PRESENTATION TO THE BOARD TO BE SCHEDULED FOR FUTURE BOARD MEETING. ITAX STAFF TO SCHEDULE ADDITIONAL BOARD BRIEFING UPDATES IN MAY AND DECEMBER.

There being no further business, the meeting was adjourned at 11:05 a.m.

BOARD CLERK FOR MULTNOMAH COUNTY, OREGON

Deborah L. Bogstad

Thursday, March 18, 2004 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING - CANCELLED

(Lack of agenda items)



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

BOARD OF COMMISSIONERS

Diane Linn, 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

Maria Rojo de Steffey, Commission Dist. 1

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

Email: district1@co.multnomah.or.us

Serena Cruz, Commission Dist. 2

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

Email: serena@co.multnomah.or.us

Lisa Naito, Commission Dist. 3

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

Email: district3@co.multnomah.or.us

Lonnie Roberts, Commission Dist. 4

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

Email: lonnie.j.roberts@co.multnomah.or.us

On-line Streaming Media, View Board Meetings
www.co.multnomah.or.us/cc/live_broadcast.shtml

On-line Agendas & Agenda Packet Material
www.co.multnomah.or.us/cc/agenda.shtml

Americans with Disabilities Act Notice: If you need this agenda in an alternate format, or wish to participate in a Board Meeting, please call the Board Clerk (503) 988-3277, or Multnomah County TDD Phone (503) 988-5040, for information on available services and accessibility.

MARCH 16, 2004

BOARD MEETING

FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:30 a.m. Tuesday Executive Session
Pg 2	10:00 a.m. Tuesday Findings of Measure 30 Public Affairs Office/Budget Workgroup
Pg 2	10:30 a.m. Tuesday Update on Multnomah County Personal Income Tax
The Thursday, March 18, 2004 Regular Meeting of the Board of Commissioners is cancelled for lack of an agenda	

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

Thursday, 9:30 AM, (LIVE) Channel 30
Friday, 11:00 PM, Channel 30
Saturday, 10:00 AM, Channel 30
Sunday, 11:00 AM, Channel 30

Produced through Multnomah Community Television

(503) 491-7636, ext. 333 for further info
or: <http://www.mctv.org>

Tuesday, March 16, 2004 - 9:30 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(1)(h) AND ORS 192.660(1)(d). Only Representatives of the News Media and Designated Staff are allowed to Attend. Representatives of the News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Executive Session. No Final Decision will be made in the Executive Session. Presented by Agnes Sowle. 30 MINUTES REQUESTED.
-

Tuesday, March 16, 2004 - 10:00 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BOARD BRIEFINGS

- B-1 Findings of Measure 30 Public Affairs Office/Budget Workgroup. Presented by Gina Mattioda and Stephanie Soden. 30 MINUTES REQUESTED.
- B-2 Update on Multnomah County Personal Income Tax (ITAX). Presented by Dave Boyer, Bob Gravely, Karyne Dargan and Ed Sheets. 30 MINUTES REQUESTED.
-

Thursday, March 18, 2004 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING - CANCELLED

(Lack of agenda items)

Lonnie Roberts
Multnomah County Commissioner
District 4



501 SE Hawthorne Boulevard, Suite 600
Portland, Oregon 97214
(503) 988-5213 phone
(503) 988-5262 fax
Email: lonnie.j.roberts@co.multnomah.or.us
www.co.multnomah.or.us/cc/ds4/

MEMORANDUM

DATE: February 12, 2004

TO: Chair Diane Linn
Commissioner Maria Rojo de Steffey, District 1
Commissioner Serena Cruz, District 2
Commissioner Lisa Naito, District 3
Board Clerk Deb Bogstad

FROM: Kristen West
Staff Assistant, Commissioner Lonnie Roberts

RE: Notice of Meeting Excuse

Commissioner Roberts will be unable to attend the March 16, 2004 Board executive session and briefing. He will be at the National Association of Workforce Boards Conference in Washington D.C.

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: March 16, 2004

Agenda Item #: E-1

Est. Start Time: 9:30 AM

Date Submitted: 02/23/04

Requested Date: March 16, 2004

Time Requested: 30 mins

Department: Non-Departmental

Division: County Attorney

Contact/s: Agnes Sowle

Phone: 503 988-3138

Ext.: 83138

I/O Address: 503/500

Presenters: County Attorney Agnes Sowle

Agenda Title: The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(h). Only Representatives of the News Media and Designated Staff are allowed to Attend. Representatives of the News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Executive Session. No Final Decision will be made in the Executive Session.

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

1. What action are you requesting from the Board? What is the department/agency recommendation?

No action, informational only.

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

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

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

If a budget modification, explain:

- ❖ What revenue is being changed and why?
- ❖ What budgets are increased/decreased?
- ❖ What do the changes accomplish?
- ❖ Do any personnel actions result from this budget modification? Explain.
- ❖ Is the revenue one-time-only in nature?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

- ❖ Why was the expenditure not included in the annual budget process?
- ❖ What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?
- ❖ Why are no other department/agency fund sources available?
- ❖ Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.
- ❖ Has this request been made before? When? What was the outcome?

If grant application/notice of intent, explain:

- ❖ Who is the granting agency?
- ❖ Specify grant requirements and goals.
- ❖ Explain grant funding detail – is this a one time only or long term commitment?
- ❖ What are the estimated filing timelines?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?
- ❖ How will the county indirect and departmental overhead costs be covered?

4. Explain any legal and/or policy issues involved.
5. Explain any citizen and/or other government participation that has or will take place.

Required Signatures:

Department/Agency Director: _____



Date: 02/23/04

Budget Analyst
By: _____

Date:

Dept/Countywide HR
By: _____

Date:

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: March 16, 2004

Agenda Item #: E-2

Est. Start Time: 9:30 AM

Date Submitted: 03/15/04

Requested Date: March 16, 2004

Time Requested: 15 mins

Department: Community and Business Services

Division: HR Operations

Contact/s: Gail Parnell

Phone: 503 988-5135

Ext.: 22595

I/O Address: 503/4

Presenters: Gail Parnell and Mark Campbell

Agenda Title: The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(d). Only Representatives of the News Media and Designated Staff are allowed to Attend. Representatives of the News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Executive Session. No Final Decision will be made in the Executive Session.

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

1. What action are you requesting from the Board? What is the department/agency recommendation?

No action, informational only.

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

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

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

If a budget modification, explain:

- ❖ What revenue is being changed and why?
- ❖ What budgets are increased/decreased?
- ❖ What do the changes accomplish?
- ❖ Do any personnel actions result from this budget modification? Explain.
- ❖ Is the revenue one-time-only in nature?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

- ❖ Why was the expenditure not included in the annual budget process?
- ❖ What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?
- ❖ Why are no other department/agency fund sources available?
- ❖ Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.
- ❖ Has this request been made before? When? What was the outcome?

If grant application/notice of intent, explain:

- ❖ Who is the granting agency?
- ❖ Specify grant requirements and goals.
- ❖ Explain grant funding detail – is this a one time only or long term commitment?
- ❖ What are the estimated filing timelines?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?
- ❖ How will the county indirect and departmental overhead costs be covered?

4. Explain any legal and/or policy issues involved.
5. Explain any citizen and/or other government participation that has or will take place.

Required Signatures:



Department/Agency Director:

Date: 03/15/04

Budget Analyst

By:

Date:

Dept/Countywide HR

By:

Date:

BOGSTAD Deborah L

From: PARNELL Gail E
Sent: Monday, March 15, 2004 9:28 AM
To: BOGSTAD Deborah L
Cc: SOWLE Agnes; TURNER Kathy G; BALL John; DARGAN Karyne A
Subject: FW: Salary increased - union negotiations

Mark Campbell and I will attend Exec. Session tomorrow morning to talk about labor negotiations.
Thanks, Gail

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

From: TURNER Kathy G
Sent: Saturday, March 13, 2004 8:29 AM
To: SOWLE Agnes; PARNELL Gail E; BALL John
Subject: RE: Salary increased - union negotiations

works for me. thanks

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

From: SOWLE Agnes
To: PARNELL Gail E; TURNER Kathy G; BALL John
Sent: 3/13/2004 7:33 AM
Subject: RE: Salary increased - union negotiations

We currently have only two items for Tuesday's exec session agenda. Gail's issue could be added.

Agnes Sowle
Multnomah County Attorney
501 SE Hawthorne Blvd., Ste. 500
Portland, OR 97214
(503)988-3138

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

From: PARNELL Gail E
Sent: Friday, March 12, 2004 6:40 PM
To: TURNER Kathy G; BALL John
Subject: Salary increased - union negotiations
Importance: High

I would like to meet with the BCC in Executive Session next week to see what conclusions have been reached regarding salary increases. We are negotiating contracts and have 2 that are held up waiting for info on salaries.

The January 2004, 2nd half 02 to 2nd half 03, Portland CPI-W is 1.5%.
The US all cities is 1.8 (used by MCCOA). Can I go ahead and get on

the agenda for Tuesday, the 23rd? Thanks, Gail

Gail E. Parnell

Director Human Resources/Labor Relations

Multnomah County

501 SE Hawthorne

Portland, OR 97214

503.988.5135 x 3 Internal 22595

email: <<mailto:gail.e.parnell@co.multnomah.or.us>>
gail.e.parnell@co.multnomah.or.us



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

BOARD OF COMMISSIONERS

Diane Linn, 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

Maria Rojo de Steffey, Commission Dist. 1

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

Email: district1@co.multnomah.or.us

Serena Cruz, Commission Dist. 2

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

Email: serena@co.multnomah.or.us

Lisa Naito, Commission Dist. 3

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

Email: district3@co.multnomah.or.us

Lonnie Roberts, Commission Dist. 4

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

Email: lonnie.j.roberts@co.multnomah.or.us

On-line Streaming Media, View Board Meetings
www.co.multnomah.or.us/cc/live_broadcast.shtml

On-line Agendas & Agenda Packet Material
www.co.multnomah.or.us/cc/agenda.shtml

Americans with Disabilities Act Notice: If you need this agenda in an alternate format, or wish to participate in a Board Meeting, please call the Board Clerk (503) 988-3277, or Multnomah County TDD Phone (503) 988-5040, for information on available services and accessibility.

MARCH 9 & 11, 2004

BOARD MEETINGS

FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:30 a.m. Tuesday Executive Session
Pg 2	10:00 a.m. Tuesday Board Briefing on Strategic Benchmarks: Trends
Pg 3	9:30 a.m. Thursday Health Department Notice of Intent to Apply for Grant Funds
Pg 3	9:30 a.m. Thursday Authorizing Settlement of <i>Multnomah County v. Williams</i>
Pg 3	9:35 a.m. Thursday Resolution Authorizing Vacation of a Portion of East Burnside Road
Pg 3	9:40 a.m. Thursday Resolution Accepting Courthouse Committee Report and Creating Work Groups
Pg 3	10:00 a.m. Thursday Briefing on the Multnomah County Classification and Compensation Program Process

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

Thursday, 9:30 AM, (LIVE) Channel 30

Friday, 11:00 PM, Channel 30

Saturday, 10:00 AM, Channel 30

Sunday, 11:00 AM, Channel 30

Produced through Multnomah Community Television
(503) 491-7636, ext. 333 for further info

or: <http://www.mctv.org>

Tuesday, March 9, 2004 - 9:30 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(1)(h). Only Representatives of the News Media and Designated Staff are allowed to Attend. Representatives of the News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Executive Session. No Final Decision will be made in the Executive Session. Presented by Agnes Sowle. 30 MINUTES REQUESTED.
-

Tuesday, March 9, 2004 - 10:00 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BOARD BRIEFING

- B-1 Briefing on Strategic Benchmarks: Trends. Presented by City of Portland Audit Gary Blackmer. 90 MINUTES REQUESTED.
-

Thursday, March 11, 2004 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:30 AM

DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES

- C-1 RESOLUTION Authorizing Execution of Deed D041946 for Repurchase of Tax Foreclosed Properties to the Former Owner, H. William Kretzmeier Trustee, Daniel H. Ivey Trust

REGULAR AGENDA - 9:30 AM

PUBLIC COMMENT - 9:30 AM

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

DEPARTMENT OF HEALTH - 9:30 AM

R-1 NOTICE OF INTENT to Apply for National Institute on Drug Abuse HIV/AIDS and Other Infections among Drug Users in the Criminal Justice System Grant Funds

NON-DEPARTMENTAL - 9:35 AM

R-2 Authorizing Settlement of *Multnomah County v. Williams*, Multnomah County Circuit Court Case No. 0308-09271

R-3 RESOLUTION Authorizing Vacation of a Portion of East Burnside Road, County Road No. 2063, Pursuant to ORS 368.326 To 368.366

R-4 RESOLUTION Accepting the Report of the Courthouse Blue Ribbon Steering Committee and Creating Work Groups to Continue the Good Work of the Committee [Continued from March 4, 2004]

Thursday, March 11, 2004 - 10:00 AM
(OR IMMEDIATELY FOLLOWING REGULAR MEETING)
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BOARD BRIEFING

B-2 Briefing on the Multnomah County Classification and Compensation Program Process. Presented by Gail Parnell. 1 HOUR REQUESTED.

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: March 11, 2004

Agenda Item #: C-1

Est. Start Time: 9:30 AM

Date Submitted: 02/11/04

Requested Date: March 11, 2004

Time Requested: Consent Item

Department: DBCS

Division: Tax Title

Contact/s: Gary Thomas

Phone: 503.988.3590

Ext.: 22591

I/O Address: 503/4/Tax Title

Presenters: Gary Thomas

Agenda Title: Resolution Authorizing Approval to Allow Repurchase of a Tax Foreclosed Property to the Former Owner, H. William Kretzmeier Trustee, Daniel H. Ivey Trust.

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

1. What action are you requesting from the Board? What is the department/agency recommendation?

The Tax Title Section is requesting the Board to approve the repurchase of a tax foreclosed property to the former owner, H. William Kretzmeier Trustee, Daniel H. Ivey Trust. The Department of Business & Community Services recommends that the repurchase be approved.

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

The subject property (as shown in Exhibit A) was foreclosed on for delinquent property taxes and came into County ownership on September 23, 2003. A letter dated October 24, 2003 was sent to the former owner of record, providing the opportunity to repurchase the property. The former owner came in on January 27, 2004 and requested to repurchase

the property. He stated that his address had changed so he did not receive the original repurchase letter. An updated repurchase letter was sent on February 2, 2004 giving the former owner until February 11, 2004 to repurchase. A check for full payment was received on February 11, 2004.

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

The Repurchase will allow for the full recovery of delinquent taxes, fees, and expenses. The sale will also reinstate the property on the tax roll (see Exhibit B).

4. Explain any legal and/or policy issues.

Multnomah County Code Section 7.402 provides for 30 days notice to the former owner of record to repurchase a property foreclosed on for delinquent property taxes. However if the timeline expires without the former owner repurchasing the property and it has not been otherwise disposed of, there is nothing in the Code that precludes the County from selling the property to the former owner.

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

None anticipated.

Required Signatures:

Department/Agency Director: *Robert A Maestre* Date: 02/11/04

Budget Analyst

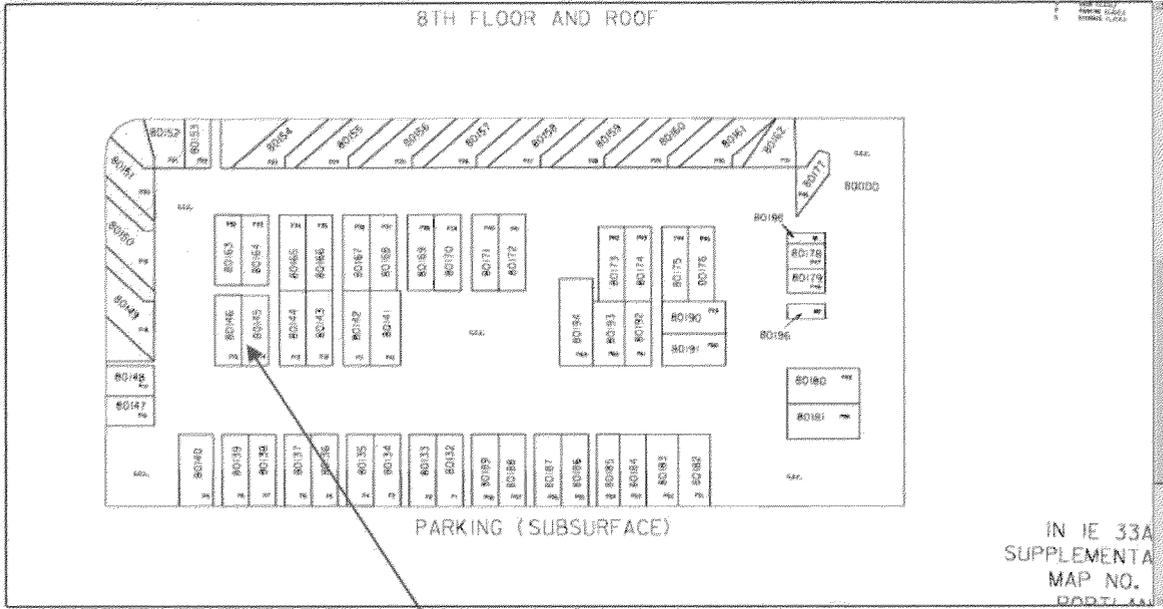
By: Date:

Dept/Countywide HR

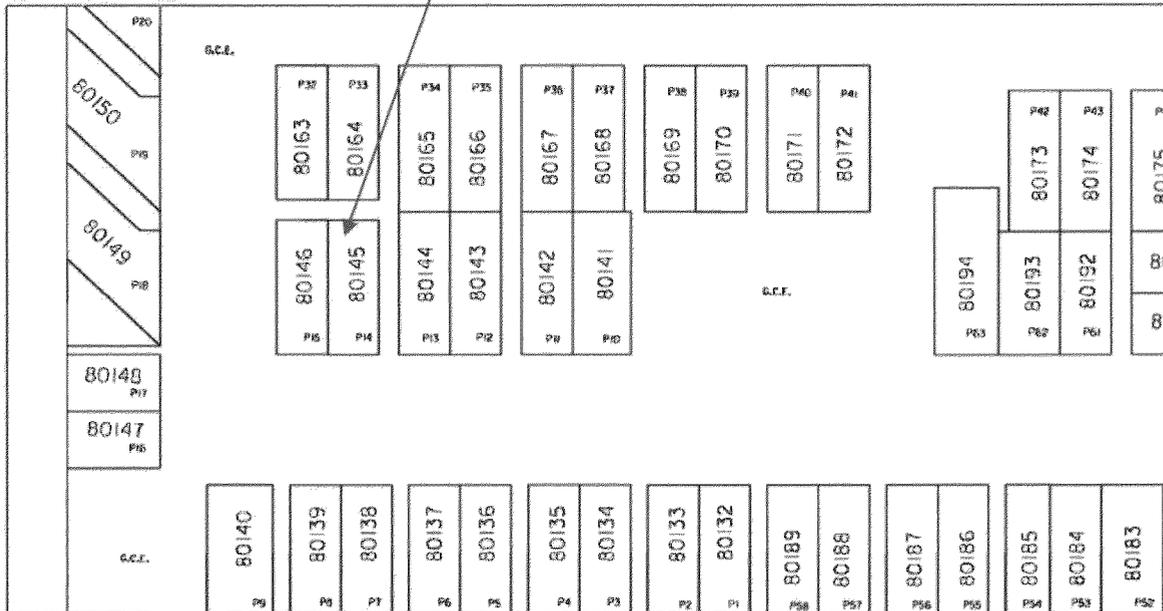
By: Date:

EXHIBIT "A"

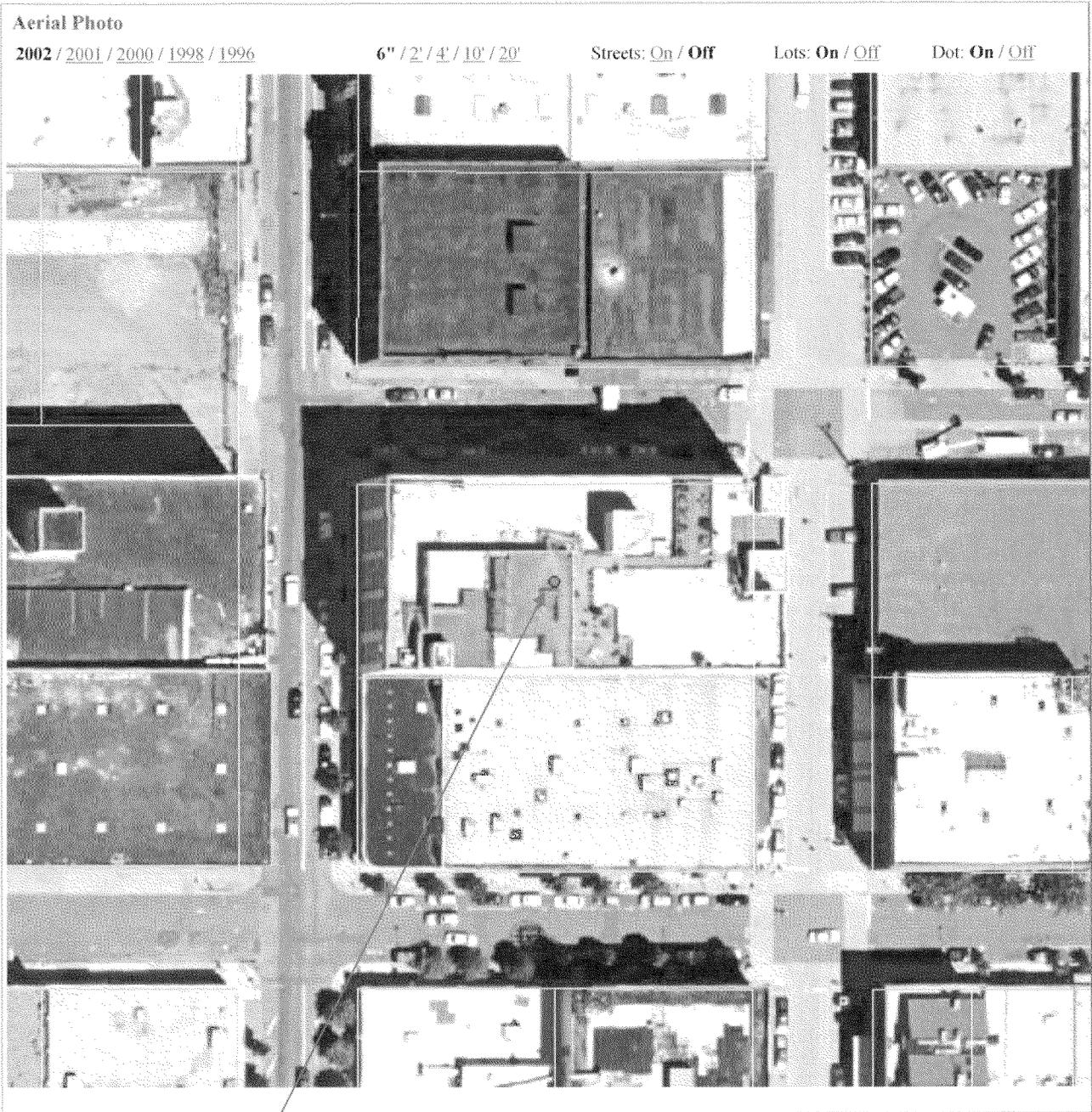
R187435



Subject



R187435



Subject

"EXHIBIT B"

**PROPOSED PROPERTY LISTED FOR REPURCHASE
FISCAL YEAR 2003-04**

LEGAL DESCRIPTION:

LOT P-14; IRVING STREET LOFTS, CONDOMINIUM.

PROPERTY ADDRESS:	1314 NW IRVING ST
TAX ACCOUNT NUMBERS:	R187435
GREENSPACE DESIGNATION:	None
SIZE OF PARCEL:	150 SF Parking Garage
ASSESSED VALUE:	\$9,550.00

ITEMIZED EXPENSES FOR TOTAL PRICE OF REPURCHASE
--

BACK TAXES & INTEREST:	\$355.28
2003 TAXES	\$6.38
ACCRUED INTEREST:	\$15.64
RECORDING FEE:	26.00
CITY LIENS:	-0-
MISC	-0-
MINIMUM PRICE REQUEST OF REPURCHASE	\$403.30

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing Execution of Deed D041946 for Repurchase of Tax Foreclosed Properties to the Former Owner, H. WILLIAM KRETZMEIER TRUSTEE, DANIEL H. IVEY TRUST.

The Multnomah County Board of Commissioners Finds:

- a) Multnomah County acquired the real property hereinafter described through foreclosure of liens for delinquent property taxes, and H. WILLIAM KRETZMEIER TRUSTEE, DANIEL H IVEY TRUST is the former owner of record.
- b) H. WILLIAM KRETZMEIER TRUSTEE, DANIEL H IVEY TRUST has applied to the County to repurchase the property for \$403.30, which amount is not less than that required by ORS 275.180; and it is in the best interest of the County that the property be sold to the former owner.
- c) The Tax Title Section has received payment in the amount of \$403.30 from H.WILLIAM KRETZMEIER TRUSTEE, DANIEL H. IVEY TRUST.

The Multnomah County Board of Commissioners Resolves:

1. The Chair is authorized to execute Deed D041946 as attached, conveying to the former owner the following described real property:

LOT P-14; IRVING STREET LOFTS, CONDOMINIUM in the City of Portland,
Multnomah County, Oregon

ADOPTED this 11th day of March 2004.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Christopher D. Crean, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 04-026

Authorizing Execution of Deed D041946 for Repurchase of Tax Foreclosed Properties to the Former Owner, H. WILLIAM KRETZMEIER TRUSTEE, DANIEL H. IVEY TRUST

The Multnomah County Board of Commissioners Finds:

- a) Multnomah County acquired the real property hereinafter described through foreclosure of liens for delinquent property taxes, and H. WILLIAM KRETZMEIER TRUSTEE, DANIEL H IVEY TRUST is the former owner of record.
- b) H. WILLIAM KRETZMEIER TRUSTEE, DANIEL H IVEY TRUST has applied to the County to repurchase the property for \$403.30, which amount is not less than that required by ORS 275.180; and it is in the best interest of the County that the property be sold to the former owner.
- c) The Tax Title Section has received payment in the amount of \$403.30 from H.WILLIAM KRETZMEIER TRUSTEE, DANIEL H. IVEY TRUST.

The Multnomah County Board of Commissioners Resolves:

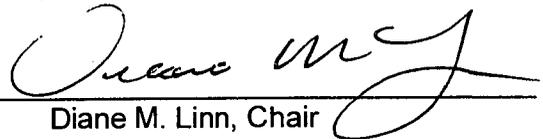
1. The Chair is authorized to execute Deed D041946 as attached, conveying to the former owner the following described real property:

LOT P-14; IRVING STREET LOFTS, CONDOMINIUM in the City of Portland,
Multnomah County, Oregon

ADOPTED this 11th day of March, 2004.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Christopher D. Crean, Assistant County Attorney

Until a change is requested, all tax statements shall be sent to the following address:
H. WILLIAM KRETZMEIER
621 SW MORRISON, SUITE 1420
PORTLAND OR 97205

After recording, return to:
MULTNOMAH COUNTY
TAX TITLE 503/4

Deed D041946

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to H.WILLIAM KRETZMEIER TRUSTEE, DANIEL H. IVEY TRUST, Grantee, the following described real property:

LOT P-14; IRVING STREET LOFTS, CONDOMINIUM, In the City of Portland, Multnomah County, Oregon.

The true and actual consideration paid for this transfer, stated in the terms of dollars is \$403.30.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

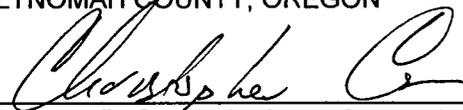
IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 11th day of March, 2004, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
MULTNOMAH COUNTY, OREGON

By 
Christopher D. Crean, Assistant County Attorney

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

Diane M. Linn, acknowledged this Deed before me this 11th day of March 2004, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

Deborah Lynn Bogstad,
Notary Public for Oregon
My Commission expires: 6/27/05

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: March 11, 2004

Agenda Item #: UC-1

Est. Start Time: 9:30 AM

Date Submitted: 03/09/04

Requested Date: March 11, 2004

Time Requested: 5 Minutes

Department: Non-Departmental

Division: County Attorney

Contact/s: Agnes Sowle

Phone: 503-988-3138

Ext.: 83138

I/O Address: 503/500

Presenters: Scott Erik Asphaug

Agenda Title: Authorizing Settlement of *Baccelleri v. Multnomah County*, Multnomah County Circuit Court Case No. 0305-04973

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

-
- 1. What action are you requesting from the Board? What is the department/agency recommendation?** Approve settlement of tort litigation case *Baccelleri v. Multnomah County* for \$200,000.00 to the mother and father claimants.
 - 2. Please provide sufficient background information for the Board and the public to understand this issue.** Mr. Baccelleri died while in the custody at the Inverness jail on April 2, 2003. The medical examiner attributed his death to a medication error that resulted in a lethal overdose of methadone.

The proposed settlement presents an acceptable resolution of the lawsuit. The settlement reflects the likelihood of a verdict in favor of plaintiffs and avoids the expense of trial.

- 3. Explain the fiscal impact (current year and ongoing).** N/A

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

If a budget modification, explain:

- ❖ What revenue is being changed and why?
- ❖ What budgets are increased/decreased?
- ❖ What do the changes accomplish?
- ❖ Do any personnel actions result from this budget modification? Explain.
- ❖ Is the revenue one-time-only in nature?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

- ❖ Why was the expenditure not included in the annual budget process?
- ❖ What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?
- ❖ Why are no other department/agency fund sources available?
- ❖ Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.
- ❖ Has this request been made before? When? What was the outcome?

If grant application/notice of intent, explain:

- ❖ Who is the granting agency?
- ❖ Specify grant requirements and goals.
- ❖ Explain grant funding detail – is this a one time only or long term commitment?
- ❖ What are the estimated filing timelines?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?
- ❖ How will the county indirect and departmental overhead costs be covered?

4. Explain any legal and/or policy issues involved. On December 18, 2003, the Board adopted Resolution 03-171 delegating authority to the County Attorney to settle claims and litigation against the County or its employees in amounts up to \$25,000 per case. The County Attorney must obtain Board approval for all settlements of over \$25,000.
5. Explain any citizen and/or other government participation that has or will take place. N/A

Required Signatures:



Department/Agency Director: _____

Date: 03/09/04

Budget Analyst

By: _____

Date:

Dept/Countywide HR

By: _____

Date:

BOGSTAD Deborah L

From: ASPHAUG Scott E
Sent: Tuesday, March 09, 2004 4:24 PM
To: BOGSTAD Deborah L
Subject: agenda placement request for 3.18

CONFIDENTIALITY STATEMENT

Confidentiality: This e-mail transmission may contain confidential and privileged information. The information contained in this transmission 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.

Deb

Attached is a APR on the Baccelleri case I reported on this morning.

I'd like to get on for next week if at all possible

Thanks

Scott

3/10/2004

#1

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: 3.11.4

SUBJECT: STONE RD. & SMART ST. PROPERTY
LOSS OF ECONOMIC VALUE

AGENDA NUMBER OR TOPIC: N/A

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: ED CHRISTENSEN, P.E.

ADDRESS: 8000 SW PEAFLE ST.

CITY/STATE/ZIP: PORTLAND OR 97223

PHONE: DAYS: 503 598 1866 EVES: _____

EMAIL: eke.welkin@comcast.net FAX: 503 598 1868

SPECIFIC ISSUE: LAND USE VARIANCE OR
BUILDING PERMIT APPROVAL

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.

#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: 3-11-04

SUBJECT: STONE ROAD & SHORT ST. - PROPERTY
LOSS OF ECONOMIC VALUE

AGENDA NUMBER OR TOPIC: N/A

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: MICHAEL G. PARIK / PARIK 4 LLC

ADDRESS: P.O. BOX 369

CITY/STATE/ZIP: ESTACADA, OR 97023

PHONE: DAYS: 971-235-1525 EVES: 503-558-1305

EMAIL: MGPARIK777@AOL.COM FAX: 503-630-4001

SPECIFIC ISSUE: LAND USE VARIANCE AND BUILDING
PERMIT.

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: 3/11/07

SUBJECT: Marriage Equality

①

AGENDA NUMBER OR TOPIC: Public Comment

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: STEVE WAGENHOFFER

ADDRESS: 7516 SE TAYLOR ST

CITY/STATE/ZIP: PDX, OR 97215

PHONE: DAYS: 503-253-7487 EVES: _____

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

#4

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: 3/11/04

SUBJECT: Marriage Equality

AGENDA NUMBER OR TOPIC: Public Comment

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Bonnie Tinker

ADDRESS: PO Box 5163

CITY/STATE/ZIP: PDX, OR 97208

PHONE: _____ DAYS: 503-208-3892 EVES: _____

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

#5

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: 3/11/04

SUBJECT: Equality of Marriage

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Amber Hicks

ADDRESS: w/ Love Makes A Family, Inc.

CITY/STATE/ZIP: SE resident

PHONE: _____ DAYS: 503.228.3892 EVES: 503 730 2473

EMAIL: Amber@LMFamily.org FAX: _____

SPECIFIC ISSUE: Thank you

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.

#6

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk
This form is a public record

MEETING DATE: 4/12/04

SUBJECT: Violation of democratic process by women-Commissioners

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Maureen Wright

ADDRESS: 1505 SE Madison St.

CITY/STATE/ZIP: Portland OR 97214

PHONE: _____ DAYS: 503 233 9383 EVES: SAME

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: yes. 1

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.

Testimony
Multnomah County Commission

Maureen Wright
Thursday, March 10, 2004

My career is public service. Much of my career was devoted to striving for equality for women, minorities and the politically disenfranchised. For years, I traveled the same circuit as Diane Linn, the Oregon State Legislature, City Club, and the Oregon Women's Political Caucus. We campaigned for many of the same candidates and causes.

I earned a Masters Degree in Public Administration from the Kennedy School at Harvard. So, I understand the intricacies and the roles of government.

I am your natural political base. I voted for the Multnomah County income tax. **I have used my influence to support your work and your elections, women Commission members.**

The most important quality I expect from elected officials is for you to act for the public good with responsibility and integrity.

Government is entirely about process: how decisions are made and who decides.
Government is not about outcomes—except for political hacks, who prostitute themselves to the highest bidder. I feel betrayed because I thought you were leaders—not hacks.

During your live press conference (Tuesday, 4/2/04), I heard your condescending attitude about how you circumvented the Oregon Public Meetings Law. You implied that you can dance around minor technicalities (**the letter of the law**) by using your flunkies as messengers or by communicating through a relay system). That behavior and attitude violates the **spirit of the** (Oregon Public Meetings') **law**. That behavior is wrong. Clearly, you have compromised good governance for expediency.

Your behavior implies that the general electorate is too stupid or lazy to notice blatant corruption.

Who do you think you are kidding? When you said you wanted a "second opinion" you solicited a rubber-stamp. As an employee and private citizen, the lawyer you hired (Charlie Hinkle) champions homosexual rights at the ACLU, the City Club, in the media, and in the courts. Common knowledge is that Hinkle is the equivalent spokesperson to homosexuals that Charlton Heston is to gun-owners. Yet, you pretend otherwise.

The previous Multnomah County Attorney Tom Sponsler had concluded already that homosexual marriages were illegal.¹

Sam Adams, gay mayoral candidate and long-time staff to Vera Katz said, "If the process had been on the other foot [the anti-homosexual rights side]...the gays...would be in [your] face..." about how you hi-jacked the legitimate process.²

If you wanted a second opinion about marriage eligibility, the State Attorney's General Office was the appropriate choice. When I asked your offices and the County Attorney's Office, all refused to tell me what the County had budgeted and paid for the biased opinion. The State Attorney General's Office is a fixed cost—not an additional cost—already paid for by taxpayers. How dare you make frivolous expenditures during times of severe economic hardship?

How much did you authorize and spend for outside counsel on this matter?

You exceeded your jurisdictional and legislative authority. State government—not a county--makes the laws that pertain to marriage. As a convenience, counties administer them.

By your actions, you engaged in political tyranny. Tyranny is tyranny--whether the majority is tyrannized by the few or the few are tyrannized by the many. In a democracy, the public has a right to disagree. As elected officials, you have a duty to include diverse political views. You had absolutely no right to have excluded your fellow commissioner—a duly elected official. You had sufficient votes to defeat Roberts' anticipated opposition. Any official conduct that inhibits or prevents the voice of dissent is anti-democratic.

Who cares if you win an isolated battle over one issue, if you destroyed the morality of that victory and the fiber of democracy? Trust me. The ends do not justify the means. **A person cannot credibly champion equal rights and equal opportunity when that person is a fascist and a hypocrite.**

I believe in truth, justice and accountability. Deliberately and arrogantly, you trampled the law, violated your oath of office, and showed contempt for the public trust.

In conclusion, I very much regret that my former political support contributed to your opportunity to corrupt good government.

¹ **Sunday Oregonian**, March 10, 2004, p. A8

² **Oregonian, Metro Portland**, March 8, 2004, p. B1



MULTNOMAH COUNTY OREGON

Release: March 3, 2004

Contact: Agnes Sowle, County Attorney, (503) 988-3138

Legal opinion leads to policy change on marriage licenses for same sex couples

Multnomah County's new policy to issue marriage licenses to same sex couples who meet all other requirements for a marriage license is based on a legal opinion released today by County Attorney Agnes Sowle. Recent court cases and government actions around the country have led many jurisdictions responsible for issuing marriage licenses, including Multnomah County, to re-evaluate their laws and policies.

Regulation of marriage is a states' right. In Oregon, the state has delegated the duty to issue marriage licenses to the counties by statute. Article I, section 20 of the Oregon Constitution prohibits the state, a municipality, or any other government actor from discriminating against an individual on the basis of a protected class in the enactment or the administration of a state law.

Under Oregon law, both gender and sexual orientation are classes entitled to Constitutional protection. Therefore, Multnomah County is prohibited from discriminating against an individual who applies for a marriage license because of gender or sexual orientation. To satisfy its obligations under the Oregon Constitution, the county can either deny marriage licenses to all couples or grant marriage licenses to opposite and same sex couples on equal terms.

Some Questions and Answers about Multnomah County's Policy Change

Why is Multnomah County making this determination rather than the legislature, attorney general, or judges?

The constitutionality of a statute may be questioned in many ways. In Oregon, a local government such as the county has a duty to act in compliance with the Constitution even when a court has not yet found a particular statute or government action unconstitutional. Therefore, if Oregon's Constitution prohibits Multnomah County from denying marriage licenses to same sex couples, the county does not need to wait for the legislature, the attorney general or the court.

(more)

Same Sex Marriage License Policy -- Page 2

How is Multnomah County's policy change different from what has happened in San Francisco and New Mexico?

Because the regulation of marriage is a states' right, the determination of whether it is permissible to deny marriage licenses to a same sex couple depends on the law in each state. California has a "Defense of Marriage Act" which specifically defines marriage as "between a man and a woman." Oregon and New Mexico do not have such a law. However, New Mexico's attorney general has issued her written opinion that the state's statutes limit marriage to unions between a man and a woman.

If Multnomah County already has a domestic partner registry, why are marriage licenses needed for same sex couples?

The benefits and privileges that flow from marriage are significantly different than those that flow from a domestic partnership. Since its inception in September 2000, over 500 couples in Multnomah County have registered as domestic partners. Some are same sex couples, others are opposite sex couples.

###



Diane M. Linn, Multnomah County Chair

STATEMENT FROM MULTNOMAH COUNTY CHAIR DIANE LINN March 3, 2004

As you may know, the County Attorney recently provided her legal opinion stating that it is a violation of the Oregon Constitution to discriminate against individuals who apply for marriage licenses on the basis of their gender or sexual orientation.

What this means is that this county will comply with the constitution and will issue marriage licenses to same sex couples who request them. I took an oath of office to uphold the constitution of the state of Oregon. I intend to do just that.

I recognize that this is a complex and controversial issue. I would hope that we will pull together as a community and not let the issue divide us.

Personally, I join my colleagues – Commissioners Maria Rojo de Steffey, Serena Cruz and Lisa Naito - in their support of our constitutional requirement to issue marriage licenses to all couples who apply. I intend to celebrate the unions this will make possible.



Commissioner Maria Rojo de Steffey
Multnomah County Oregon
District One

My position concerning the matter of same sex marriage revolves around two principles:

When I took office, I swore on oath that I would uphold the laws and constitution of Oregon and the County. Blocking same sex marriages would violate my oath of office. I do not intend to violate that oath.

For all of my life, I have worked to secure the rights of all people. I will continue that work for as long as I live. My sense of justice and my Christian faith allow me no other course.

501 SE Hawthorne Blvd., Suite 600, Portland, Oregon 97214
Phone: (503) 988 5220 Fax: (503) 988 5440 E-Mail: district1@co.multnomah.or.us



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
501 S.E. HAWTHORNE BLVD. , Room 600
PORTLAND, OREGON 97204
(503) 988-5217

SERENA CRUZ ● DISTRICT 2 COMMISSIONER

Statement of Commissioner Serena Cruz on Issuing Same Sex Marriage Licenses in Multnomah County March 3, 2004

I am proud to join my colleagues today as we direct the County to issue marriage licenses to same sex couples.

Not too long ago, our leaders viewed race as a threat to marriage. In 1967 – the year I was born – the US Supreme Court overturned all state bans on interracial marriage, declaring that the “freedom to marry” belongs to all Americans.

Now it is our responsibility to legally recognize *all* of the families here in our community.

I want to express my appreciation to the leaders from Basic Rights Oregon and the ACLU who encouraged us to take this important step forward. I also want to thank the friends who sat in my office, or my home, and asked “Serena, if we come down and ask for a marriage license what will you say?”

I want to thank them for their help, and for their patience. We asked our attorney if our current practice was still legal. Based on her opinion, we would be violating the Oregon Constitution to deny same sex couples a marriage license. I have taken an oath to uphold Oregon’s constitution and that’s what I’m doing today.

I am also doing what I know is right. It is right to support all families.

Marriage supports families and it also supports married people. It is not always easy being married, but on life’s hardest days – if you are in the hospital, if you are in a funeral home, if you are in court – being married matters. It’s even truer on the some of the best days in life – the birth or adoption of a child, the purchase of your first home, the celebration of your vows. On good days, and on bad days, I’m glad I’m wearing a wedding ring.

Today, we grant legal recognition to gay and lesbian families and we welcome them to come to the Multnomah Building to get their marriage licenses.



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
501 S.E. HAWTHORNE BLVD. , Room 600
PORTLAND, OREGON 97204
(503) 988-5217

LISA NAITO • DISTRICT 3 COMMISSIONER

**Statement of
Multnomah County Commissioner LISA NAITO
Regarding the Issuance of Marriage Licenses
Wednesday, March 03, 2004**

Multnomah County cannot deny marriage licenses to Gay or Lesbian couples. We will not allow discrimination to continue when the Constitution of the State of Oregon grants privileges *equally* to all citizens.

As a state legislator in 1991 I took an oath that directed me to uphold the Oregon Constitution. As a Multnomah County Commissioner, I again swore to uphold the Constitution of our State. I will honor my oath of office and defend the rights granted by our State Constitution.

Our County Attorney states, "Refusal to issue marriage licenses to same sex couples violates Article 1, Section 20, of the Oregon Constitution...Multnomah County is required to act in accordance with the Constitution." We obtained a second opinion from the well-respected law firm, Stoel Rives. Their conclusions are the same. Our actions today are required by Oregon's Constitution, the highest law of our State. State law may be ambiguous, but Oregon's Constitution is crystal clear.

I personally am committed to equal rights and equal protection for every person in this county and in this state. It is my duty to support and fully embrace the fundamental tenets upon which our great nation is founded – that all people should be treated equally under the law.

Until 1951, Oregon citizens from different racial and ethnic backgrounds were forbidden to marry. Sadly, it was not until 1967, less than forty years ago, that the Supreme Court of the United States struck down all bans on interracial marriage. Justice Anthony Kennedy has wisely noted "that the Constitution allows each generation to expand the terrain of freedom."

Another principal tenet upon which our country is founded is the separation of church and state. Our actions today have no effect on the practices of churches or religious organizations in our community.

Same sex couples want their relationships to have the same legal weight as heterosexual relationships – the right to inherit assets, own their homes jointly, and cover their families with health insurance. Multnomah County's issuance of marriage licenses will allow same sex couples these rights. Our actions today demonstrate our commitment to civil rights and respect for diversity in our community.

CONSTITUTION OF OREGON Article I, Section 20. Equality of privileges and immunities of citizens. No law shall be passed granting to any citizen or class of citizens privileges, or immunities, which, upon the same terms, shall not equally belong to all citizens.

Lonnie Roberts
Multnomah County Commissioner
District 4



501 SE Hawthorne Boulevard, Suite 600
Portland, Oregon 97214
(503) 988-5213 phone
(503) 988-5262 fax
Email: lonnie.j.roberts@co.multnomah.or.us
www.co.multnomah.or.us/cc/ds4/

March 3, 2004

Contact: Charles Martin, Office of Commissioner Roberts
503-988-5213

FOR IMMEDIATE RELEASE

Today a decision was made to issue marriage licenses to same sex couples in Multnomah County. The action, taken by County Chair Diane Linn with the support of commissioners Naito, Cruz and Rojo de Steffey, was based on an interpretation of the Oregon State Constitution with reference to ORS 160.150. This Administrative Order attempts to redefine the cultural and social structure of the citizens of Multnomah County.

Commissioner Roberts was not part of the process, the legal review, the discussions or the decision to move ahead with this controversial edict. Lonnie is appalled at the lack of consideration given him as a fellow Commissioner and with cavalier abandonment of any open forum. The "exclusive" nature of this action has disenfranchised the citizens of District 4 who Lonnie represents and all the citizens in Multnomah County who deserve to have their opinions heard.

Lonnie Roberts is personally opposed to same sex "marriage". Commissioner Roberts has supported civil unions with regard to same couples who have committed themselves to a life together. He has done so to ensure that, those who enter into such a union, are not excluded from benefits such as health insurance and inheritance rights.

Many have asked our office to intercede in this matter. To that end we will support various groups who will petition the courts for a stay of this action. We will join with others whose interpretation of the Oregon Constitution is based on the intent of the legislature in 1965, when this statute was written. We will work through the County Charter Review process to refer the action, taken today, directly to the voters.

This is an important matter for consideration by all the citizens of Multnomah County...they deserve to be heard.

BOGSTAD Deborah L

From: Richard Hunter [dhunter3859@earthlink.net]
Sent: Friday, March 05, 2004 12:04 PM
To: CHAIR Mult; District1; SERENA CRUZ; District3; BOGSTAD Deborah L
Subject: Homosexual marriages

I am a voter in Multnomah County.

I am most disturbed by your high-handed disregard for the rule of law and of the opinion of the majority of your constituency in the matter of issuance of marriage licenses to homosexuals. There has already been enough said in the press about what I see as my reasons for the position I take, so in the interest of brevity I will not elaborate here. Suffice it to say, I consider that you were wrong in your actions and I will participate in any voter action that may be taken against you on account of your actions.

Richard Hunter
dhunter3859@earthlink.net

BOGSTAD Deborah L

From: SOWLE Agnes
Sent: Friday, March 05, 2004 4:16 PM
To: #ALL COUNTY ATTORNEY
Subject: FW: Electronic Alert 7-10 - Same-Sex Marriage

WOW

Agnes Sowle
Multnomah County Attorney
501 SE Hawthorne Blvd., Ste. 500
Portland, OR 97214
(503)988-3138

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

From: Chrissa Stephens [mailto:CStephens@barran.com]
Sent: Friday, March 05, 2004 11:50 AM
To: Chrissa Stephens
Subject: Electronic Alert 7-10 - Same-Sex Marriage

Barran Liebman LLP
Electronic AlertSM
Volume 7, Issue 10
March 5, 2004

How Does Same-Sex Marriage Affect Oregon Employers?

This week Multnomah County began issuing marriage licenses to same-sex couples who wish to marry. The legal questions surrounding this decision are complicated and significantly uncertain at this point. Oregon's county governments disagree among themselves whether same-sex marriages may be authorized and there may be some procedural challenges to the manner in which Multnomah County reached its decision to issue the licenses.

The major substantive legal question -- whether Oregon law permits or forbids same-sex marriages -- is presently before the Attorney General for analysis; the press has reported that an opinion will be issued next week. Once an opinion is issued it will provide some guidance, but it will not be a controlling pronouncement. For that, we will have to wait for a case to be filed, decided by a trial court and appealed.

For now, recognizing this is a time of uncertainty, employers will need to consider how to handle benefits for same-sex couples who marry. Employers who currently offer the same benefits for domestic partners don't need to change their practices with respect to those same-sex domestic partners who do not marry.

While today there is much we do not know about how the legal issues surrounding same-sex marriage will eventually be resolved, there are some things we do know.

Oregon Law Prohibits Discrimination on the Basis of Sexual Orientation

In a 1999 case called *Tanner v. OHSU*, the Oregon Court of Appeals held that the employer's denial of insurance benefits to its employees' domestic partners did not amount to sex discrimination under the same state law that applies to employers because the employees could not show that the employer denied benefits to same-sex partners as a "subterfuge" for discrimination. The court did find that the employer's denial of benefits had violated the privileges and immunities clause of the Oregon Constitution. Of course, the Oregon Constitution applies only to government action and not to the actions of private employers. In *Tanner*, the employer was a governmental entity.

The *Tanner* court also found that discrimination on the basis of sexual orientation was discrimination on the basis of "sex" within the meaning of Oregon's law that does apply to private employers because the statute prohibits discrimination on the basis of the "sex of any other person with whom the individual associates." The employees argued, and the court agreed, that discriminating on the basis of sexual orientation "plainly falls" within the wording of the statute.

The lesson of *Tanner* is that Oregon employers cannot discriminate on the basis of sexual orientation. While an Oregon employer can deny benefits to the unmarried domestic partners of its employees (regardless of sexual orientation), the employer must be able to show that the choice not to provide benefits is not a subterfuge for sex discrimination.

OFLA Requires Employers to Allow Leave for Same-Sex Domestic Partners

In 2002, in response to the *Tanner* decision the Oregon Bureau of Labor and Industries amended the OFLA eligibility rules to include "same-sex domestic partner" within the meaning of the term "family member." In order to qualify as a "same-sex domestic partner" under the BOLI regulations, an individual must demonstrate the following: (1) the same-sex domestic partners are not related by blood closer than would bar marriage in the State of Oregon (first cousins or nearer); (2) neither is legally married; (3) they have continuously lived together as a family and share a close personal relationship, which is exclusive and loving, for an extended period of time, and they intend to maintain that family and that relationship with each other for the rest of their lives; (4) they have joint financial accounts and have agreed to be jointly responsible for each other's common welfare, including basic living expenses; (5) they would be married to each other if the law permitted them to marry in Oregon; (6) they are the sole domestic partner of each other and have no other domestic partner; (7) they are both 18 years of age or over; and (8) they are each homosexual.

What Should Employers Do About Health Coverage?

Among the choices, the most conservative (and least risky) would be to ensure that same-sex married couples receive the same benefits as previously offered to married couples. This is particularly appropriate if the plan document provides coverage for spouses without specifying that they must be of opposite sex. (The suddenness of this development may mean that there is a lack of clarity in plan documents.) Frequently, employers serve as plan administrators for their health plans and, as such, employers have a fiduciary obligation to follow the terms of the plans. (ERISA adds a measure of complexity to the analysis.)

This choice may ultimately be the lawful one as a result of the legal analyses that are now ongoing. However, no one can predict what the Attorney General's opinion will be and how likely lawsuits are going to be resolved by the courts.

To the extent benefits are insured, the availability of benefits may be an issue that has to be addressed with providers. The commercial unavailability of a nondiscriminatory product is not always an employer defense. Employers will also need to be realistic because their providers may not have thought these issues through. Employers may also want to wait for guidance from the Attorney General's

opinion. However, those who do wait may end up being the “test” case for these issues in the private-employer arena.

Electronic Alerts are written by Barran Liebman attorneys for their clients and friends. Alerts are not intended as legal advice but as employment and labor law announcements. If you would like to begin receiving Electronic Alerts directly, or would like to be removed from our list, please contact Chrissa Stephens at 503-276-2115 or cstephens@barran.com. ©Barran Liebman LLP 2004

BOGSTAD Deborah L

From: Anthony Hellerstedt [jhellerstedt@yahoo.com]
Sent: Friday, March 05, 2004 5:44 PM
To: BOGSTAD Deborah L
Subject: Gay Marriage

Anthony Hellerstedt
17681 SW Heatherwood Ln
Sherwood, OR 97140

March 5, 2004

Ms. Deborah Bogstad
501 SE Hawthorne Blvd, Suite 600
Portland, OR 97214

Bogstad:

Dear Board Clerk Bogstad,

I am absolutely appalled by the illegal decision to allow homosexual marriage here in Oregon. As a constituent, I believe there should definitely be a vote on this.

Marriage is a sacred union between one man and one woman created by God.

Not only is this new decision immoral, but it is also illegal, having not consulted the people.

I ask that you, Ma'am, join the majority of this great nation to oppose homosexual marriage. I would greatly appreciate it if you contact me on your decision. Thank you.

Sincerely,

Anthony Hellerstedt

BOGSTAD Deborah L

From: Ruth Mickelson [RuthieM8@comcast.net]

Sent: Saturday, March 06, 2004 9:01 AM

To: BOGSTAD Deborah L

Subject: overstepped boundaries

Diane Linn has overstepped her boundaries as chair of multnomah county commisioners at least once already. Now she has done it again. And by following, you are allowing Multnomah County, Oregon to become of the most liberal counties in the U.S and it is going down the tube. I, for one, feel that by allowing this disobedience of the law, meeting in secret, and not correctly representing the public as you should, that you should be put in jail (that is supposed to be what happens to people who break the law--I don't care WHO they are). Marriage is a sacred unity between a man and a woman. A domestic registry law is something completely different. Who will be the next official willing to break the law?

3/9/2004

BOGSTAD Deborah L

From: Dick Follstad/Marilyn Martin [sbbmom@ipns.com]

Sent: Saturday, March 06, 2004 7:34 PM

To: BOGSTAD Deborah L

Subject: marriage licenses

I seem to be having trouble with my email. Could you forward the following message to the 5 members of the County Board.

"I am writing to express my strong support for the recent decision to extend marriage licenses to all citizens. I am pleased that you had the courage to stand up for equity as a basic right for all. Keep up the good work."

Sincerely,

Richard Follstad
5638 SE Hawthorne
Portland, Oregon

503.232.7709

BOGSTAD Deborah L

From: Baer Home [baerhome@spiritone.com]
Sent: Saturday, March 06, 2004 9:40 PM
To: BOGSTAD Deborah L; ROBERTS Lonnie J; District3; District1; SERENA CRUZ; CHAIR Mult
Subject: Letter to entire Mult. Co. Commission

Dear Multnomah County Commissioners -

It is with much disappointment that we are sending this email. We wouldn't be writing if the majority of the commission hadn't chosen to exclude Commissioner Lonnie Roberts from the decision making process in the recent civil union licensing situation.

We admire Commissioner Roberts for speaking out and are **greatly disappointed** in the rest of the commission that excluded him. Frankly, as much as we love living in Gresham, moving out of this county is highly appealing right now.

We truly hope other Multnomah County residents express their dissatisfaction at the actions of commissioners who excluded Commissioner Roberts.

We are sending a copy of this email to many friends so they will have your email addresses easily accessible for their consideration of response.

Very truly yours,

David & Becky Baerwald - Registered Voters - Gresham, Oregon

BOGSTAD Deborah L

From: Jan Moore [res1n1rg@verizon.net]
Sent: Sunday, March 07, 2004 11:58 AM
To: BOGSTAD Deborah L; ROBERTS Lonnie J; District3; District1; SERENA CRUZ; CHAIR Mult
Subject: To Entire Multnomah County Commission

Dear Multnomah County Commissioners:

Once again Oregon steps forth to lead in a controversial issue which is not the mind of the majority of our nation's citizens nor of our leader, President George W. Bush.

I am, of course, referring to your decision to make a 'policy change' concerning marriage licenses being issued to same sex couples.

Not only do I find the 'policy change' offensive, tasteless and, seemingly done at a time to get 'on the bandwagon' so to speak, but I also strongly object to the exclusion of Commissioner Lonnie Roberts from this decision.

As much as I have always loved the Pacific Northwest, I now wish my children and grandchildren were residing in another area of our country.

As one of your commissioners stated she must decide between her legal obligation and her Christian faith, she made a very poor decision considering the Judge she will face when this life is over.

Odd, isn't it, that the tremendous success of 'The Passion of Christ' and this decision and others like it, are happening simultaneously?

Yours truly,

Janet L. Moore
Registered Voter
Gresham, Oregon

3/9/2004

BOGSTAD Deborah L

From: skyrose@comcast.net
Sent: Monday, March 08, 2004 9:04 AM
To: CHAIR Mult; District1; SERENA CRUZ; ROBERTS Lonnie J; BOGSTAD Deborah L
Subject: Equal Rights

I fully support and endorse the courageous action of the Multnomah County decision to act constitutionally regarding licensing of marriage.

Below you will find writings by others that eloquently express the right thinking supporting your action.

Steve Hensler
5015 SE 63rd Ave.
Portland OR 97206

Dear Mr. President,

I could not avoid you tonight as your support for a federal constitutional amendment banning same-sex marriage blared throughout the airport lounge via CNN.

As I listened to your confusing messages about family and values and politics, I shared sadness with my fellow travelers about your continuing fear-driven approach to leadership. Your defense of traditional marriage rang hollow; rather, it was a poor endorsement for discrimination, ignorance and your conservative political base.

Uncharacteristically, I decided not to be angry, offended or cynical. Rather, I desperately want to understand you and your allies on this issue, and take the high road in that engagement.

So I invite you, Laura and your daughters to spend a day with my family and explain why you are championing such a cause.

Spend a day with my life partner of 24 years who is one of the most remarkable human beings you'll ever have the privilege of meeting. A public school teacher, Bob has spent his life inspiring students and parents alike with his commitment to a values-laden and creative approach to learning, serving as a strong life-changing role model for countless young at-risk city kids over the years.

Spend a day with our energetic and cheerful seven year-old Ben. Ben will treat you to an active day full of homework, piano lessons, lego projects, friends, chores, soccer and baseball. Fully steeped in the values of love, sharing, friendship and learning, Ben is immensely proud of his two adoring and engaged parents, and wonderfully enriched by a diverse and supportive neighborhood.

Spend a day with our extraordinary community of friends and neighbors, who

reflect the America of today and the future - mixed in race, language, background, family structures and ideas - but united in their deep commitment to our children, to creating a better future, to loving our country and to enjoying the richness of life.

Spend a day with our extended family that has supported us with unconditional love through good times and bad. Our parents, aunts, uncles, siblings, cousins, nieces and nephews spread around the country form the foundation of our world. Over the years we have celebrated countless joyous holidays and celebrations together, as well as helping them in endless ways through illnesses, financial problems, divorces, and other family dramas.

Spend a day with us as we engage in our community as a family and as individuals, as we actively volunteer at Ben's school, as we have headed up the local United Way, and as we have worked tirelessly with many community organizations to improve the lives of our less-fortunate neighbors. Come join us as we sing and pray in church together.

Spend the day with me as the CEO of a fast-growing global digital media company who understands the economic interests of supporting stable communities and families, who must create a vibrant 21st century inclusive workforce through rigorous recruiting and non-discriminatory practices, and who is forever seeking that elusive family-life-work balance.

Spend the day with us as we explain to our son, his friends and cousins, why the world can be a fragile place where people do bad things out of ignorance and fear, where people hate people for silly reasons, where leaders abuse power for political gain at the expense of innocent folks, and where people waste enormous emotion and energy on side issues when domestic and child abuse, poverty, racism, divorce and inadequate health care - the issues truly threatening the American family - go unattended.

Mr. President, please come spend a day with us. And then, over our evening family meal, after we have given our nightly thanks to our loving and hate-free God, explain to this same-sex household just what family values you are defending for the future of America.

Sincerely,
Steve Davis
1926 - 32nd Ave So.
Seattle, Washington
98144

By Beth Quinn
Times Herald-Record

I was going to leave the gay marriage issue alone just to save myself some grief.

But then I thought, what fun would that be? Somebody's got to irritate the self-righteous folks who tell the rest of us how to live, and it might as well be me.

You know who you are, so get your writing implements ready because you'll want to damn me to hell by the time we're done here.

For me, there is one central question in the whole gay marriage controversy: What do you care?

What difference does it make in your own life if two gays or lesbians get married? It simply mystifies me that you feel threatened by this. What possible harm could it do in your personal, little life whether the two guys living at the end of your block say, "I do"?

I keep hearing the same pat answer from your prophets of doom - that allowing homosexuals to marry will "destroy the institution of marriage."

Well, I gotta' tell you, a lot of gays and lesbians have been getting married in San Francisco lately, and so far my own institution of marriage is doing just fine. I checked. When I heard they were lining up for licenses, I asked my husband if he felt our marriage was going downhill on account of it. He just ignored the question and wanted to know what kind of perennials I thought we should put in this spring.

I took that as a good sign. Perennials are an investment in the future, so I figure he's sticking around despite what those homosexuals are doing.

So, self-righteous folks, I guess I'm wondering what's wrong with your own marriages that you feel so threatened by another couple's happiness. Are you unable to sustain a good sexual relationship now that two gay guys are sleeping together in wedded bliss? Are you unable to have an intimate conversation with your spouse because you're distracted by the notion of two women going off on a honeymoon?

Because if your marriage is that unstable, you should stop worrying about what others are doing and tend to your own problems before your divorce contributes to the decline of the institution of marriage.

I've given this a lot of thought, and I've completely failed to come up with ways that gay marriage will have an impact on your life. It won't raise your taxes. It won't cause the kid who shovels your driveway to quit. It won't make your laundry dingy. It won't alter the weather. It won't cause your dog to start passing gas. It won't affect your relationship with God. It won't cause you to develop a tumor on your head.

Those of you who would talk about grand concepts like society and institutions and pillars and guideposts and moral fibers and whatnot, I say this is just your excuse for meddling. And history has shown us that nothing good ever comes of meddling in other people's affairs. Every time Christians showed up to mess with heathens, for example, we just ended up with a lot of unhappy heathens with syphilis and smallpox.

Those of you, who would point out that the dictionary definition of the word "marriage" involves a man and a woman, let me point out that the dictionary is a living, breathing document that changes as word usage changes. If you doubt it, look up the word "dot" in a current edition.

We the people get to decide what's in the dictionary. The dictionary doesn't get to dictate our societal conventions. Your hair isn't going to catch on fire if the definition of marriage is eventually changed to read, "two consenting adults" instead of "man and woman."

As for the Bible, which is always the last refuge for those of you who want to impose your will on us savages, we're not all reading out of the same book.

More fundamentally, the Bible is not a legal document. If it were, those who fail to love one another would be rounded up and thrown in jail. The prison budget would go through the roof what with all the new cells we'd need for the neighbor haters.

I have only this advice to offer those of you who oppose gay marriage: Don't marry a homosexual.

If you're a man and you don't want to marry another man, for crying out loud, stick to your guns! That would be a terrible idea. You'd be miserable! Same for women. Marry someone of the opposite sex if that's your personal preference.

After all, no one's got the right to meddle in your private affairs.

BOGSTAD Deborah L

From: CREAN Christopher D
Sent: Tuesday, March 09, 2004 12:10 PM
To: #ALL COUNTY ATTORNEY
Subject: Opinion of Legislative Counsel
Follow Up Flag: Review
Flag Status: Flagged

Attached is Legislative Counsel's opinion on the question of whether the County must issue marriage licenses to same sex couples. He agrees with us. (Ignore the bracketing.) Apparently, this opinion is public.

March 8, 2004

Senator Kate Brown
Senate Democratic Leader
900 Court Street NE, S323
Salem, Oregon 97301

Subject: Same-Sex Marriage

Dear Senator Brown:

This letter responds to your request for our opinion whether state law requires a county clerk to license the marriage of a same-sex couple. The answer is yes.

The Legislative Assembly has authorized marriage only between persons of the opposite sex. However, section 20, Article I of the Oregon Constitution, which prohibits the Legislative Assembly from "granting to any citizen or class of citizens privileges, or immunities, which, upon the same terms, shall not equally belong to all citizens[.]" requires the state to grant a same-sex couple a license to marry on the same terms as a couple of the opposite sex. Providing same-sex couples with a separate civil contract, such as civil union, is not sufficient; separate is not equal.

We understand that you are seeking this advice to help guide your actions. We have, therefore, tried to provide you with the analysis that we believe Oregon's courts will most likely apply. In reaching our conclusion, we have accepted the courts' interpretations of relevant statutes and constitutional provisions and have not sought to address issues as if we were writing on a clean slate.

1. The Definition of Marriage: Man and Woman

The Legislative Assembly limits marriage to between a man and a woman. ORS 106.010 provides:

Marriage is a civil contract entered into in person by males at least 17 years of age and females at least 17 years of age, who are otherwise capable, and solemnized in accordance with ORS 106.150.

Although ORS 106.010 uses the preposition "by" instead of "between," the statute addresses only couples of the opposite sex. ORS 106.010 has remained the same in pertinent respects since the Legislative Assembly adopted the law in 1862. See section 1, chapter 34, General Laws of Oregon 1843-1872 at 660 ("by males . . . and females"). Other sections of the same 1862 law described the "persons . . . joined in marriage" as "the female" and "the male." Sections 12 and 13, chapter 34, General Laws of Oregon 1843-1872 at 662. Current law continues this sex-based distinction by requiring "the parties [to a marriage to] assent or declare . . . that they take each other to be husband and wife." ORS 106.150 (1). In common parlance, the

terms "husband" ("a male partner in a marriage") and "wife" ("a female partner in a marriage") describe an opposite-sex couple. Merriam Webster's Collegiate Dictionary 565, 1348 (10th ed. 2000).

Oregon's courts have always described "marriage [a]s a civil contract . . . between a man and woman." *Heisler v. Heisler*, 152 Or. 691, 693 (1936). The Legislative Assembly has not authorized other persons to marry, and "marriage in this state can be accomplished only in the manner and method as pointed out in the statute." *Huard v. McTeigh*, 113 Or. 279, 290 (1925). Because of this limitation, under ORS 106.010, "[h]omosexual couples may not marry." *Tanner*, 157 Or. App. 502, 525 (1998) (government must provide insurance benefits to unmarried domestic partners of homosexual employees on the same terms as provided to spouses of married employees).

The question then becomes whether same-sex couples may marry in spite of the limitation in ORS 106.010.

2. Same-Sex Couples' Right to Equal Privileges: General Principles

Marriage is more than a privilege: it is a "fundamental right." *McGinley and McGinley*, 172 Or. App. 717, 731 (2001).

Oregon's courts evaluate the Legislative Assembly's limitations on the rights of same-sex couples in the same way that the courts evaluate limitations on the rights of racial minorities and religious adherents:

Sexual orientation, like gender, race, alienage, and religious affiliation is widely regarded as defining a distinct, socially recognized group of citizens, and certainly it is beyond dispute that homosexuals in our society have been and continue to be the subject of adverse social and political stereotyping and prejudice. *Tanner*, 157 Or. App. at 524.

In other words, homosexuals are defined by "personal . . . characteristics"—their sexual orientation—and not by their behavior. *Tanner*, 157 Or. App. at 523.

In treating sexual orientation like race, gender and religion, Oregon's courts give more protection to homosexuals' rights than do many other states' courts. Even the Supreme Judicial Court of Massachusetts, which has ordered that state to make marriage available to same-sex couples, does not treat homosexuals the same as racial minorities and religious adherents. *Goodridge v. Department of Public Health*, 440 Mass. 309, 331, 798 N.E. 2d 941, 961 (2003).

Ordinarily, courts accept the Legislative Assembly's drawing distinctions between people whose conduct makes them different from others. See *McGinley*, 172 Or. App. at 731-732 (court permitted Legislative Assembly to treat parents who divorce differently from parents who stay married). Where the Legislative Assembly draws distinctions based on a person's nature, however, the courts will "subject [the reason for the Legislative Assembly's treating people differently] to particularly exacting scrutiny." *Tanner*, 157 Or. App. at 522.

For the Legislative Assembly to limit marriage to between a man and woman, there must be, in the context of a marriage, "genuine differences" between same-sex couples and opposite-

sex couples, and those differences must be "justified by [the same-sex couples'] homosexuality." *Tanner*, 157 Or. App. at 524. In *Tanner*, the Court of Appeals found "no . . . justification" for providing benefits to spouses of married employees and not to unmarried domestic partners of homosexual employees. 157 Or. App. at 524.

Upholding traditional societal roles is not a sufficient reason to justify treating same-sex couples differently from opposite-sex couples. The different treatment in ORS 106.010 must reflect "intrinsic differences" between same-sex couples and opposite-sex couples; it is not enough for the Legislative Assembly's distinction to "reflect[] assumptions about . . . relative social roles." *Hewitt v. SAIF*, 294 Or. 33, 49 (1982) (declaring unconstitutional statute that provided different benefits to men than women based on the sexes' different traditional roles in the family and workplace).

It is not enough for the distinction to deter conduct of which a portion of the population disapproves on moral or religious grounds. *Hewitt*, 294 Or. at 36-37 (disapproving *State v. Baker*, 50 Or. 381 (1907), which had cited the promotion of "good morals" to uphold the exclusion of young women from saloons).

It is also not a sufficient justification that the different treatment in ORS 106.010 reflects a long-standing practice. In *Hewitt*, 294 Or. at 46-47, the Supreme Court rejected as having prolonged unfounded "stereotype[s]" generations-old laws and cases that limited the businesses that women could enter or work in.

The parameters of a socially acceptable marriage have expanded over the years. Oregon's founders, who banned "free negro[es]" from the state under *former* section 35, Article I, Oregon Constitution, considered most interracial marriages to be abhorrent:

"If any white person, negro, Chinese, kanaka, or Indian . . . shall knowingly intermarry . . . such person or persons . . . shall be punished by imprisonment . . . [for] not less than three months nor more than one year." Section 1928, chapter 8, General Laws of Oregon 1892 at 967.

This ban remained in effect for generations, see 22 Op. Att'y Gen. 101 (1945) (county clerk could not license marriage of Hawaiian and Caucasian), but is no longer the law. Section 2, chapter 455, Oregon Laws 1951.

3. Insufficient Reasons for Limiting Marriage to Opposite-Sex Couples

Different states offer similar descriptions of the principal reason for regulating marriage. In Vermont, the state's interest is in "furthering the link between procreation and child rearing." *Baker v. State of Vermont*, 170 Vt. 194, 216-217, 744 A.2d 864, 881 (1999). In Massachusetts, the interest is in "providing a 'favorable setting for procreation'" and "ensuring the optimal setting for child rearing." *Goodridge*, 440 Mass. at 331, 798 N.E. 2d at 961. Arizona's interest is "in encouraging procreation and child-rearing within [a] stable environment[.]" *Standhardt v. Superior Court*, 77 P.3d 451, 461 (2003).

Oregon puts the matter this way:

The interest of the state in the [civil] contract [of marriage] is that the race may be perpetuated in an orderly manner, and

children raised in such surroundings as to make them desirable future citizens[.] *Heisler*, 152 Or. at 694.

Under the test explained in *Tanner*, the Legislative Assembly may limit marriage to opposite-sex couples *if, and only if*, same-sex couples cannot participate in the “orderly” perpetuation of the species or in the raising of children as “desirable future citizens” and the reason that same-sex couples cannot participate is their homosexuality.

In our view, the state will be unable to satisfy the courts that same-sex couples cannot participate in an orderly perpetuation of the species or raise “desirable future citizens.”

First, the link between heterosexual relations and childbearing is no longer exclusive. The state cannot now differentiate between same-sex couples and opposite-sex couples based on ability to procreate.

Historically, “unassisted heterosexual relations were the only means . . . by which children could come into the world, and the absence of widely available and effective contraceptives made the link between heterosexual sex and procreation very strong[.]” *Goodridge*, 440 Mass. at 332 n.23, 798 N.E. 2d at 961 n.23. But, as the Supreme Court of Vermont has observed, technology has changed, and so have the times:

It is . . . undisputed that many opposite-sex couples marry for reasons unrelated to procreation, that some of these couples never intend to have children, and that others are incapable of having children. . . .

Furthermore . . . there is no dispute that a significant number of children today are actually being raised by same-sex parents, and that increasing numbers of children are being conceived by such parents through a variety of assisted-reproductive techniques.

...

Thus, with or without the marriage sanction, the reality today is that increasing numbers of same-sex couples are employing increasingly efficient assisted-reproductive techniques to conceive and raise children. *Baker*, 170 Vt. at 217-218, 744 A.2d at 881-882.

Because same-sex couples may now procreate, the state cannot rely on ability to procreate as a reason to limit marriage to couples of the opposite sex.

Second, Oregon’s courts reject the suggestion that opposite-sex couples are better or more appropriate parents than same-sex couples. *Collins and Collins*, 183 Or. App. 354, 359 (2002) (court cannot consider parent’s homosexual relationship when deciding custody arrangement); see *Ashling v. Ashling*, 42 Or. App. 47, 50 (1979) (for purposes of deciding custody and visitation, homosexuals and heterosexuals held to same standard of behavior). Other states’ courts echo the Oregon courts’ equal treatment of parenting by same-sex couples and opposite-sex couples. See, e.g., *Goodridge*, 440 Mass. at 333, 798 N.E. 2d at 962 (rejecting “the destructive stereotype that same-sex relationships are inherently unstable and inferior to opposite-sex relationships and are not worthy of respect”).

Oregon's laws on parenting also do not draw material distinctions between same-sex couples and opposite-sex couples. See, e.g., ORS 109.309 (1) ("[a]ny person may petition the circuit court for leave to adopt"). For example, rules that implement Oregon's adoption laws treat same-sex couples and opposite-sex couples the same, see, e.g., OAR 413-120-0200 (adoption open to unmarried and married couples) and OAR 413-120-0310 (minimum standards for adoptive homes). Child support rules also account for benefits that a parent receives from a same-sex partner. See OAR 137-050-0410 (4).

Because opposite-sex couples are not better or more suitable than same-sex couples at raising children as "desirable future citizens," the state cannot rely on better or more suitable parenting as a reason to limit marriage to couples of the opposite sex.

Thus, the reasons for the state's regulating marriage do not support limiting marriage to couples of the opposite sex. Without some other basis for limiting marriage to opposite-sex couples, section 20, Article I of the Oregon Constitution, will require the state to make marriage available to same-sex couples on the same terms as the state does to couples of the opposite sex.

Some states have offered other reasons to limit marriage to couples of the opposite sex—reasons that include maintaining uniformity with other states' laws, *Baker*, 170 Vt. at 222-223, 744 A.2d at 885, and preserving scarce state resources, *Goodridge*, 440 Mass. at 336, 798 N.E. 2d at 964—but Oregon's courts will not credit those reasons. Under *Tanner*, 157 Or. App. at 524, the reasons for treating same-sex couples unlike opposite-sex couples must relate to the same-sex couples' homosexuality, and neither maintaining the uniformity of laws nor preserving state resources is related to homosexuality.

(We are aware that the Arizona courts recently ruled that the state's interest in encouraging procreation and child-rearing supported the state's limiting marriage to opposite-sex couples. *Standhardt*, 77 P.3d at 463-464. We have not relied on that case because, unlike Oregon's courts, the Arizona courts do not treat sexual orientation as the equivalent of race or religious affiliation. 77 P.3d at 464. As a result, the Arizona courts required the state to show only some "rational basis" for limiting marriage—a burden much easier for a state to meet than that which the Oregon courts impose.)

4. Underpinnings of the Constitution: Opposite-Sex Couples

Review of the policy reasons for regulating marriage does not end the analysis. The state's founders built some inequality into the constitution at the same time that they prohibited the Legislative Assembly from granting special privileges. Inequalities built into the constitution are beyond the reach of section 20, Article I. Cf. *State v. DeFord*, 120 Or. 444, 450 (1926) ("The whole constitution must be construed together"). For example, section 8, Article IV, has always limited eligibility for service in the Legislative Assembly to persons at least 21 years of age. A person under the age of 21 years, therefore, cannot claim that the state has denied the person an equal privilege to serve in the Legislative Assembly.

There is no question that the state's founders could not have conceived of a marriage of persons of the same sex. Even without an Act of the Legislative Assembly, "marriages which [we]re deemed contrary to the law of nature as generally recognized in Christian countries, such as involve polygamy and incest . . . [were] not . . . allowed any validity." *Sturgis v. Sturgis*, 51 Or. 10, 16 (1908). The state considered sexual relations between persons of the same sex to be an

"offense against nature," *State v. Start*, 65 Or. 178, 180 (1913), which the Legislative Assembly punished as a felony. 49 Crim Code § 39 (1864).

The only discussion of marriage in the constitution, however, relates to property rights—not to who may marry. The members of the constitutional convention were mostly farmers who had acquired land under an Act of Congress. When a "white male citizen" married, the Act awarded the "wife" an equal share of land in her own name. See *Rugh v. Ottenheimer*, 6 Or. 231, 234 (1877). The Act deviated from the common law rule, which "divested a woman on her marriage of her personal estate, and of control over her realty, and subjected her property to the debts and contracts of her husband[.]" *Brummet v. Weaver*, 2 Or. 168, 173 (1866). Some members of the convention objected to a married woman's owning property separately from her husband and tried to set different ground rules in the constitution. George H. Williams, who later served as United States Attorney General, said:

In this age of woman's rights and insane theories, our legislation should be such as to unite the family circle, and make husband and wife what they should be—bone of one bone, and flesh of one flesh. The provision of our donation law giving the husband and wife separate and distinct estates in the land claim had been the cause of much domestic trouble and many divorces in the country. C. H. Carey, *History of the Constitution of Oregon*, at 368 (1926).

The delegates compromised on the following provision, which is section 5, Article XV of the Oregon Constitution:

The property and pecuniary rights of every married woman, at the time of marriage or afterwards, acquired by gift, devise, or inheritance shall not be subject to the debts, or contracts of the husband; and laws shall be passed providing for the registration of the wife's seperate (sic) property.

This provision shows that the founders drafted the Oregon Constitution with the assumption that marriage involved couples of the opposite sex, but the provision does not itself limit who may marry. We turn, therefore, to whether the assumption constitutes a limitation. Based on an analogous situation, we conclude that it does not.

Since statehood, section 11, Article I, has guaranteed a criminal defendant "the right to public trial by an impartial jury." At common law, all jurors were men, *State v. Chase*, 106 Or. 263, 271 (1923), and under Oregon law, only men could serve as jurors. 12 Civ Code § 918 (1862). Not surprisingly, therefore, when referring to a jury, "the constitution contemplated a jury of . . . men." *Chase*, 106 Or. at 270. Years later, when women began to serve on juries, a defendant objected, "argu[ing] . . . that [he was] entitled to a public trial by an impartial jury composed of twelve males." *State v. Putney*, 110 Or. 634, 643 (1924). The court acknowledged the original assumption of an all-male jury, but concluded that the assumption did not constitute a limitation:

Women are now the peers of men politically, and there is no reason to question their eligibility upon constitutional grounds. The fact that a common-law jury was defined to be a "jury of twelve men," etc., had its origin in the circumstance of the political

servitude of women in the early days of juridical history, so that they were not the "peers" of a man accused of crime. In the broad sense of the word, they are now "freemen," and neither the Constitution nor the laws, when they used the term "men," except in rare instances, use it with reference to sex. *Putney*, 110 Or. at 643 quoting *Chase*, 106 Or. at 271 (emphasis in original).

If the court in 1924 found changed the original assumption of an all-male jury, the courts today could, as explained in section 3 above, find changed the original assumption of marriage as limited to persons of the opposite sex.

5. Civil Union Is Insufficient

Retaining marriage for opposite-sex couples and creating a separate civil contract for same-sex couples (called, for example, "civil union") would not satisfy the requirements of section 20, Article I, even if the same-sex contract provided the rights that marriage provides to opposite-sex couples. See *Lahmann v. Grand Aerie of Fraternal Order of Eagles*, 180 Or. App. 420 (2002) (organization offered women membership only in auxiliary group); *King v. Greyhound Lines, Inc.*, 61 Or. App. 197, 201 (1982) ("separate accommodations [are not] equal accommodations").

Tanner does not permit separate but equal treatment—unless the state can demonstrate a sufficient reason for the separate treatment. To permit a distinction between the contracts of same-sex couples and opposite-sex couples, the state would have to show that there is a material distinction between same-sex couples and opposite-sex couples based on the couples' different sexual orientations. *Tanner*, 157 Or. App. at 524 (differences must be "justified by [the same-sex couples'] homosexuality"). If, as we expect, the state cannot show that there is a material reason to exclude same-sex couples from the rights and obligations of marriage, then there is also no material reason to exclude them from the name "marriage." Offering same-sex couples civil union instead of marriage "maintain[s] and foster[s] a stigma of exclusion that the Constitution prohibits." *Opinions of the Justices to the Senate*, 440 Mass. 1201, 1208, 802 N.E. 2d 565, 570 (2004).

There may also be another alternative: Instead of giving opposite-sex couples a "marriage license" and same-sex couples a "civil union license," the Legislative Assembly could authorize clerks to issue "commitment licenses" (or whatever designation the Legislative Assembly chooses) to all couples. This system would leave "marriage" to religious organizations, with the state authorizing the issuance of the license and the religious organization performing the "marriage." Each religious organization could then decide for itself whether to perform "marriage" ceremonies for same-sex couples.

The opinions written by the Legislative Counsel and the staff of the Legislative Counsel's office are prepared solely for the purpose of assisting members of the Legislative Assembly in the development and consideration of legislative matters. In performing their duties, the Legislative Counsel and the members of the staff of the Legislative Counsel's office have no authority to provide legal advice to any other person, group or entity. For this reason, this opinion should not be considered or used as legal advice by any person other than legislators in the conduct of legislative business. Public bodies and their officers and employees should seek and rely upon the advice and opinion of the Attorney General, district attorney, county counsel, city attorney or other retained counsel. Constituents and other private persons and entities should seek and rely upon the advice and opinion of private counsel.

If you have any other questions, please contact me.

Very truly yours,

Gregory A. Chaimov
Legislative Counsel

BOGSTAD Deborah L

From: Wendy Fenison [wendy@pediment.com]
Sent: Tuesday, March 09, 2004 1:36 PM
To: BOGSTAD Deborah L
Subject: Gays

This is a copy of an e-mail I sent to the county commissioners. I believe it is important you know how many of use feel regarding their actions.

It is horrible that you and your group of law-breakers have decided to allow marriage certificates to pander to a small segment of society.

I have been happily married (to a man - which is what nature intended) for 22 years and I can say that your actions offend me and everyone that is married. I and those with common sense will always view same-sex couples as only that. A couple of nuts that chose to rip off our government and businesses for benefits and attention.

They will never be legally and morally married in the minds of millions of people no matter how hard you and your modern day idiots try. Our forefathers wrote the constitution---never for a moment believing that two men/two women would ever want to shack up together and perform sexual acts that are an abomination - let alone acts that go against how our bodies were created. I am quite confident the constitution would have been worded completely different and we wouldn't have gays in our society.

Being gay is a choice!

Your actions will only lead to more ridiculous unions. How about a man and his dog, how about a man and two other men and three women - or how about a man and a 16 year old girl.

Think for a minute about the ramifications of your actions. The ridiculous unions you think will never happen in our society have just been given a green light. I hope you and the rest of the brain dead individuals in Multnomah County will come to your senses. Look back in history and see where immorality of this kind led to the complete destruction of entire nations.

Wendy Lee

BOGSTAD Deborah L

From: SOWLE Agnes
Sent: Wednesday, March 10, 2004 11:31 AM
To: #ALL COUNTY ATTORNEY
Subject: FW: Special OCCA meeting - Friday 3/12 in Salem at 11 am

Agnes Sowle
Multnomah County Attorney
501 SE Hawthorne Blvd., Ste. 500
Portland, OR 97214
(503)988-3138

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

From: John Gray [mailto:grayj@co.yamhill.or.us]
Sent: Wednesday, March 10, 2004 11:30 AM
To: SOWLE Agnes; Blair Henningsgaard (E-mail); Dan Olsen (E-mail); David Doyle (E-mail); Doug Olsen (E-mail); Gerry Herbage (E-mail); Heather Reynolds (E-mail); James Coleman (E-mail); Jeffrey Wilson (E-mail); Jo Stonecipher (E-mail); John Knight (E-mail); Mark Pilliod (E-mail 2); Michael Jewett (E-mail); Paul Meyer (E-mail); Stephanie Williams (E-mail); Steven Lounsbury (E-mail); Terry Wilson (E-mail); Thomas Corr (E-mail); Vance Croney (E-mail); Wayne Belmont (E-mail); William Sargent (E-mail)
Cc: SNIDER Paul
Subject: Special OCCA meeting - Friday 3/12 in Salem at 11 am

Greetings, fellow chief civil lawyers for Oregon political subdivisions. I understand the Oregon County Counsels Association president gets to call special OCCA meetings at the drop of a hat. I accidentally dropped my hat this morning, so it's time to call a meeting. The topic, of course, is a county's duty to issue a marriage license to a same sex couple. (You might have heard about this on the radio.)

As it stands, the AG is anticipated to release an opinion by tomorrow (Thursday, March 11). If he does, and depending what it says, we just might be asked to give some advice to our clients. An OCCA special meeting has been set for Friday, March 12 at 11 am at AOC in Salem. The purpose of the meeting is to determine whether there is any general agreement about our next steps in response to the opinion. The meeting will not be held if the opinion has not been issued by 5 pm Thursday. In such event, it will be rescheduled for another date.

Jo Stonecipher at Marion County had offered to host us, but AOC can more readily facilitate conference calls for those of you unable to attend. If you want to participate by conference call, respond to this message with a phone number where you can be reached at 11 am Friday. If it turns out you have to call in instead, I'll notify you. We will accommodate as many people on the conference call as possible, but I understand there is a limit. Thus, if you can swing a trip to Salem on Friday, it will probably work better.

I look forward to seeing or hearing from you. jmg

John M. Gray, Jr.
Yamhill County Legal Counsel

535 NE Fifth Street
McMinnville, OR 97128
(503) 434-7502 (voice)
(503) 434-7553 (fax)
<grayj@co.yamhill.or.us>

BOGSTAD Deborah L

From: SOWLE Agnes
Sent: Wednesday, March 10, 2004 4:49 PM
To: #ALL COUNTY ATTORNEY
Subject: FW: OCCA - FRIDAY MEETING CANCELLED

Agnes Sowle
Multnomah County Attorney
501 SE Hawthorne Blvd., Ste. 500
Portland, OR 97214
(503)988-3138

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

From: John Gray [mailto:grayj@co.yamhill.or.us]
Sent: Wednesday, March 10, 2004 4:38 PM
To: John Gray; SOWLE Agnes; Blair Henningsgaard (E-mail); Dan Olsen (E-mail); David Doyle (E-mail); Doug Olsen (E-mail); Gerry Herbage (E-mail); Heather Reynolds (E-mail); James Coleman (E-mail); Jeffrey Wilson (E-mail); Jo Stonecipher (E-mail); John Knight (E-mail); Mark Pilliod (E-mail 2); Michael Jewett (E-mail); Paul Meyer (E-mail); Stephanie Williams (E-mail); Steven Lounsbury (E-mail); Terry Wilson (E-mail); Thomas Corr (E-mail); Vance Croney (E-mail); Wayne Belmont (E-mail); William Sargent (E-mail); Daniel Ousley (E-mail); Eric Nisley (E-mail); James Bailey (E-mail); Lesley Apple Haskell (E-mail); Martin Birnbaum (E-mail); Rod Davis (E-mail); Sarah Johnston (E-mail); Steve Rich (E-mail); Thomas Cutsforth (E-mail); Tim Colahan (E-mail); Will Carey (E-mail)
Cc: SNIDER Paul
Subject: OCCA - FRIDAY MEETING CANCELLED

Paul Snider just heard from the DOJ spokesman. The Governor is out of town the rest of the week and the Attorney General intends to personally deliver the opinion on same sex marriages. The opinion will be released sometime next week. This means the OCCA special meeting set for Friday, March 12 is CANCELLED. It will be rescheduled for sometime next week. I'll keep you posted. No excuse now for a trip to the state capitol on Friday, I suppose. Thanks. jmg

John M. Gray, Jr.
Yamhill County Legal Counsel
535 NE Fifth Street
McMinnville, OR 97128
(503) 434-7502 (voice)
(503) 434-7553 (fax)
<grayj@co.yamhill.or.us>

> -----Original Message-----

> **From:** John Gray
> **Sent:** Wednesday, March 10, 2004 1:47 PM
> **To:** John Gray; 'Agnes Sowle (E-mail)'; 'Blair Henningsgaard (E-mail)'; 'Dan Olsen (E-mail)'; 'David Doyle (E-mail)'; 'Doug Olsen (E-mail)'; 'Gerry Herbage (E-mail)'; 'Heather Reynolds (E-mail)'; 'James Coleman (E-mail)'; 'Jeffrey Wilson (E-mail)'; 'Jo Stonecipher (E-mail)'; 'John Knight (E-mail)'; 'Mark

Pilliod (E-mail 2); 'Michael Jewett (E-mail)'; 'Paul Meyer (E-mail)'; 'Stephanie Williams (E-mail)'; 'Steven Lounsbury (E-mail)'; 'Terry Wilson (E-mail)'; 'Thomas Corr (E-mail)'; 'Vance Croney (E-mail)'; 'Wayne Belmont (E-mail)'; 'William Sargent (E-mail)'; Daniel Ousley (E-mail); Eric Nisley (E-mail); James Bailey (E-mail); Lesley Apple Haskell (E-mail); Martin Birnbaum (E-mail); Rod Davis (E-mail); Sarah Johnston (E-mail); Steve Rich (E-mail); Thomas Cutsforth (E-mail); Tim Colahan (E-mail); Will Carey (E-mail)

> Cc: 'Paul Snider (E-mail)'

> Subject: RE: Special OCCA meeting - Friday 3/12 in Salem at 11 am

>

> I missed a few on the first email. For those of you who didn't receive the message below, you're now on the county counsel list. jmg

>

> -----Original Message-----

> From: John Gray

> Sent: Wednesday, March 10, 2004 11:30 AM

> To: Agnes Sowle (E-mail); Blair Henningsgaard (E-mail); Dan Olsen (E-mail); David Doyle (E-mail); Doug Olsen (E-mail); Gerry Herbage (E-mail); Heather Reynolds (E-mail); James Coleman (E-mail); Jeffrey Wilson (E-mail); Jo Stonecipher (E-mail); John Knight (E-mail); Mark Pilliod (E-mail 2); Michael Jewett (E-mail); Paul Meyer (E-mail); Stephanie Williams (E-mail); Steven Lounsbury (E-mail); Terry Wilson (E-mail); Thomas Corr (E-mail); Vance Croney (E-mail); Wayne Belmont (E-mail); William Sargent (E-mail)

> Cc: Paul Snider (E-mail)

> Subject: Special OCCA meeting - Friday 3/12 in Salem at 11 am

>

> Greetings, fellow chief civil lawyers for Oregon political subdivisions. I understand the Oregon County Counsels Association president gets to call special OCCA meetings at the drop of a hat. I accidentally dropped my hat this morning, so it's time to call a meeting. The topic, of course, is a county's duty to issue a marriage license to a same sex couple. (You might have heard about this on the radio.)

>

> As it stands, the AG is anticipated to release an opinion by tomorrow (Thursday, March 11). If he does, and depending what it says, we just might be asked to give some advice to our clients. An OCCA special meeting has been set for Friday, March 12 at 11 am at AOC in Salem. The purpose of the meeting is to determine whether there is any general agreement about our next steps in response to the opinion. The meeting will not be held if the opinion has not been issued by 5 pm Thursday. In such event, it will be rescheduled for another date.

>

> Jo Stonecipher at Marion County had offered to host us, but AOC can more readily facilitate conference calls for those of you unable to attend. If you want to participate by conference call, respond to this message with a phone number where you can be reached at 11 am Friday. If it turns out you have to call in instead, I'll notify you. We will accommodate as many people on the conference call as possible, but I understand there is a limit. Thus, if you can swing a trip to Salem on Friday, it will probably work better.>

>

> I look forward to seeing or hearing from you. jmg

>

> John M. Gray, Jr.

> Yamhill County Legal Counsel

> 535 NE Fifth Street

> McMinnville, OR 97128

> (503) 434-7502 (voice)

> (503) 434-7553 (fax)

> <grayj@co.yamhill.or.us>

>

>

>

03-11-04

To All It May Concern:

Judge Dale Koch, Multnomah Cty Judge. Typical "head in the sand" liberal nincompoop that wouldn't know HARM from CHARM.

Hardy Myers, Liberal Democrat. What else but an upcoming decision FOR gay marriage. Hopefully he will move to San Francisco and marry their mayor.

Circuit Court Judge Frank Bearden. Maybe him and Judge Koch could join Basic Rights Oregon and party together. None of the above would dare to contest the Democrat-Liberal agenda of secularizing, femininizing and homosexualizing this country. It would mean their career's would be jeopardized.

So Lois Naito wants the death threats to STOP. Well, her and the other Multnomah County Girls Club Commissioners had no qualmes KILLING the sacredness of marriage. So, I say, if they can't take the heat, RESIGN. The Girls seem to say. . ."Wah, Wah, just because we destroyed one of the greatest gifts GOD ever gave mankind, why are they (those CHRISTIANS, you know) mad at us, Wah, Wah. Well, we'll fix them, we'll call the SATANIC ACLU down on them, wah, wah.

Nowadays we live beyond our needs, way outdistancing the needs to the end for which we seek. The intellectual power we have used to guide our lives has overtaken the spiritual power endowed in us by GOD. Society has directed us into secularism and misdirected us into hedonism.

TIME TO WAKE UP MY FRIENDS. CHECK YOUR LIVES. FOR MOST OF US THERE IS STILL TIME TO TURN BACK TO THE VALUES OF YOUR PARENTS AND GRANDPARENTS YOUTHS AND SEE TO IT THAT THE GENERATION FOLLOWING YOURS (YOUR OWN CHILDREN) REAP THE BENEFIT.

Tony Valeri, 65 W1 Division Ave, PMB 305, Eugene, OR, 97404 Tel:
541 607-6305
(tvaov@earthlink.net)

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: March 11, 2004

Agenda Item #: R-1

Est. Start Time: 9:30 AM

Date Submitted: 02/23/04

Requested Date: March 11, 2004

Time Requested:

Department: Health

Division: Program Design and Evaluation Svs

Contact/s: Jo Ann Davich

Phone: (503) 988-3663

Ext.: 26561

I/O Address: 106/14/1410

Presenters: Brian Weir and Mike Stark

Agenda Title: Notice of Intent to Apply for National Institute on Drug Abuse HIV/AIDS and Other Infections among Drug Users in the Criminal Justice System Grant Funds

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

1. What action are you requesting from the Board? What is the department/agency recommendation?

The Health Department in collaboration with the Department of Community Justice is requesting approval to apply for funds from the National Institute on Drug Abuse HIV/AIDS and Other Infections among Drug Users in the Criminal Justice System grant program. The Department recommends that this request be approved.

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

Drug users are disproportionately involved in criminal activity. According to data from the National Institute of Justice's Arrestee Drug Abuse Monitoring (ADAM), about 66% of adult and more than 50% of juvenile arrestees tested positive for one or more illicit drugs in 1999. In 1999, 61% of Federal inmates were sentenced for drug offenses, up from 53% in 1990. Recent estimates suggest that 60% or more of juveniles in the criminal justice system have substance abuse problems (U.S. Department of Justice, 2000).

Since 1999, approximately 600,000 inmates per year have been released from institutional facilities back into the community, and an estimated 33% of these individuals have drug abuse problems, as well as other medical and mental health disorders. Upon release, few have connections in the community to help them access local drug treatment services or HIV/AIDS prevention and treatment programs.

Data suggest that the prevalence of HIV and other infectious diseases is high among drug users in the criminal justice system. Cooper (1999) estimated that HIV seropositivity rates in U.S. correctional settings were roughly 8-10 times higher than the general population. Data synthesized from surveys, surveillance, and other reports by Hammett et al (2002) indicate that, during 1997, 20% to 26% of all people living with HIV in the U.S. in that year passed through a correctional facility making HIV about 5 times more prevalent among prisoners. The findings for juvenile detainees are equally alarming. For example, Teplin et al (2003) examined HIV/AIDS risk behaviors in a longitudinal study of 1,829 males and females ages 10-18 years in Chicago, and found that 95% of the sample had engaged in 3 or more high-risk behaviors, and 65% had engaged in 10 or more (e.g., alcohol and other substance use, unprotected sex with multiple partners).

These and other findings highlight the need for better understanding of the epidemiology, prevention, and treatment service needs of drug users in the community who are involved in the criminal justice system: The Multnomah County Health Department and Department of Community Justice are seeking funding from the National Institute of Drug Abuse to 1) better understand the health risks and service needs of drug users in community corrections; and 2) identify possible interventions to address these risks and service delivery needs.

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

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

If a budget modification, explain:

- ❖ **What revenue is being changed and why?**
- ❖ **What budgets are increased/decreased?**
- ❖ **What do the changes accomplish?**
- ❖ **Do any personnel actions result from this budget modification? Explain.**

- ❖ **Is the revenue one-time-only in nature?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

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

- ❖ **What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?**
- ❖ **Why are no other department/agency fund sources available?**

- ❖ **Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.**
- ❖ **Has this request been made before? When? What was the outcome?**

If grant application/notice of intent, explain:

- ❖ **Who is the granting agency?** National Institutes of Health
- ❖ **Specify grant requirements and goals.** The Multnomah County Health Department and Department of Community Justice are seeking funding from the National Institute of Drug Abuse to better understand the health risks and service needs of drug users in community corrections.

In the proposed research, offenders will be contacted at DCJ Intake and through mailings and invited to participate in a voluntary assessment at the Marlene Building (MCHD). The assessment will include testing for HIV, hepatitis C, and hepatitis B. Computerized interviews will collect information on demographics, drug and alcohol use, risk behavior for HIV and other diseases, health, social influences, service utilization, unmet needs, and other psychological factors. Approximately 300 of these interviews will be conducted. Additional in-depth discussions with a subset of study participants will allow for a more cohesive understanding of these issues among drug users in community corrections. This study will be of immediate benefit to DCJ by providing information on the accuracy of data on the offender intake form, and through a better understanding of the issues facing these individuals.

- ❖ **Explain grant funding detail – is this a one time only or long term commitment?** This is a one-time only grant in the amount \$275,000 over a two-year project period. No matching funds are required.
- ❖ **What are the estimated filing timelines?** March 23, 2004
- ❖ **If a grant, what period does the grant cover?** 10/1/04 – 9/30/06
- ❖ **When the grant expires, what are funding plans?** Finding from this study will be used in the development of disease prevention and health promotion interventions for this population and identification of opportunities for further cooperation between DCJ, MCHD, and other organizations to address unmet service needs.
- ❖ **How will the county indirect and departmental overhead costs be covered?** These costs will be built into the project budget and will be covered with grant funds.

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.** This study will be conducted by Program Design and Evaluation Services, which is a joint County/State organization.A

Required Signatures:



Department/Agency Director: _____

Date: 02/19/04

Budget Analyst



By: _____

Date: 02/23/04

Dept/Countywide HR



By:

Date: 02/20/04

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: March 11, 2004
Agenda Item #: R-2
Est. Start Time: 9:35 AM
Date Submitted: 03/02/04

Requested Date: March 11, 2004

Time Requested: 5 Minutes

Department: Non-Departmental

Division: County Attorney

Contact/s: Agnes Sowle

Phone: 503-988-3138

Ext.: 83138

I/O Address: 501/500

Presenters: Agnes Sowle and/or Matthew O. Ryan

Agenda Title: Authorizing Settlement of *Multnomah County v. Williams*, Multnomah County Circuit Court Case No. 0308-09271.

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

-
- 1. What action are you requesting from the Board? What is the department/agency recommendation?** Approve settlement of condemnation litigation case *Multnomah County v. Williams* for \$10,000.00 over County's initial offer of \$27,900 for the acquisition of the property interests described in the County's complaint.
 - 2. Please provide sufficient background information for the Board and the public to understand this issue.** The County Land Use and Transportation Program (LUTP) is conducting a public works road project in Gresham. The LUTP has determined the property interests identified in the complaint in this lawsuit are necessary for the road project. This Board approved the filing of this condemnation action in July 2003 by BCC Resolution No. 03-109. Opposing counsel for the defendant Ms. Williams, has proposed settling the case for \$10,000.00 more than the County's initial offer of \$ 27,900.00. Opposing counsel argues that the costs of the impacts to his client's property exceed the County's offer, including landscaping and noise impacts. Based on out current knowledge of the subject property, the LUTP does not agree with opposing counsels' position. However reasonable minds may differ. The proposed settlement presents an acceptable resolution of the lawsuit as opposed to pursuing the matter through litigation

and trial which would trigger substantial costs (including potential obligation to pay attorney fees if the court award is even slightly more money than the County's final offer) and as well necessitate extensive time commitments to prepare and try the matter.

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

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

If a budget modification, explain:

- ❖ **What revenue is being changed and why?**
- ❖ **What budgets are increased/decreased?**
- ❖ **What do the changes accomplish?**
- ❖ **Do any personnel actions result from this budget modification? Explain.**
- ❖ **Is the revenue one-time-only in nature?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

- ❖ **Why was the expenditure not included in the annual budget process?**
- ❖ **What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?**
- ❖ **Why are no other department/agency fund sources available?**
- ❖ **Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.**
- ❖ **Has this request been made before? When? What was the outcome?**

If grant application/notice of intent, explain:

- ❖ **Who is the granting agency?**
- ❖ **Specify grant requirements and goals.**
- ❖ **Explain grant funding detail – is this a one time only or long term commitment?**
- ❖ **What are the estimated filing timelines?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**
- ❖ **How will the county indirect and departmental overhead costs be covered?**

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

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

Required Signatures:

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

Department/Agency Director:

Date: 03/02/04

Budget Analyst

By: _____

Date:

Dept/Countywide HR

By: _____

Date:

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: March 11, 2004

Agenda Item #: R-3

Est. Start Time: 9:40 AM

Date Submitted: 03/03/04

Requested Date: March 11, 2004

Time Requested: 5 minutes

Department: Non-Departmental

Division: District 4

Contact/s: Gary Walker, Staff to Commissioner Lonnie Roberts

Phone: (503) 988-5213

Ext.: 26234

I/O Address: 503/6

Presenters: Mike Phillips, P.E., County Engineer, and Patrick Hinds, P.L.S., Project Support

Agenda Title: RESOLUTION Authorizing Vacation of a Portion of East Burnside Road, County Road No. 2063, Pursuant to ORS 368.326 To 368.366

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

-
- 1. What action are you requesting from the Board? What is the department/agency recommendation?**

The Land Use and Transportation Program has received a citizen initiated petition requesting the vacation of a portion of East Burnside Road, County Road No. 2063. The Land Use and Transportation Program recommends approval of the Resolution.

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

The portion of East Burnside Road, County Road No. 2063, being considered for vacation, is situated in the S.E. One-quarter of Section 4, Township 1 South, Range 3 East, W.M. This portion of East Burnside Road was acquired in 1972 as part of a road widening and re-aligning project. The realignment of this street resulted in the construction center being 10 feet northerly of the legal centerline. As a result, traffic shifted away from the portion of East Burnside Road being considered for vacation. This project was completed in 1985.

Currently, a private development project is under construction adjacent to this unused portion of East Burnside Road. This private development will construct approximately 500 feet of frontage improvements along East Burnside Road. The owners of this private development are the petitioners of this vacation request.

The portion of East Burnside Road to be vacated is described in the resolution.

The County Engineer finds that the street vacation is in the best interests of the public.

The vacated portion will vest in the name of the abutting property owner, as requested in the petition. The area to be vacated lies entirely on the southerly side of the legal centerline of East Burnside Road, County Rd. 2063. The street vacation petition being considered today contains the acknowledgement and consent of 100% of the abutting and adjoining property owners, as defined by ORS 368.336. The effect of this vacation will be the removal of an easement for road purposes. The proposed vacation of this easement will restore full use of the property to the abutting and adjoining property owner.

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

None. The portion of East Burnside Road being considered for vacation is not maintained by Multnomah County. No public money is spent on this section of roadway.

All costs associated with this vacation request are the responsibility of the petitioners.

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

If a budget modification, explain: N/A

- ❖ **What revenue is being changed and why?**
- ❖ **What budgets are increased/decreased?**
- ❖ **What do the changes accomplish?**
- ❖ **Do any personnel actions result from this budget modification? Explain.**
- ❖ **Is the revenue one-time-only in nature?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain: N/A

- ❖ **Why was the expenditure not included in the annual budget process?**
- ❖ **What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?**
- ❖ **Why are no other department/agency fund sources available?**
- ❖ **Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.**
- ❖ **Has this request been made before? When? What was the outcome?**

If grant application/notice of intent, explain: N/A

- ❖ Who is the granting agency?
- ❖ Specify grant requirements and goals.
- ❖ Explain grant funding detail – is this a one time only or long term commitment?
- ❖ What are the estimated filing timelines?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?
- ❖ How will the county indirect and departmental overhead costs be covered?

4. Explain any legal and/or policy issues.

This proposed street vacation was initiated by a petition containing signatures of 100 percent of both the abutting, adjoining, and underlying property owners. Pursuant to ORS 368.351, a citizen initiated vacation, by petition, is more streamlined because there is no requirement for notice by publication and full public hearing if the proposed vacation is supported by 100 percent of the affected property owners.

The Agenda Placement Request constitutes the County Engineer's written report, as required by ORS 368.351 (1), declaring the vacation of this portion of East Burnside Road to be in the public interest.

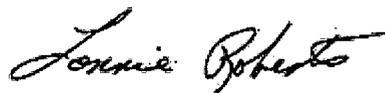
The proposed street vacation is consistent with community involvement, development, and intergovernmental cooperation.

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

This is a citizen initiated petition.

As required by ORS 368.361(3), the county may vacate property that is under the jurisdiction of the county and that is entirely within the limits of a city, if that city, by resolution or order, concurs in the findings of the county governing body. The portion of East Burnside Road being considered for vacation is entirely within the limits of the City of Gresham and that City, by Resolution No. 2681 passed on March 2, 2004, supports the proposed vacation. A copy of Resolution No. 2681 is attached to the petition as Exhibit B.

Required Signatures:



Department/Agency Director:

Date: 03/03/04

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Vacation of a Portion of East Burnside Road, County Road No. 2063, Pursuant to ORS 368.326 To 368.366.

The Multnomah County Board of Commissioners Finds:

a. The portion of East Burnside Road affected by this vacation was originally dedicated to Multnomah County for road purposes by a deed recorded in 1972. The property interest was acquired in conjunction with a road improvement project. The road improvement project has been completed, and the portion of the right of way that is being considered for vacation is not needed for further public purposes and is declared surplus.

b. The portion of East Burnside Road to be vacated is described as follows:

“All of that portion of the following described real property in the City of Gresham, Multnomah County, Oregon, being a part of Tax Lots 34 and 130 in Section 4, 1S, 3E, WM, as shown on the 1971 Assessor’s Map, more particularly described as follows:

Beginning at the N.W. Corner of the J.P. Powell DLC; thence Easterly along the North line of the J.P. Powell DLC 1025.28 ‘; thence N0°30’E to the south line of S.E. Burnside Road (County Road Number 2063-80) and the true point of beginning; thence Southeasterly along said Southerly line of said S.E. Burnside Road to its intersection with the North line of the J.P. Powell DLC; thence Westerly along the North line of the J. P. Powell DLC to a point 1325.28’ Easterly of the N. W. Corner of the J.P. Powell DLC; thence S 0° 30’ W to a point that is 60 feet from the centerline of S.E. Burnside Road (when measured at right angles); thence Northwesterly along a line 60 feet from and parallel to the centerline of S.E. Burnside Road, to a point S 0° 30’ W from the true point of beginning; thence N 0° 30’ East to the said point of beginning.”¹

c. Petitioners, which include Gresham Land Partners 4, L.L.C., a Delaware limited liability company, have submitted a petition in compliance with ORS 368.341(3), containing the signatures and addresses of 100 percent of the abutting property owners of the property proposed to be vacated. A copy of the petition is attached to this Resolution as Exhibit A.

d. Under ORS 368.351, because petitioners represent 100 percent of the ownership of the property to be vacated and the abutting property, the County may proceed to complete this vacation without additional notice and publication as would be required under ORS 368.346.

¹ As per deed recorded 1/4/1972, Bk. 832, Pg. 1451, Multnomah County Deed Records.

- e. Pursuant to MCC §7.054, Multnomah County is to be reimbursed for its administrative costs incurred with respect to this vacation proceeding. To date the County has received a total of \$1265.00 from the petitioners, of which \$200.00 applies to the feasibility study. The remaining \$1065.00 was applied to all other administrative costs, including but not limited to: posting notice of the vacation, and staff time for research, review, analyses and drafting of the County Engineer's report and other documents. The total amount still due and owing the County is: \$3026.02.
- f. The portion of East Burnside Road being vacated will remain subject to the rights of any existing public utility located within the portion being vacated.
- g. The petition requests that title to the above-described portion of East Burnside Road to be vacated vest in the Gresham Land Partners 4, L.L.C., a Delaware limited liability company.
- h. The County Engineer has filed the required report pursuant to ORS 368.351(1) containing the Engineer's assessment that this proposed vacation is in the public's interest. (See Agenda Placement Memorandum included with the Resolution.)
- i. As required by ORS 368.361(3), the County may vacate property that is under the jurisdiction of the county and that is entirely within the limits of a city if that city, by resolution or order, concurs in the findings of the county governing body. The above described portion of East Burnside Road proposed for vacation is entirely within the limits of the City of Gresham, and the City, by Resolution No. 2681, attached as Exhibit B, passed on March 2, 2004, concurs in this proposed vacation.

The Multnomah County Board of Commissioners Resolves:

- 1. The above-described portion of East Burnside Road, excepting any easement rights that any utilities may have in said property under ORS Chapter 368, is vacated as a public County Road.
- 2. That pursuant to ORS 368.366(2), title to the above-described vacated property shall vest in the following name and no others: Gresham Land Partners 4, L.L.C., a Delaware limited liability company.
- 3. The County Surveyor will mark the plat, if necessary, as provided under ORS 271.230.
- 4. The total cost for this vacation proceeding incurred by the County is \$4,291.02, and main petitioner, Gresham Land Partners 4, L.L.C., is directed to pay the remaining amount of \$3026.02 to the County.

5. The Land Use and Transportation Program of the Department of Business and Community Services will record and file this Resolution in accordance with ORS 368.356(3), upon receipt of the amount owed to cover the County's incurred costs for this vacation proceeding.
6. This resolution will become effective at such time as the City of Gresham by resolution or order concurs in this action as required under ORS 368.361(3).

ADOPTED this 11th day of March 2004.

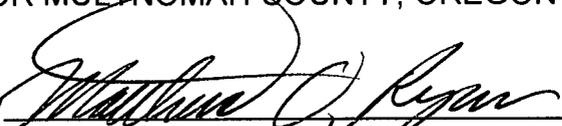
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By


Matthew O. Ryan, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 04-027

Authorizing Vacation of a Portion of East Burnside Road, County Road No. 2063,
Pursuant to ORS 368.326 To 368.366

The Multnomah County Board of Commissioners Finds:

a. The portion of East Burnside Road affected by this vacation was originally dedicated to Multnomah County for road purposes by a deed recorded in 1972. The property interest was acquired in conjunction with a road improvement project. The road improvement project has been completed, and the portion of the right of way that is being considered for vacation is not needed for further public purposes and is declared surplus.

b. The portion of East Burnside Road to be vacated is described as follows:

"All of that portion of the following described real property in the City of Gresham, Multnomah County, Oregon, being a part of Tax Lots 34 and 130 in Section 4, 1S, 3E, WM, as shown on the 1971 Assessor's Map, more particularly described as follows:

Beginning at the N.W. Corner of the J.P. Powell DLC; thence Easterly along the North line of the J.P. Powell DLC 1025.28'; thence N0°30'E to the south line of S.E. Burnside Road (County Road Number 2063-80) and the true point of beginning; thence Southeasterly along said Southerly line of said S.E. Burnside Road to its intersection with the North line of the J.P. Powell DLC; thence Westerly along the North line of the J. P. Powell DLC to a point 1325.28' Easterly of the N. W. Corner of the J.P. Powell DLC; thence S 0° 30' W to a point that is 60 feet from the centerline of S.E. Burnside Road (when measured at right angles); thence Northwesterly along a line 60 feet from and parallel to the centerline of S.E. Burnside Road, to a point S 0° 30' W from the true point of beginning; thence N 0° 30' East to the said point of beginning."¹

c. Petitioners, which include Gresham Land Partners 4, L.L.C., a Delaware limited liability company, have submitted a petition in compliance with ORS 368.341(3), containing the signatures and addresses of 100 percent of the abutting property owners of the property proposed to be vacated. A copy of the petition is attached to this Resolution as Exhibit A.

d. Under ORS 368.351, because petitioners represent 100 percent of the ownership of the property to be vacated and the abutting property, the County may proceed

¹ As per deed recorded 1/4/1972, Bk. 832, Pg. 1451, Multnomah County Deed Records.

to complete this vacation without additional notice and publication as would be required under ORS 368.346.

- e. Pursuant to MCC §7.054, Multnomah County is to be reimbursed for its administrative costs incurred with respect to this vacation proceeding. To date the County has received a total of \$1265.00 from the petitioners, of which \$200.00 applies to the feasibility study. The remaining \$1065.00 was applied to all other administrative costs, including but not limited to: posting notice of the vacation, and staff time for research, review, analyses and drafting of the County Engineer's report and other documents. The total amount still due and owing the County is: \$3026.02.
- f. The portion of East Burnside Road being vacated will remain subject to the rights of any existing public utility located within the portion being vacated.
- g. The petition requests that title to the above-described portion of East Burnside Road to be vacated vest in the Gresham Land Partners 4, L.L.C., a Delaware limited liability company.
- h. The County Engineer has filed the required report pursuant to ORS 368.351(1) containing the Engineer's assessment that this proposed vacation is in the public's interest. (See Agenda Placement Memorandum included with the Resolution.)
- i. As required by ORS 368.361(3), the County may vacate property that is under the jurisdiction of the county and that is entirely within the limits of a city if that city, by resolution or order, concurs in the findings of the county governing body. The above described portion of East Burnside Road proposed for vacation is entirely within the limits of the City of Gresham, and the City, by Resolution No. 2681, attached as Exhibit B, passed on March 2, 2004, concurs in this proposed vacation.

The Multnomah County Board of Commissioners Resolves:

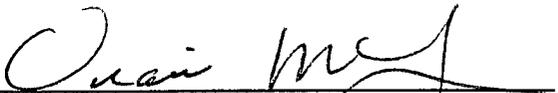
1. The above-described portion of East Burnside Road, excepting any easement rights that any utilities may have in said property under ORS Chapter 368, is vacated as a public County Road.
2. That pursuant to ORS 368.366(2), title to the above-described vacated property shall vest in the following name and no others: Gresham Land Partners 4, L.L.C., a Delaware limited liability company.
3. The County Surveyor will mark the plat, if necessary, as provided under ORS 271.230.

4. The total cost for this vacation proceeding incurred by the County is \$4,291.02, and main petitioner, Gresham Land Partners 4, L.L.C., is directed to pay the remaining amount of \$3026.02 to the County.
5. The Land Use and Transportation Program of the Department of Business and Community Services will record and file this Resolution in accordance with ORS 368.356(3), upon receipt of the amount owed to cover the County's incurred costs for this vacation proceeding.
6. This resolution will become effective at such time as the City of Gresham by resolution or order concurs in this action as required under ORS 368.361(3).

ADOPTED this 11th day of March, 2004.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney



EXHIBIT A

9755 SW Barnes Road, Suite 300
Portland, Oregon 97225
503.626.0455
Fax 503.526.0775

September 30, 2003

Patrick Hinds
Multnomah County
1600 SE 190th
Portland, OR 97233

**Re: Gresham Station North
Petition for Right-of-Way Vacation
WHP No. 30473.0209**

Dear Pat:

As you know GRESHAM LAND PARTNERS, LLC (Property owners of affected parcel) are requesting the vacation of a portion of Right-of-Way that was originally dedicated for transportation improvements that were anticipated to be built. The current Transportation Plan can accommodate all improvements to SE Burnside without the previous dedication.

It is the desire of the property owner and the City of Gresham to vacate this Right-of-Way in an effort to efficiently develop the existing property to the south.

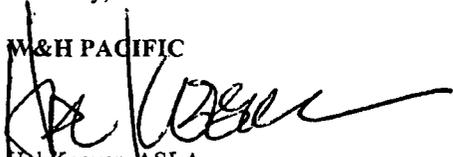
Per your request we are providing you with the following information.

- Exhibit A: Legal Description.
- Exhibit B: Map of the area where we wish to vacate the Right-of-Way.
- Name and address of abutting property owner; Farid Bolouri, DDS; property address: 655-635 SE Burnside Road; along with a notarized affidavit signed by the owner accepting the vacation of ROW. This meets the 100% requirement of the property owners in the area, as this is the only location that is considered abutting.
- There are no utilities located in the ROW area to be vacated; they are located to the north in the Original Public Right-of-Way.
- A check for \$1,065.00 to review the petition and for the surveyor to post the plat.

Our client is anxious to get the vacation completed so they can move their plans forward. Please call me directly at 503-372-3600 if there is anything else you require, or if you have questions.

Sincerely,

W&H PACIFIC


Hal Keever, ASLA
Director of Land Development

HK:dmt

Copies: JP Wardy, Center Oak Properties
Julie Gravo, Center Oak Properties
Ron Papsdorf, City of Gresham

Encl.

We, Gresham Land Partners 4, LLC., owner of property (1S3E04TL-200) at 831 NW Council Drive do hereby request, acknowledge and accept the proposed Vacation of Right-of-Way, a 20-foot wide strip of SE Burnside Road, From the SW Corner of SE Burnside Road to Civic Drive, in Multnomah County, Gresham Oregon. (See attached Exhibits "A" and "B")

Request, Acknowledge and Accept Vacation of Right-of-Way:


Gresham Land Partners 4, LLC, Member

02.26.04
Date

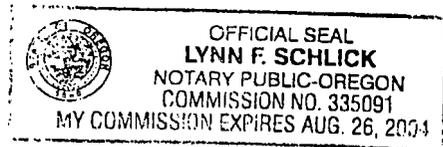
AFFIDAVIT OF SIGNATURE

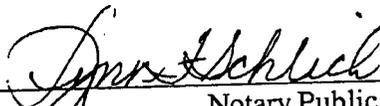
State of Oregon

County of Multnomah

THIS CERTIFIES that on this 26th day of February A.D., 2004 Before me the undersigned a Notary Public in and for said county and state, personally appeared the within named FRED W. BRUNING, Who ^{is} PERSONALLY known to me to be the identical individual _____ described in and who executed the within instrument, and acknowledged to me that FRED W BRUNING executed the same freely and voluntarily.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal the day and year last above written.




Notary Public for Oregon
My Commission Expires 8-26 2004

**ACTION BY UNANIMOUS WRITTEN CONSENT
OF THE MEMBERS OF
GRESHAM LAND PARTNERS 4, L.L.C.**

Gresham Land Holdings, L.L.C., a Delaware limited liability company ("Holdings") and Gresham Land Associates, L.L.C., a Delaware limited liability company ("Associates"), being all of the members of Gresham Land Partners 4, L.L.C., a Delaware limited liability company (the "Company"), do hereby approve and adopt the following resolution by their unanimous written consent:

RESOLVED, that Fred W. Bruning ("Bruning") and Jean Paul Wardy ("Wardy"), as the sole members of Associates, are each individually duly authorized to do the following acts for and on behalf of the Company:

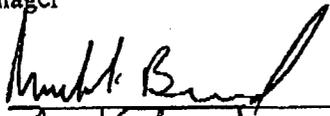
1. To execute and deliver any and all documents and agreements necessary or required in connection with the Gresham Station North Right-Of-Way Vacation with the County of Multnomah, State of Oregon, and containing such terms and provisions as may be acceptable or agreeable to Bruning and Wardy ("Instruments"); and
2. To do or cause to be done all such acts or things and to sign and deliver, all such documents, instruments, notices, acceptances and certificates as said authorized persons in their discretion, may deem necessary, advisable, or appropriate to effectuate or carry out the purpose and intent of the foregoing.

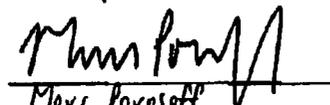
IN WITNESS WHEREOF, the undersigned has executed this Action By Written Consent as of this 26th day of February, 2004.

MEMBERS:

Gresham Land Holdings, L.L.C.,
a Delaware limited liability company

By: Oaktree Capital Management, LLC,
a California limited liability company,
its Manager

By: 
Name: Russel S. Bernard
Title: Principal

By: 
Name: Marc Porosoff
Title: Senior Vice President, Legal

[signatures continue on following page]

Gresham Land Associates, L.L.C.,
a Delaware limited liability company,

By: *Fred W Bruning*
Name: FRED W BRUNING
Title: Member



January 20, 2004

Patrick Hinds
Multnomah County Oregon
Land Use and Transportation Program
1600 SE 190th Avenue
Portland, OR 97233-5910

Re: S.E. Burnside Street Vacation

Dear Mr. Hinds:

As requested, enclosed is the following documentation regarding the S.E. Burnside vacation for Gresham Station North:

1. Exhibit "A" – Legal Description
2. Exhibit "B" – Map of the area to vacate a Right-of-Way
3. Copies of adjacent property owners approval to vacate
4. Copy of the original dedication to Multnomah County
5. Chicago Title – No Reversionary Rights

If you require any additional information, please feel free to contact me.

Best regards,

Julie A. Gravo
Construction Manager

KNOW ALL MEN BY THESE PRESENTS, That Donald Robertson and

Vada Robertson, husband and wife,

of _____, Multnomah County, Oregon, in consideration of Gift

_____ Dollars, and other good and

valuable considerations, to us paid by Multnomah County, a political subdivision of the State of Oregon, have granted, bargained, sold and conveyed, and do hereby grant, bargain, sell and convey unto said Multnomah County, its successors and assigns, a perpetual easement for road purposes in, upon, and across the property hereinafter described, and have forever dedicated, and do hereby forever dedicate to the use of the public as a public road, all the following bounded and described real property situated in the County of Multnomah and State of Oregon, to-wit:

All of that portion of the following described real property, being a part of Tax Lots 34 and 130 in Section 4, 1S, 3E, WM, as shown on the 1971 Assessor's Map, more particularly described as follows, to-wit:

Beginning at the N. W. Corner of the J. P. Powell DLC; thence Easterly along the North line of the J. P. Powell DLC 1025.28'; thence N 0° 30' E to the south line of S. E. Burnside Road (County Road Number 2063-80) and the true point of beginning; thence Southeasterly along the Southerly line of said S. E. Burnside Road to its intersection with the North line of the J. P. Powell DLC; thence Westerly along the North line of the J. P. Powell DLC to a point 1325.28' Easterly of the N. W. Corner of the J. P. Powell DLC; thence S 0° 30' W to a point that is 60 feet from the centerline of S. E. Burnside Road (when measured at right angles); thence Northwesterly along a line 60 feet from and parallel to the centerline of S. E. Burnside Road, to a point S 0° 30' W from the true point of beginning; thence N 0° 30' East to said point of beginning.

The true and actual consideration in this transaction is none.

TO HAVE AND TO HOLD the above granted easement unto the said Multnomah County, its successors and assigns, forever.

IN WITNESS WHEREOF, the grantors above named have hereunto set their hand and seal this 23rd day of November A. D., 1971

APPROVED:

ROBERT L. NORDLANDER

Director of Public Works

Donald Robertson (SEAL)

By R. L. Bennett Assistant Director

Vada Spath Robertson (SEAL)

APPROVED AS TO FORM:

DESMOND D. CONNALL

District Attorney

Multnomah County Planning Commission

By _____ Deputy District Attorney

EXH.B.I.T
A

(Legal Description)

STATE OF OREGON
County of Multnomah

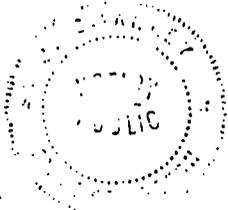
} SS

THIS CERTIFIES that on this 22nd day of November A.D., 1971

before me the undersigned, a Notary Public in and for said county and state, personally appeared the within named Donald Robertson and Vada Robertson,

who are known to me to be the identical individuals described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal the day and year last above written.



[Handwritten Signature]

Notary Public for Oregon

My Commission expires 12-16-, 1975

32848 DEED OF DEDICATION ROAD PURPOSES Individual Donald Robertson and Vada Robertson (h/w)	To MULTNOMAH COUNTY	After Recording Return to DEPT. OF PUBLIC WORKS 2115 S.E. MORRISON ST. Portland, Ore. 97214
--	------------------------	---

STATE OF OREGON
Multnomah County

DEED.

JOHN B. WELDON, Director, Department of Records and Elections, Multnomah County, in and for said County, do hereby certify that the within instrument of writing, and the records and of said County.

DEPARTMENT OF RECORDS AND ELECTIONS
MULTNOMAH COUNTY OREGON
1854

JOHN B. WELDON
Director
Department of Records and Elections

On Page 151
by hand and seal of officer attested.

1971
11-22

11-22-71

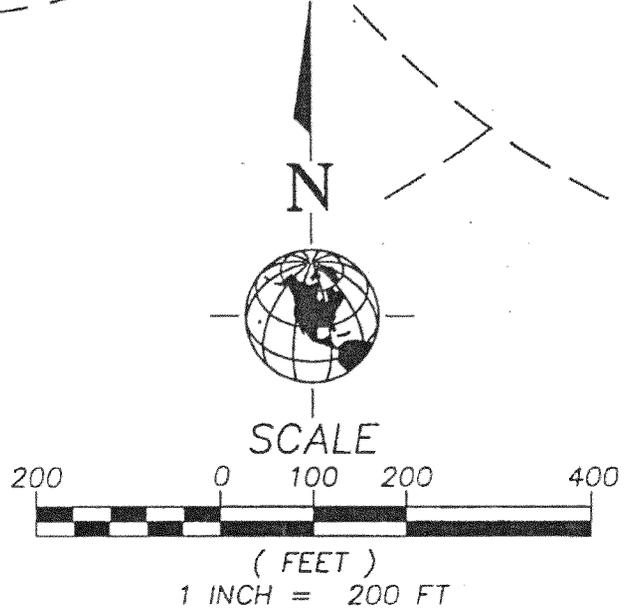
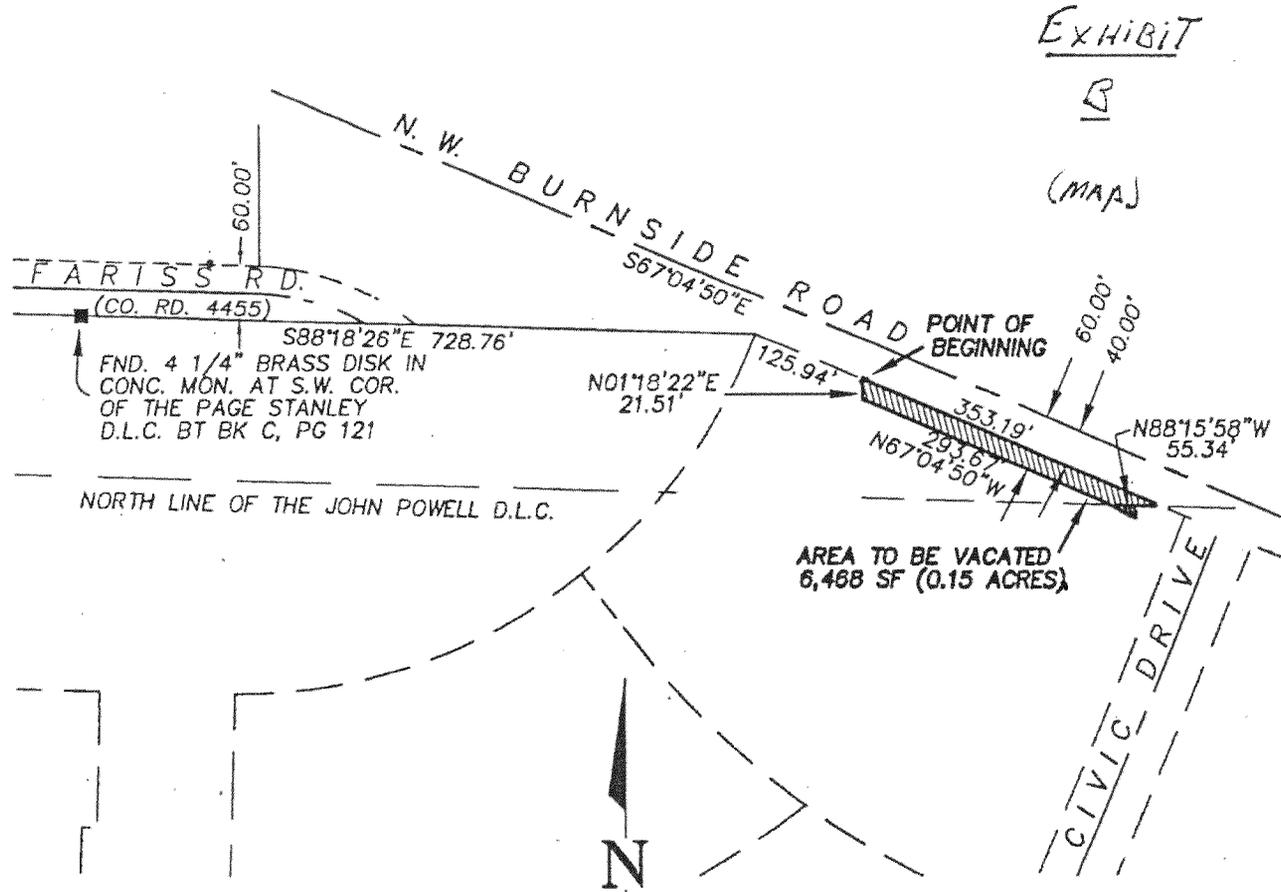


EXHIBIT "B"

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

GRESHAM STATION NORTH

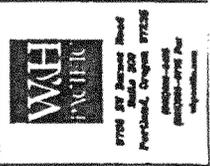
RIGHT-OF-WAY VACATION

GRESHAM SCALE: 1"=200'

PROJECT NO. 30934

DRAWING FILE NAME: SCOPROST

DREGON SHEET 1



CHECKED BY: J. BUTLER	APPROVED BY:	PLOT DATE: 06/24/03	REVISION:	DATE:
DRAWN BY: J. SMART	BY: REV	BY: REV	BY: REV	BY: REV
LAST EDIT:	DATE:	DATE:	DATE:	DATE:



GRESHAM STA NORTH.MXD 12,400 (1"=200') 12/04/03

ARUTTING PROP. OWNERS



I, Farid Bolouri, MD., owner of property (1S3E04DA-00600) at 635/655 SE Burnside Road do hereby accept the proposed Vacation of Right-of-Way, a 20-foot wide strip of SE Burnside Road, From the SW Corner of SE Burnside Road to Civic Drive, in Multnomah County, Gresham Oregon. (See attached Exhibits "A" and "B")

Acceptance of Vacation of Right-of-Way:



Farid Bolouri, MD., Owner

1-20-04
Date

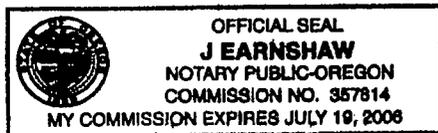
AFFIDAVIT OF SIGNATURE

State of Oregon

County of Multnomah

THIS CERTIFIES that on this 20th day of January A.D., 2004
Before me the undersigned a Notary Public in and for said county and state, personally
appeared the within named Farid Bolouri, Who are
known known to me to be the identical individual — described in and
who executed the within instrument, and acknowledged to me that
he executed the same freely and voluntarily.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal the day
and year last above written.



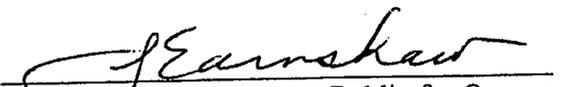
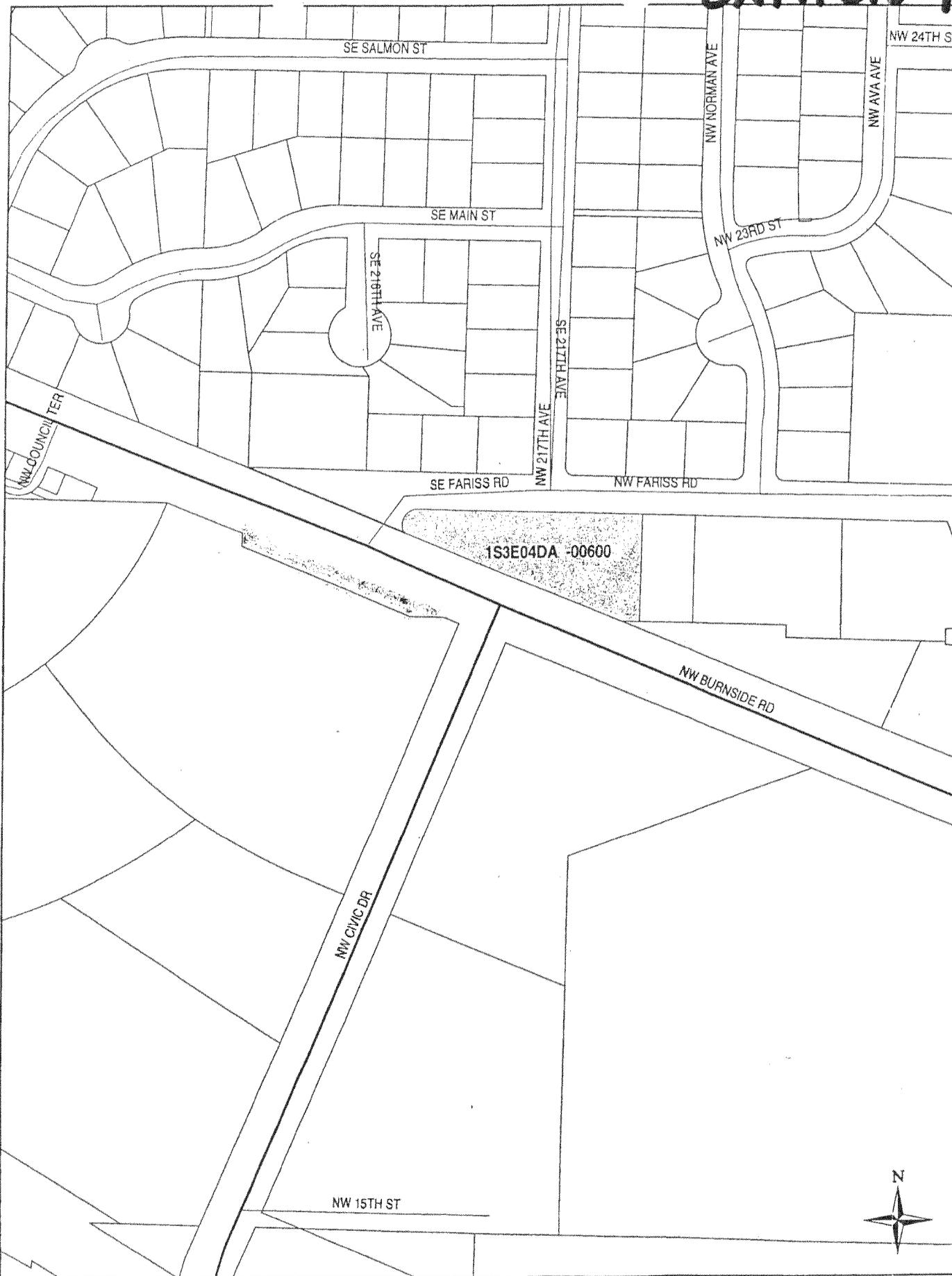

Notary Public for Oregon
My Commission Expires 7/19 2006

Exhibit "A"



We, James G. & Carol L. Hood, owner of property (1S3E04AC-09900) at 21565 SE Fariss, do hereby accept the proposed Vacation of Right-of-Way, a 20-foot wide strip on SE Burnside Road, From the SW Corner of SE Burnside Road to Civic Drive, in Multnomah County, Gresham Oregon. (See attached exhibits.)

Acceptance of Vacation of Right-of-Way:

James G. Hood
James G. Hood, Owner

12 17 . 03
Date

Carol L. Hood
Carol L. Hood, Owner

12-17-03
Date

AFFIDAVIT OF SIGNATURE

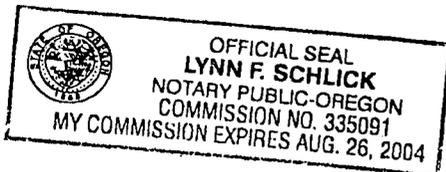
State of Oregon

County of Multnomah

THIS CERTIFIES that on this 17th day of December A.D.,
2003

Before me the undersigned a Notary Public in and for said county and state, personally appeared the within named JAMES G Hood and CAROL L Hood, Who are known to me to be the identical individual 5 described in and who executed the within instrument, and acknowledged to me that JAMES G HOOD and CAROL L HOOD executed the same freely and voluntarily.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal the day and year last above written.



Lynn F. Schlick
Notary Public for Oregon
My Commission Expires 8/26 2004

GRESHAM STA NORTH.MXD 1:2,400 (1"=200') 12/04/03



21627/21629

I, ~~Fariss Stevens~~ **Peggy Ann Rattey**, owner of property (1S3E04AC-08900) at 44055 SE Stevens Street, do hereby accept the proposed Vacation of Right-of-Way, a 20-foot wide strip on SE Burnside Road, From the SW Corner of SE Burnside Road to Civic Drive, in Multnomah County, Gresham Oregon. (See attached exhibits.)

Acceptance of Vacation of Right-of-Way:

Peggy Ann Rattey
Peggy Ann Rattey, Owner

1-14-04
Date

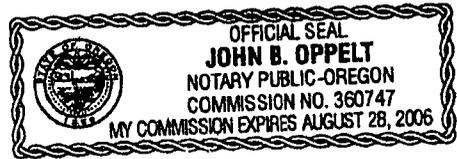


AFFIDAVIT OF SIGNATURE

State of Oregon
County of Multnomah

THIS CERTIFIES that on this 14TH day of JANUARY A.D., 2004
Before me the undersigned a Notary Public in and for said county and state, personally appeared the within named PEGGY ANN RATTEY, Who are proven ~~known~~ to me to be the identical individual — described in and who executed the within instrument, and acknowledged to me that SHE executed the same freely and voluntarily.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal the day and year last above written.



[Signature]
Notary Public for Oregon
My Commission Expires 8/28 2006

Exhibit "A"



GRESHAM STA NORTH.MXD 1:2,400 (1"=200') 12/04/03

We, Mark T. and Bonita A. Thibodeau, owner of property (1S3E04AC-08800) at 21639/21641 SE Fariss do hereby accept the proposed Vacation of Right-of-Way, a 20-foot wide strip of SE Burnside Road, From the SW Corner of SE Burnside Road to Civic Drive, in Multnomah County, Gresham Oregon. (See attached Exhibits "A" and "B")

Acceptance of Vacation of Right-of-Way:

Mark T. Thibodeau
Mark T. Thibodeau, Owner

Bonita A. Thibodeau
Bonita A. Thibodeau, Owner

1-15-04
Date

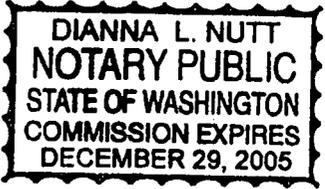
AFFIDAVIT OF SIGNATURE

State of Washington

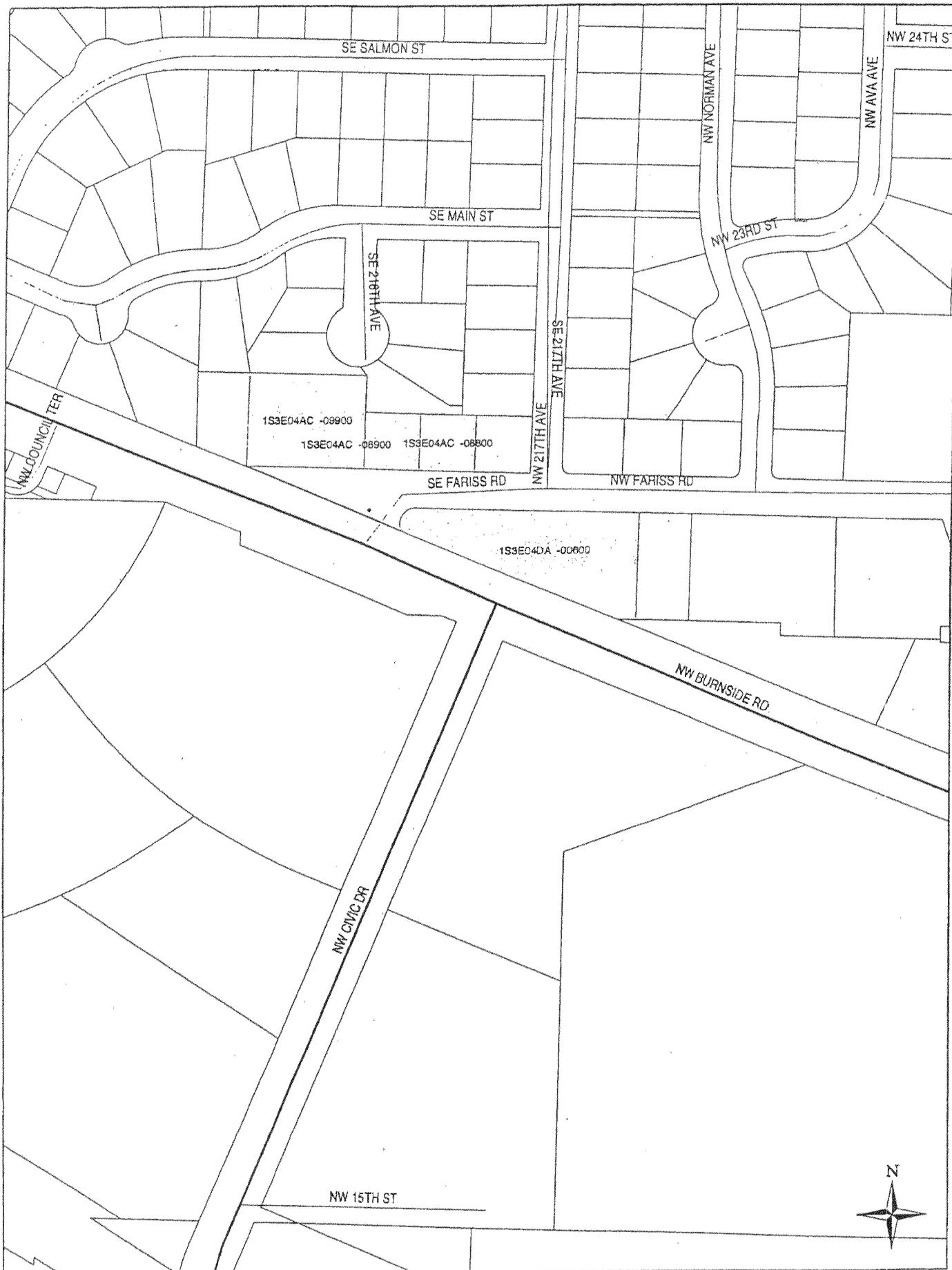
County of *CLARK*

THIS CERTIFIES that on this *15th* day of *Jan* A.D.,
2004 Before me the undersigned a Notary Public in and for said county and state,
personally appeared the within named *MARK T. Thibodeau*
BONITA A. Thibodeau, Who are
owners known to me to be the identical individual *5* described in and
who executed the within instrument, and acknowledged to me that
They executed the same freely and voluntarily.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal the day and year last above written.



Dianna L Nutt
Notary Public for Washington
My Commission Expires *12/29/20 05*



CHICAGO TITLE INSURANCE COMPANY OF OREGON

888 SOUTHWEST 5TH AVENUE, SUITE 930, PORTLAND, OREGON 97204 (503) 973-7400 FAX (503) 248-0324



STATE/COMMERCIAL OFFICE

January 22, 2004

Ms. Julie Gravo
Center Oak Properties, LLC
649 N.W. 12th Street
Gresham, Oregon 97030

Re: Vacation of a Portion of NW Burnside Road
Verification of Dedication Matter

Dear Ms. Gravo:

With regard to the above referenced matter and to supplement my earlier correspondence please receive this communication as confirmation that Ronald and Vada Robertson who dedicated those lands (being a portion of N.W. Burnside) now proposed for vacation were vested in title to the entirety of land so dedicated. Further, this letter will confirm to all parties that Center Oak Properties, LLC or its affiliated companies are the vested owner to all such lands, which vacated street area shall inure.

Should anything further be needed from this company please do not hesitate to call.

Sincerely,

Chicago Title Insurance Company
Of Oregon

A handwritten signature in black ink, appearing to read "Malcolm Newkirk", written over a faint circular stamp.

Malcolm Newkirk
Vice President
Oregon State Operations

cc: Patrick Hinds (email)

CHICAGO TITLE INSURANCE COMPANY OF OREGON

888 SOUTHWEST 5TH AVENUE, SUITE 930, PORTLAND, OREGON 97204 (503) 973-7400 FAX (503) 248-0324



STATE/COMMERCIAL OFFICE

January 20, 2004

Ms. Julie Gravo
Center Oak Properties, LLC
649 N.W. 12th Street
Gresham, Oregon 97030

Re: Proposed Vacation of a Portion of N.W. Burnside Road
"Reversionary" Rights Matter

Dear Ms. Gravo:

The offices of Chicago Title Insurance Company of Oregon have reviewed the instrument making dedication to Multnomah County of certain lands within N.W. Burnside Road and find no reversionary rights personal to the Declarant in such conveyance.

Should you need any further information in this regard please do not hesitate to call.

Sincerely,

Chicago Title Insurance Company
Of Oregon

Malcolm Newkirk
Vice President
Oregon State Operations

EXHIBIT B

RESOLUTION NO. 2681

A RESOLUTION CONCURRING WITH THE FINDINGS OF MULTNOMAH COUNTY IN VACATING A PORTION OF EAST BURNSIDE ROAD

The City of Gresham Finds:

- A. ORS 368.361(3) provides that a county governing body may vacate property that is under the jurisdiction of the county and that is entirely within the limits of a city if that city, by resolution or order, concurs in the findings of the county governing body in the vacation proceedings.
- B. Multnomah County has received a petition to vacate a portion of East Burnside Road that is entirely within the limits of the City of Gresham.
- C. The portion of right-of-way being considered for vacation does not contain any public improvements.
- D. The existing and planned improvements to this portion of East Burnside Road can be accommodated within the remaining right-of-way.
- E. The findings of the Multnomah County Board of Commissioners represent an accurate assessment of the right-of-way vacation petition.

THE CITY OF GRESHAM RESOLVES:

To concur in the findings of the Multnomah County Board of Commissioners as reflected in a Multnomah County Resolution to be considered March 10, 2004 in the matter of a petition to vacate a portion of East Burnside Road located within the limits of the City of Gresham, a copy of which is attached hereto as Exhibit A.

Yes: Becker, Horner, McIntire, Bemis, Shields, Hanna

No: None

Absent: Haverkamp

Abstain: None

Passed by the Gresham City Council and effective on March 2, 2004

[Signature]
City Manager

[Signature]
Mayor

Approved as to Form:
[Signature]
Senior Assistant City Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Vacation Of A Portion Of East Burnside Road, County Road No. 2063, Pursuant To ORS 368.326 To 368.366.

The Multnomah County Board of Commissioners Finds:

- a. The portion of East Burnside Road affected by this vacation, was originally dedicated to Multnomah County for road purposes by a deed recorded in 1972. The property interest was acquired in conjunction with a road improvement project. The road improvement project has been completed and the portion of the right of way that is being considered for vacation is not needed for further public purposes and is declared surplus..
- b. The portion of East Burnside Road to be vacated is described as follows:

"All of that portion of the following described real property in the City of Gresham, Multnomah County, Oregon, being a part of Tax Lots 34 and 130 in Section 4, 1S, 3E, WM, as shown on the 1971 Assessor's Map, more particularly described as follows:

Beginning at the N.W. Corner of the J.P. Powell DLC; thence Easterly along the North line of the J.P. Powell DLC 1025.28 ' ; thence N0°30'E to the south line of S.E. Burnside Road (County Raod Number 2063-80) and the true point of beginning; thence Southeasterly along said Southerly line of said S.E. Burnside Road to its intersection with the North line of the J.P. Powell DLC; thence Westerly along the North line of the J. P. Powell DLC to a point 1325.28' Easterly of the N. W. Corner of the J.P. Powell DLC; thence S 0° 30' W to a point that is 60 feet from the centerline of S.E. Burnside Road (when measured at right angles); thence Northwesterly along a line 60 feet from and parallel to the centerline of S.E. Burnside Road, to a point S 0° 30' W from the true point of beginning; thence N 0° 30' East to the said point of beginning."¹
- c. Petitioners, which include Gresham Land Partners 4, L.L.C., a Delaware limited liability company, have submitted a petition in compliance with ORS 368.341(3), containing the signatures and addresses of 100 percent of the abutting property owners of the property proposed to be vacated. A copy of the petition is attached to this Resolution as Exhibit A.
- d. Under ORS 368.351, because petitioners represent 100 percent of the ownership of the property to be vacated and the abutting property, the County may proceed to complete this vacation without additional notice and publication as would be required under ORS 368.346.

¹ As per deed recorded 1/4/1972, Bk. 832, Pg. 1451, Multnomah County Deed Records.

EXHIBIT A

- e. Pursuant to MCC §7.054 Multnomah County is to be reimbursed for its administrative costs incurred with respect to this vacation proceeding. To date the County has received a total of \$1265.00 from the petitioners, of which \$200.00 applies to the feasibility study. The remaining \$1065.00 was applied to all other administrative costs, including but not limited to: posting notice of the vacation; staff time for research, review, analyses and drafting of the County Engineer's report and other documents. The total amount still due and owing the County is: \$3026.02.
- f. The portion of East Burnside Road being vacated will remain subject to the rights of any existing public utility located within the portion being vacated.
- g. The petition, requests that title to the above described portion of East Burnside Road to be vacated vest in the Gresham Land Partners 4, L.L.C., a Delaware limited liability company.
- h. The County Engineer has filed the required report pursuant to ORS 368.351(1) (See Agenda Placement Memorandum included with the Resolution) containing the Engineer's assessment that this proposed vacation is in the public's interest.
- i. As required by ORS 368.361(3), the County may vacate property that is under the jurisdiction of the county and that is entirely within the limits of a city, if that city, by resolution or order, concurs in the findings of the county governing body. The above described portion of East Burnside Road proposed for vacation is entirely within the limits of the City of Gresham, and the City, by Resolution No. _____ attached as Exhibit B, passed on March 2, 2004, concurs in this proposed vacation.

The Multnomah County Board of Commissioners Resolves:

- 1. The above-described portion of East Burnside Road, excepting any easement rights that any utilities may have in said property under ORS Chapter 368 is vacated as a public County Road.
- 2. That pursuant to ORS 368.366(2) title to the above described vacated property shall vest in the following name and no others: Gresham Land Partners 4, L.L.C., a Delaware limited liability company.
- 3. The County Surveyor will mark the plat, if necessary, as provided under ORS 271.230.
- 4. The total cost for this vacation proceeding incurred by the County is \$4,291.02, and main petitioner, Gresham Land Partners 4, L.L.C., is directed to pay the remaining amount of \$3026.02 to the County.
- 5. The Land Use and Transportation Division of the Department of Business and Community Services will record and file this Resolution in accordance with ORS

EXHIBIT A

368.356(3), upon receipt of the amount owed to cover the County's incurred costs for this vacation proceeding.

6. This resolution will become effective at such time as the City of Gresham by resolution or order concurs in this action as required under ORS 368.361(3).

ADOPTED this 11th day of March 2004.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Matthew O. Ryan, Assistant County Attorney

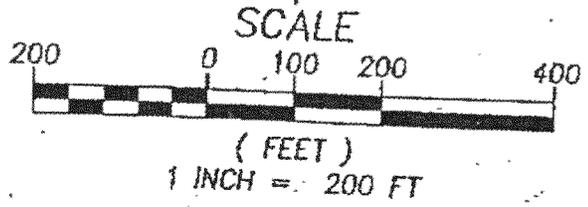
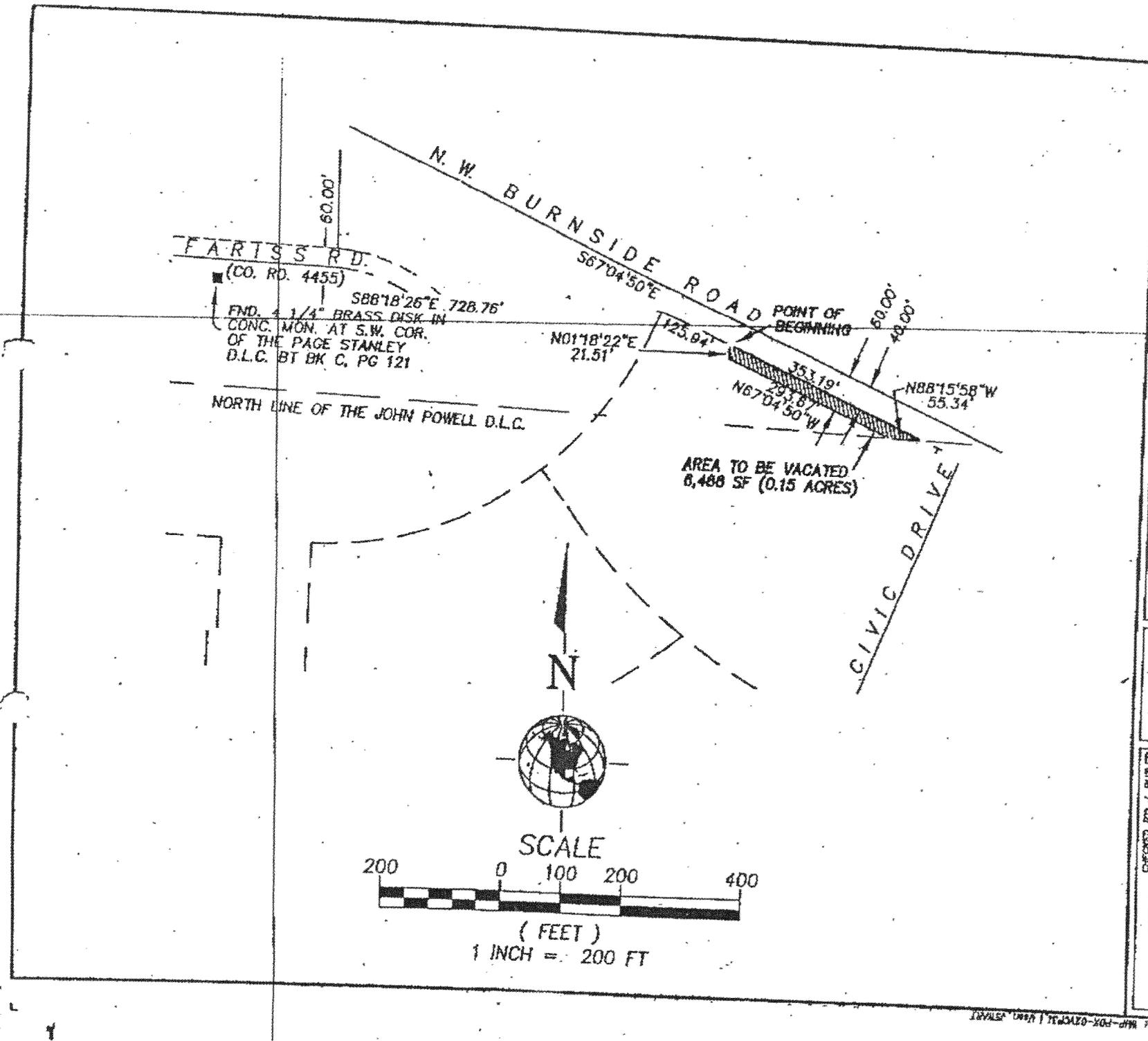
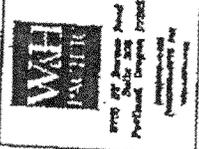


EXHIBIT 'B'
 SKETCH TO ACCOMPANY LEGAL DESCRIPTION
 GRESHAM STATION NORTH
 RIGHT-OF-WAY VACATION

GRESHAM
 SCALE: 1" = 200'
 PROJECT NO. 30034
 DRAWING FILE NAME: 020204.dwg
 SHEET 1



CHECKED BY: J. BUTLER	DATE: 2/11/04
APPROVED BY: J. SMART	DATE: 2/11/04
DATE: 2/11/04	REVISION: 1
DATE: 2/11/04	REVISION: 2
DATE: 2/11/04	REVISION: 3
DATE: 2/11/04	REVISION: 4
DATE: 2/11/04	REVISION: 5
DATE: 2/11/04	REVISION: 6
DATE: 2/11/04	REVISION: 7
DATE: 2/11/04	REVISION: 8
DATE: 2/11/04	REVISION: 9
DATE: 2/11/04	REVISION: 10

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: March 11, 2004

Agenda Item #: R-4

Est. Start Time: 9:40 AM

Date Submitted: 02/25/04

Requested Date: March 11, 2004

Time Requested: 15 mins

Department: Non-Departmental

Divisions: Commission Dist. 3, 4, 1 & Chair

Contact/s: Terri Naito, Gary Walker, Shelli Romero & Kathy Turner

Phone: 503-988-4105

Ext.: 84105

I/O Address: 503/600

Presenters: Commissioners Lisa Naito and Maria Rojo de Steffey, Chair Diane Linn, Doug Butler and Invited Others

Agenda Title: RESOLUTION Accepting the Report of the Courthouse Blue Ribbon Steering Committee and Creating Work Groups to Continue the Good Work of the Committee

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

1. What action are you requesting from the Board? What is the department/agency recommendation?

Approval of resolution.

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

ORS 1.185 requires Counties to provide courtrooms, offices and jury rooms. Multnomah County provides the Circuit Court of Multnomah County County with several court facilities including the historic Multnomah County Courthouse, spaces in the downtown Justice Center, and a leased courts facility in Gresham. Two thorough examinations of the Multnomah County Courthouse and Court needs by Multnomah County in the past three years conclude that the current facilities do not meet the present and future needs of the Court, may pose potential life safety risks, and requires deferred maintenance and seismic work.

This resolution first thanks the most recent group to explore the issues, the Courthouse Blue Ribbon Steering Committee, for their good work. Secondly, this resolution establishes three working groups to make specific recommendations regarding land acquisition and financing strategies for a new downtown court facility, a new East County justice facility, financial strategies for constructing, renovating and upgrading current and future downtown-area court facilities, and other Court-related issues.

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

None. Staffing to be provided within existing resources. Implementation funding to be discussed when work groups' recommendations are brought back for Board consideration in the future.

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

If a budget modification, explain:

- ❖ **What revenue is being changed and why?**
- ❖ **What budgets are increased/decreased?**
- ❖ **What do the changes accomplish?**
- ❖ **Do any personnel actions result from this budget modification? Explain.**
- ❖ **Is the revenue one-time-only in nature?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

- ❖ **Why was the expenditure not included in the annual budget process?**
- ❖ **What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?**
- ❖ **Why are no other department/agency fund sources available?**
- ❖ **Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.**
- ❖ **Has this request been made before? When? What was the outcome?**

If grant application/notice of intent, explain:

- ❖ **Who is the granting agency?**
- ❖ **Specify grant requirements and goals.**
- ❖ **Explain grant funding detail – is this a one time only or long term commitment?**
- ❖ **What are the estimated filing timelines?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**
- ❖ **How will the county indirect and departmental overhead costs be covered?**

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

Multnomah County Resolution 01-114 directed "the Chair [to] convene another process to evaluate alternative court facilities including an East County courts facility and renovation of the Courthouse for alternative purposes." The Chair's Courthouse Blue

Ribbon Steering Committee recommendations are embraced by this resolution with the establishment of these three new working groups.

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

It is expected that each work group, in order to make recommendations, will consult and solicit input from citizen stakeholders, community professionals and prospective private and public partners. For example, in anticipation, Commissioner Roberts' office has already initiated conversations with Gresham City officials, local architects, and other East County stakeholders.

Required Signatures:

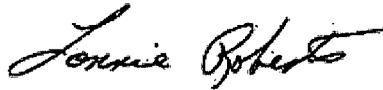
Department/Agency Director:



Date: 02/25/04



Date: 02/25/04



Date: 02/25/04



Date: 02/25/04

Budget Analyst

By: _____

Date:

Dept/Countywide HR

By: _____

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Accepting the Report of the Courthouse Blue Ribbon Steering Committee and Creating Work Groups to Continue the Good Work of the Committee

The Multnomah County Board of Commissioners Finds:

- a. Resolution 01-114 commissioned a study to determine whether to proceed with renovating the Multnomah County Courthouse. The resulting report, issued June 2002, concluded that the Multnomah County Courthouse "is an historic and handsome building that should and can be preserved through an aggressive renovation program...renovation of the building would be feasible and should be pursued."
- b. The June 2002 report also concluded, "As part of the long-term court space strategy, establishing some limited-service courts in Gresham would increase convenience to East County residents."
- c. A Courthouse Blue Ribbon Steering Committee was convened in August 2002 with the mission of "developing a comprehensive, clear, sustainable, and cost-effective strategy for meeting Multnomah County's court facilities needs for the next 40 years."
- d. The Blue Ribbon Committee's Courthouse Recommendations, issued December 2003, include:
 - 1) A new courts facility within the existing downtown Portland Government Center to accommodate the Multnomah County court and supporting County functions for the next 25 years.
 - 2) Renovation of the vacated historic courthouse. Addressing the structural and seismic issues, and remodeling the facility to accommodate other County functions.
 - 3) Creation of a consolidation plan for existing downtown County facilities such as the Portland, Mead, McCoy, Commonwealth and Multnomah Buildings, and Justice Center plus additional 40 year needs.
 - 4) A four courtroom facility with expansion capability to six courtrooms in East County/Gresham.
 - 5) Address the structural, seismic, and deferred maintenance issues at the Justice Center.

- e. Both Courthouse reports agree that delaying renovation of the courthouse would be costly and risky, posing significant potential liabilities on Multnomah County's judicial operations, as well as all users of the Courthouse; and that Multnomah County can no longer continue to ignore the courthouse issue simply because it involves an expensive and complicated long range solution.
- f. Almost 70% of Facilities & Properties Management Division's deferred maintenance and seismic needs result from the historic Courthouse and the Justice Center.

The Multnomah County Board of Commissioners Resolves:

1. The work of the Courthouse Blue Ribbon Steering Committee is commended, and the attached report of the Committee is accepted with thanks and gratitude for the many, many hours of work the members of the Committee have contributed and for the creative solutions the Committee members have devised towards resolving the courthouse issue.
2. The leadership of Chair Diane Linn and Commissioner Maria Rojo de Steffey, Chairman and Vice Chair respectively, of the Courthouse Blue Ribbon Steering Committee, is also commended.
3. The County will build upon and continue the good work of the Committee by creating a work group to be chaired by Commissioner Maria Rojo de Steffey and Chair Diane Linn to make specific recommendations regarding land acquisition for a new downtown Portland court facility. The work group's recommendations will include a detailed site proposal, and a viable financing strategy for land acquisition.
4. The County will build upon and continue the good work of the Committee by creating a work group to be chaired by Commissioner Lonnie Roberts to make specific recommendations regarding a new East County justice facility. The recommendations will include a site proposal, partnership potentials, and a viable financing strategy for land acquisition, facility construction and related costs.
5. The County will build upon and continue the good work of the Committee by creating a work group to be chaired by Chair Diane Linn to:
 - a) Recommend viable financing strategies for:
 - i) the construction of a new downtown facility
 - ii) the renovation of the historic Courthouse
 - iii) necessary upgrades to the downtown Justice Center; and

- b) Examine the potential of:
 - i) relocating the County Seat into a renovated historic Courthouse; and
 - ii) conveying to the State the obligation to provide courtrooms, jury rooms and offices for the Multnomah County Circuit Court.
- 6. The Chair is requested to direct staff to assist in developing project plans as necessary to aid the work groups in determining financing strategies.
- 7. The work groups shall report back to the Board of County Commissioners for further consideration within twelve months.

ADOPTED this 11th day of March, 2004.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By  _____
Agnes Sowle, County Attorney

BOGSTAD Deborah L

From: NAITO Terri W
Sent: Wednesday, March 10, 2004 5:22 PM
To: BOGSTAD Deborah L; SOWLE Agnes; KINOSHITA Carol
Cc: LINN Diane M; ROJO DE STEFFEY Maria; CRUZ Serena M; ROBERTS Lonnie J; BELL Iris D; ROMERO Shelli D; CARROLL Mary P; WALKER Gary R; MARTIN Chuck T
Subject: R-4 Courthouse Resolution substitution for Thursday

Deb,
Attached is the resolution that Lisa wishes to substitute tomorrow (Thursday) for R-4. Title remains the same.

Agnes/Carol,
I understand your sign-off is once again needed on this (slightly) rewritten resolution. Please find it attached. Changes are highlighted below and amount to a few additional words.

Thanks all,
Terri

3. The County will build upon and continue the good work of the Committee by creating a work group to be co-chaired by Commissioner Maria Rojo de Steffey and Chair Diane Linn to make specific recommendations with options and a cost benefit analysis regarding land acquisition for a new downtown Portland court facility. The work group's recommendations will include a detailed site proposal, and a viable financing strategy for land acquisition.
4. The County will build upon and continue the good work of the Committee by creating a work group to be chaired by Commissioner Lonnie Roberts to make specific recommendations with options and a cost benefit analysis regarding a new East County justice facility. The recommendations will include a site proposal, partnership potentials, and a viable financing strategy for land acquisition, facility construction and related costs.
7. The work groups shall report back, together or individually, to the Board of County Commissioners for further consideration within twelve months for the Board to adopt a preliminary planning proposal[s].

3/10/2004

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Accepting the Report of the Courthouse Blue Ribbon Steering Committee and Creating Work Groups to Continue the Good Work of the Committee

The Multnomah County Board of Commissioners Finds:

- a. Resolution 01-114 commissioned a study to determine whether to proceed with renovating the Multnomah County Courthouse. The resulting report, issued June 2002, concluded that the Multnomah County Courthouse "is an historic and handsome building that should and can be preserved through an aggressive renovation program...renovation of the building would be feasible and should be pursued."
- b. The June 2002 report also concluded, "As part of the long-term court space strategy, establishing some limited-service courts in Gresham would increase convenience to East County residents."
- c. A Courthouse Blue Ribbon Steering Committee was convened in August 2002 with the mission of "developing a comprehensive, clear, sustainable, and cost-effective strategy for meeting Multnomah County's court facilities needs for the next 40 years."
- d. The Blue Ribbon Committee's Courthouse Recommendations, issued December 2003, include:
 - 1) A new courts facility within the existing downtown Portland Government Center to accommodate the Multnomah County court and supporting County functions for the next 25 years.
 - 2) Renovation of the vacated historic courthouse. Addressing the structural and seismic issues, and remodeling the facility to accommodate other County functions.
 - 3) Creation of a consolidation plan for existing downtown County facilities such as the Portland, Mead, McCoy, Commonwealth and Multnomah Buildings, and Justice Center plus additional 40 year needs.
 - 4) A four courtroom facility with expansion capability to six courtrooms in East County/Gresham.
 - 5) Address the structural, seismic, and deferred maintenance issues at the Justice Center.

- e. Both Courthouse reports agree that delaying renovation of the courthouse would be costly and risky, posing significant potential liabilities on Multnomah County's judicial operations, as well as all users of the Courthouse; and that Multnomah County can no longer continue to ignore the courthouse issue simply because it involves an expensive and complicated long range solution.
- f. Almost 70% of Facilities & Properties Management Division's deferred maintenance and seismic needs result from the historic Courthouse and the Justice Center.

The Multnomah County Board of Commissioners Resolves:

- 1. The work of the Courthouse Blue Ribbon Steering Committee is commended, and the attached report of the Committee is accepted with thanks and gratitude for the many, many hours of work the members of the Committee have contributed and for the creative solutions the Committee members have devised towards resolving the courthouse issue.
- 2. The leadership of Chair Diane Linn and Commissioner Maria Rojo de Steffey, Chairman and Vice Chair respectively, of the Courthouse Blue Ribbon Steering Committee, is also commended.
- 3. The County will build upon and continue the good work of the Committee by creating a work group to be co-chaired by Commissioner Maria Rojo de Steffey and Chair Diane Linn to make specific recommendations with options and a cost benefit analysis regarding land acquisition for a new downtown Portland court facility. The work group's recommendations will include a detailed site proposal, and a viable financing strategy for land acquisition.
- 4. The County will build upon and continue the good work of the Committee by creating a work group to be chaired by Commissioner Lonnie Roberts to make specific recommendations with options and a cost benefit analysis regarding a new East County justice facility. The recommendations will include a site proposal, partnership potentials, and a viable financing strategy for land acquisition, facility construction and related costs.
- 5. The County will build upon and continue the good work of the Committee by creating a work group to be chaired by Chair Diane Linn to:
 - a) Recommend viable financing strategies for:
 - i) the construction of a new downtown facility
 - ii) the renovation of the historic Courthouse
 - iii) necessary upgrades to the downtown Justice Center; and

- b) Examine the potential of:
 - i) relocating the County Seat into a renovated historic Courthouse; and
 - ii) conveying to the State the obligation to provide courtrooms, jury rooms and offices for the Multnomah County Circuit Court.
- 6. The Chair is requested to direct staff to assist in developing project plans as necessary to aid the work groups in determining financing strategies.
- 7. The work groups shall report back, together or individually, to the Board of County Commissioners for further consideration within twelve months for the Board to adopt a preliminary planning proposal[s].

ADOPTED this 11th day of March, 2004.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Agnes Sowle, County Attorney

Substitute
R-4

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Accepting the Report of the Courthouse Blue Ribbon Steering Committee and Creating Work Groups to Continue the Good Work of the Committee

The Multnomah County Board of Commissioners Finds:

- a. Resolution 01-114 commissioned a study to determine whether to proceed with renovating the Multnomah County Courthouse. The resulting report, issued June 2002, concluded that the Multnomah County Courthouse "is an historic and handsome building that should and can be preserved through an aggressive renovation program...renovation of the building would be feasible and should be pursued."
- b. The June 2002 report also concluded, "As part of the long-term court space strategy, establishing some limited-service courts in Gresham would increase convenience to East County residents."
- c. A Courthouse Blue Ribbon Steering Committee was convened in August 2002 with the mission of "developing a comprehensive, clear, sustainable, and cost-effective strategy for meeting Multnomah County's court facilities needs for the next 40 years."
- d. The Blue Ribbon Committee's Courthouse Recommendations, issued December 2003, include:
 - 1) A new courts facility within the existing downtown Portland Government Center to accommodate the Multnomah County court and supporting County functions for the next 25 years.
 - 2) Renovation of the vacated historic courthouse. Addressing the structural and seismic issues, and remodeling the facility to accommodate other County functions.
 - 3) Creation of a consolidation plan for existing downtown County facilities such as the Portland, Mead, McCoy, Commonwealth and Multnomah Buildings, and Justice Center plus additional 40 year needs.
 - 4) A four courtroom facility with expansion capability to six courtrooms in East County/Gresham.
 - 5) Address the structural, seismic, and deferred maintenance issues at the Justice Center.

- b) Examine the potential of:
- i) relocating the County Seat into a renovated historic Courthouse; and
 - ii) conveying to the State the obligation to provide courtrooms, jury rooms and offices for the Multnomah County Circuit Court.
6. The Chair is requested to direct staff to assist ^{the workgroups} ~~in developing project plans~~ ~~necessary to aid the work groups in determining financing strategies.~~
7. The work groups shall report back, together or individually, to the Board of County Commissioners for further consideration within twelve months for the Board to adopt a preliminary planning proposal[s].

8. We will follow adopted ~~policy~~ ^{policy} on Capital Construction.

ADOPTED this 11th day of March, 2004.

THE County follow
will BOARD
X4 Cruz NO

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Agnes Sowle, County Attorney

- e. Both Courthouse reports agree that delaying renovation of the courthouse would be costly and risky, posing significant potential liabilities on Multnomah County's judicial operations, as well as all users of the Courthouse; and that Multnomah County can no longer continue to ignore the courthouse issue simply because it involves an expensive and complicated long range solution.
- f. Almost 70% of Facilities & Properties Management Division's deferred maintenance and seismic needs result from the historic Courthouse and the Justice Center.

The Multnomah County Board of Commissioners Resolves:

- 1. The work of the Courthouse Blue Ribbon Steering Committee is commended, and the attached report of the Committee is accepted with thanks and gratitude for the many, many hours of work the members of the Committee have contributed and for the creative solutions the Committee members have devised towards resolving the courthouse issue.
- 2. The leadership of Chair Diane Linn and Commissioner Maria Rojo de Steffey, Chairman and Vice Chair respectively, of the Courthouse Blue Ribbon Steering Committee, is also commended.
- 3. The County will build upon and continue the good work of the Committee by creating a work group to be co-chaired by Commissioner Maria Rojo de Steffey and Chair Diane Linn to make specific recommendations with options and a cost benefit analysis regarding land acquisition for a new downtown Portland court facility. The work group's recommendations will include ~~a detailed~~ site proposal, and ~~a~~ viable financing strategy for land acquisition.
- 4. The County will build upon and continue the good work of the Committee by creating a work group to be chaired by Commissioner Lonnie Roberts to make specific recommendations with options and a cost benefit analysis regarding a new East County justice facility. The recommendations will include a site proposal, partnership potentials, and ~~a~~ viable financing strategy for land acquisition, facility construction and related costs. 185
- 5. The County will build upon and continue the good work of the Committee by creating a work group to be chaired by Chair Diane Linn to:
 - a) Recommend viable financing strategies for:
 - i) the construction of a new downtown facility
 - ii) the renovation of the historic Courthouse
 - iii) necessary upgrades to the downtown Justice Center; and

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 04-028

Accepting the Report of the Courthouse Blue Ribbon Steering Committee and Creating Work Groups to Continue the Good Work of the Committee

The Multnomah County Board of Commissioners Finds:

- a. Resolution 01-114 commissioned a study to determine whether to proceed with renovating the Multnomah County Courthouse. The resulting report, issued June 2002, concluded that the Multnomah County Courthouse "is an historic and handsome building that should and can be preserved through an aggressive renovation program...renovation of the building would be feasible and should be pursued."
- b. The June 2002 report also concluded, "As part of the long-term court space strategy, establishing some limited-service courts in Gresham would increase convenience to East County residents."
- c. A Courthouse Blue Ribbon Steering Committee was convened in August 2002 with the mission of "developing a comprehensive, clear, sustainable, and cost-effective strategy for meeting Multnomah County's court facilities needs for the next 40 years."
- d. The Blue Ribbon Committee's Courthouse Recommendations, issued December 2003, include:
 - 1) A new courts facility within the existing downtown Portland Government Center to accommodate the Multnomah County court and supporting County functions for the next 25 years.
 - 2) Renovation of the vacated historic courthouse. Addressing the structural and seismic issues, and remodeling the facility to accommodate other County functions.
 - 3) Creation of a consolidation plan for existing downtown County facilities such as the Portland, Mead, McCoy, Commonwealth and Multnomah Buildings, and Justice Center plus additional 40 year needs.
 - 4) A four courtroom facility with expansion capability to six courtrooms in East County/Gresham.
 - 5) Address the structural, seismic, and deferred maintenance issues at the Justice Center.

- e. Both Courthouse reports agree that delaying renovation of the courthouse would be costly and risky, posing significant potential liabilities on Multnomah County's judicial operations, as well as all users of the Courthouse; and that Multnomah County can no longer continue to ignore the courthouse issue simply because it involves an expensive and complicated long range solution.
- f. Almost 70% of Facilities & Properties Management Division's deferred maintenance and seismic needs result from the historic Courthouse and the Justice Center.

The Multnomah County Board of Commissioners Resolves:

1. The work of the Courthouse Blue Ribbon Steering Committee is commended, and the attached report of the Committee is accepted with thanks and gratitude for the many, many hours of work the members of the Committee have contributed and for the creative solutions the Committee members have devised towards resolving the courthouse issue.
2. The leadership of Chair Diane Linn and Commissioner Maria Rojo de Steffey, Chairman and Vice Chair respectively, of the Courthouse Blue Ribbon Steering Committee, is also commended.
3. The County will build upon and continue the good work of the Committee by creating a work group to be co-chaired by Commissioner Maria Rojo de Steffey and Chair Diane Linn to make specific recommendations with options and a cost benefit analysis regarding land acquisition for a new downtown Portland court facility. The work group's recommendations will include site proposals, and viable financing strategies for land acquisition.
4. The County will build upon and continue the good work of the Committee by creating a work group to be chaired by Commissioner Lonnie Roberts to make specific recommendations with options and a cost benefit analysis regarding a new East County justice facility. The recommendations will include site proposals, partnership potentials, and viable financing strategies for land acquisition, facility construction and related costs.
5. The County will build upon and continue the good work of the Committee by creating a work group to be chaired by Chair Diane Linn to:
 - a) Recommend viable financing strategies for:
 - i) the construction of a new downtown facility
 - ii) the renovation of the historic Courthouse
 - iii) necessary upgrades to the downtown Justice Center; and

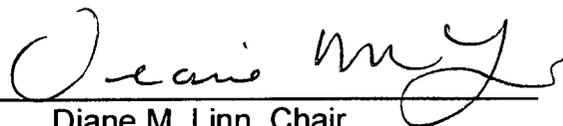
- b) Examine the potential of:
 - i) relocating the County Seat into a renovated historic Courthouse; and
 - ii) conveying to the State the obligation to provide courtrooms, jury rooms and offices for the Multnomah County Circuit Court.

- 6. The Chair is requested to direct staff to assist the work groups.
- 7. The work groups shall report back, together or individually, to the Board of County Commissioners for further consideration within twelve months for the Board to adopt a preliminary planning proposal[s].
- 8. The County will follow Board adopted policies on capital construction.

ADOPTED this 11th day of March, 2004.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Agnes Sowle, County Attorney

Courthouse Blue Ribbon
Steering Committee's

Courthouse Recommendation

December 2003



Facilities & Property Management Division
Asset Management Section
Department of Business and Community Services
Multnomah County, Oregon

Contents:

Courthouse Blue Ribbon Steering Committee

Mission Statement
Committee Roster

Conclusion

Introduction
Recommendation
Action Plan/Timeline

Methodology

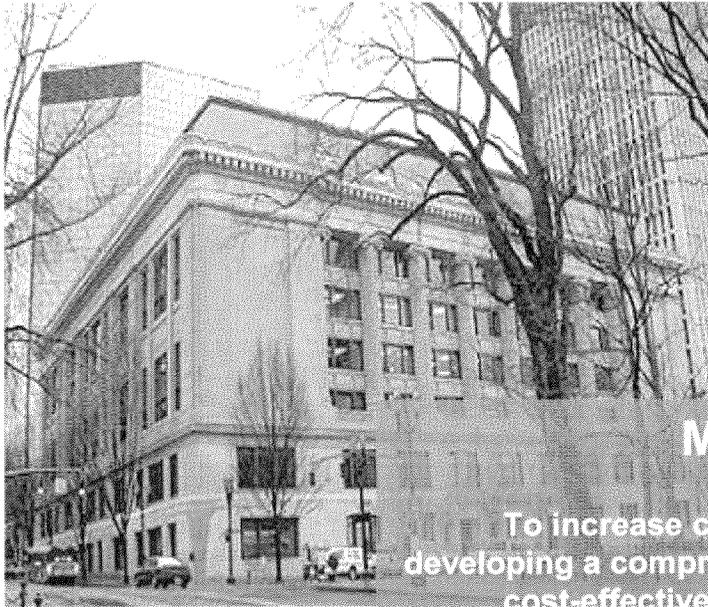
Process
Key Assumptions/Findings

Analysis

Background
Building Issues
County Obligations
Court Needs
Option Feasibility
Siting Options
Development Strategies
Existing Courthouse Use
Financing Approach

Appendix

Recommendation Summary
Question & Answer Sheet



MISSION STATEMENT:

To increase community safety and security by developing a comprehensive, clear, sustainable, and cost-effective strategy for meeting Multnomah County's court facilities' needs for the next 40 years. This strategy should add to the economic vitality of downtown Portland and East County; include other County facilities needs which can be addressed in conjunction with the court facilities, and be approvable by the voters.

Courthouse Blue Ribbon Steering Committee

Members:

Chairman – Diane Linn

Multnomah County Chair

Vice Chair – Maria Rojo De Steffey

Multnomah County Commission, District 1

Bernie Guisto, Multnomah County Sheriff

Dale Koch, State Court Presiding Judge

Doug Bray, State Court Administrator

Pat LaCrosse, Retired

Dan Petrusich, President, Melvin Mark Development Company

Mike Schrunk, Multnomah County District Attorney

Edward Harnden, Oregon State Bar Association

Chuck Becker, Mayor, City of Gresham

Mike Salsgiver, Portland Business Alliance

Robert Neuberger, Multnomah County Bar Association

Nohad Toulan, Portland State University, Dean, College of Urban Affairs

Sam Brooks, Chairman, Oregon Association of Minority Entrepreneurs

Mary Jo Briggs, Manager, City of Fairview

Don Eggleston, President, SERA Architects

Jim Hennings, Director, Metropolitan Public Defender

Multnomah County Technical Advisors:

Doug Butler, Director, Facilities & Property Management

Pam Krecklow, Courthouse Assistant Planner

Duke Shepard, Chair's Office Representative

Dave Boyer, Chief Financial Officer

Joanne Fuller, Director, Department of Community Justice

Gina Mattioda, Director, Public Affairs



Conclusion:

Introduction:

The challenge of the Multnomah County Courthouse is to balance historical significance with today's public safety requirements; while addressing the building's physical, functional, and operating limitations; as County obligations are being managed with limited financial resources. Taken individually these aspects can be overwhelming, combined they provide the County with an extremely complex, multifaceted situation for which there is no simple or easy solution.

Given the 30 year history surrounding the Courthouse issue, the Courthouse Blue Ribbon Steering Committee is acutely aware that merely providing the County Board of Commissioners a one dimensional solution statement will not offer adequate direction. So in an attempt to provide the most executable plan to date, the Committee has designed a foundation framework for the planning of court related activities envisioned for the next 40 years. This recommendation is followed by an action plan that describes a step by step process for how to meet the substantial objectives and the committee's analysis of present commitments, future obligations, and an examination of the intertwining relationship that exists between court functions and other County facilities.

It is the Committee's goal that the County Board take the actions proposed within this report as a means by which County Government can facilitate its primary role to provide adequate public safety for its citizens while planning for future needs.

Recommendation:

It is the conclusion of the Courthouse Blue Ribbon Steering Committee that Multnomah County can no longer continue to ignore the courthouse issue simply because it involves an expensive and complicated long range solution. It is imperative that the County commits to a solution, makes it a priority, and starts working towards answers to the age old quandary the courthouse provides. The Courthouse Blue Ribbon Steering Committee is proposing that the County accept its recommendation as a long range framework that provides the most plausible and flexible solution to the County's most difficult and complex problem to date.

The complete recommendation is an integrated, multi-phased plan that starts with addressing the 25 year needs and ends by fulfilling the full 40 year needs. The plan includes entering into partnerships for assistance with planning and acquisition, construction of two new court facilities, preserving significant county assets such as the historic courthouse, and consolidating county functions. The recommendation is broken out below and is followed by a complete action plan and timetable that examines financial, timing, and consolidation elements. The Committee worked toward a plan that creates the greatest amount of flexibility while also providing the necessary momentum to keep the project moving forward to the realization of the 40 year goal.

a. Objectives –

- ❖ A new courts facility within the existing downtown Portland Government Center to accommodate the Multnomah County courts system and supporting County functions for the next 25 years.
- ❖ Renovation of the vacated historic courthouse. Addressing the structural/seismic issues and remodeling facility to accommodate other county functions.

- ❖ Creation of a consolidation plan for existing downtown County facilities such as the Portland Building, Mead, McCoy, Commonwealth, Multnomah, and Justice Center plus additional 40 year needs.
- ❖ A four courtroom facility with expansion capability to six courtrooms in East County/ Gresham.
- ❖ Address the structural, seismic, and deferred maintenance issues at the Justice Center.

b. Timing -

The Committee is recommending a phased development in order for the County to have flexibility in implementation. Each stage can be altered, overlapped, or completely incorporated into another phase if major funding sources were located or project elements were to be combined or shifted to meet County needs at any given time.

Initial Phase (6 Months to 2 years) – Develop master plan and initiate site acquisition

Phase One (2 to 5 years) – Planning, designing, and financing of new facilities

Phase Two (5 to 10 years) – Build to accommodate 25 year need in downtown Portland and Gresham

Phase Three (11 to 25 years) – Complete long term 40 year goals

c. Financing -

After a thorough examination of the financial scenario, the Committee is proposing the following three tiered financing package as a possible solution to the funding question.

- **Public partnerships**

There are four potential public partners for this substantial undertaking, The Portland Development Commission, the State of Oregon, the Federal Government, and the City of Gresham. The Committee is recommending that the County enter into a partnership with the Portland Development Commission for assistance with consolidation and site acquisition. A possible State/Federal partnership could include grants or legislation for reimbursement of construction costs, pre-disaster mitigation, or security opportunities. A partnership with the City of Gresham could include assistance with site acquisition and financing alternatives for an East County Courts Facility.

- **General Obligation Bond Issuance**

In order for this plan to see fruition, it will be necessary to issue a General Obligation bond to cover the cost of constructing the Portland and Gresham court facilities. The exact amount of the bond will depend on the outcome of State/Federal participation but it is assumed a bond will be necessary for around \$80 million. The plan currently calls for a ballot measure in 2006, if feasible. This timing and budget will need to be reanalyzed as the plan gets implemented and additional opportunities/needs are established.

- **County savings**

The last tier of the financing package falls upon the County's General Fund. The County has the ability to issue full faith & credit bonds which are paid back from the debt service portion of the General Fund. However, current constraints on the General Fund do not make this scenario plausible, in the near future, without a plan in place to accommodate for the additional debt burden. So the Committee is providing three potential financing/ savings opportunities the County could implement.

1. The Committee's concept has the County's portion of funding being required toward the end of the process rather than the beginning so timing could correspond with a drop in County debt service coming in 2011 and 2014. If current debt levels are maintained, new bonds could be issued in like amounts with the proceeds available for this project.
2. Any revenue from the sale of surplus property or consolidated buildings could be placed in a designated building fund as a means to lower the amount the County would need to provide from the General Fund.
3. Acquired parking, lease savings, and other on-going operational savings from consolidation could be used to pay the debt service on new full faith & credit bonds.

If these elements were implemented the County would be able to decrease the amount of full faith and credit bonds thus reducing debt service payments from the General Fund.

Action Plan/Timeline –

The following steps are designed to provide the County with a foundation from which to build to meet the specified objectives.

Step 1: Approval of Recommendation

Time Frame: February 2004

- County Board accepts Courthouse Blue Ribbon Steering Committee's recommendation

Step 2: Partner with Portland Development Commission

Time Frame: February 2004 – December 2007

- Sign MOU with PDC for development consulting services (February 2004)
- Financial assistance for phase one and part of phase two
- Downtown County Facility Master Plan in conjunction with PDC
Development of 4 blocks for new urban revitalization and inclusion of existing Courthouse, Mead, McCoy and Justice Center buildings for additional downtown urban renewal

Step 3: Site Acquisition

Time Frame: 2004 - 2005

- Acquisition of Downtown Property in trade for Morrison Bridgehead property (PDC)
- Gresham Siting Analysis and land Acquisition

Step 4: Design

Time Frame: 2004 - 2006

- Enter into Architect/Engineering Contract
- Create Building standards and programming requirements
- Conceptual Design completed for finance marketing

Step 5: Financing

Time Frame: 2005 – 2006

- Polling for Courthouse Construction Ballot Measure
- Mass marketing tools
- Public Meetings
- Ballot Measure for approximately \$80 million GO Bond
(Without State/Federal legislature participation amount would be approx. \$170 million)

(Non Passage of ballot measure would halt project at this point)

Step 6: Construction

Time Frame: 2006 – 2010

- Enter into Construction Contracts
- Construct new Gresham facility
- Construct new downtown Portland facility

Step 7: Consolidation

Time Frame: 2011 – 2020

- Public Safety Improvements (Justice Center)
- Move Courts into new courts facility
- Execute Consolidation plan for County facilities
 - Remodel Historic Courthouse
 - Move/Consolidate County functions
- Sale of excess county buildings

Step 8: Implementation of Long Term Plan

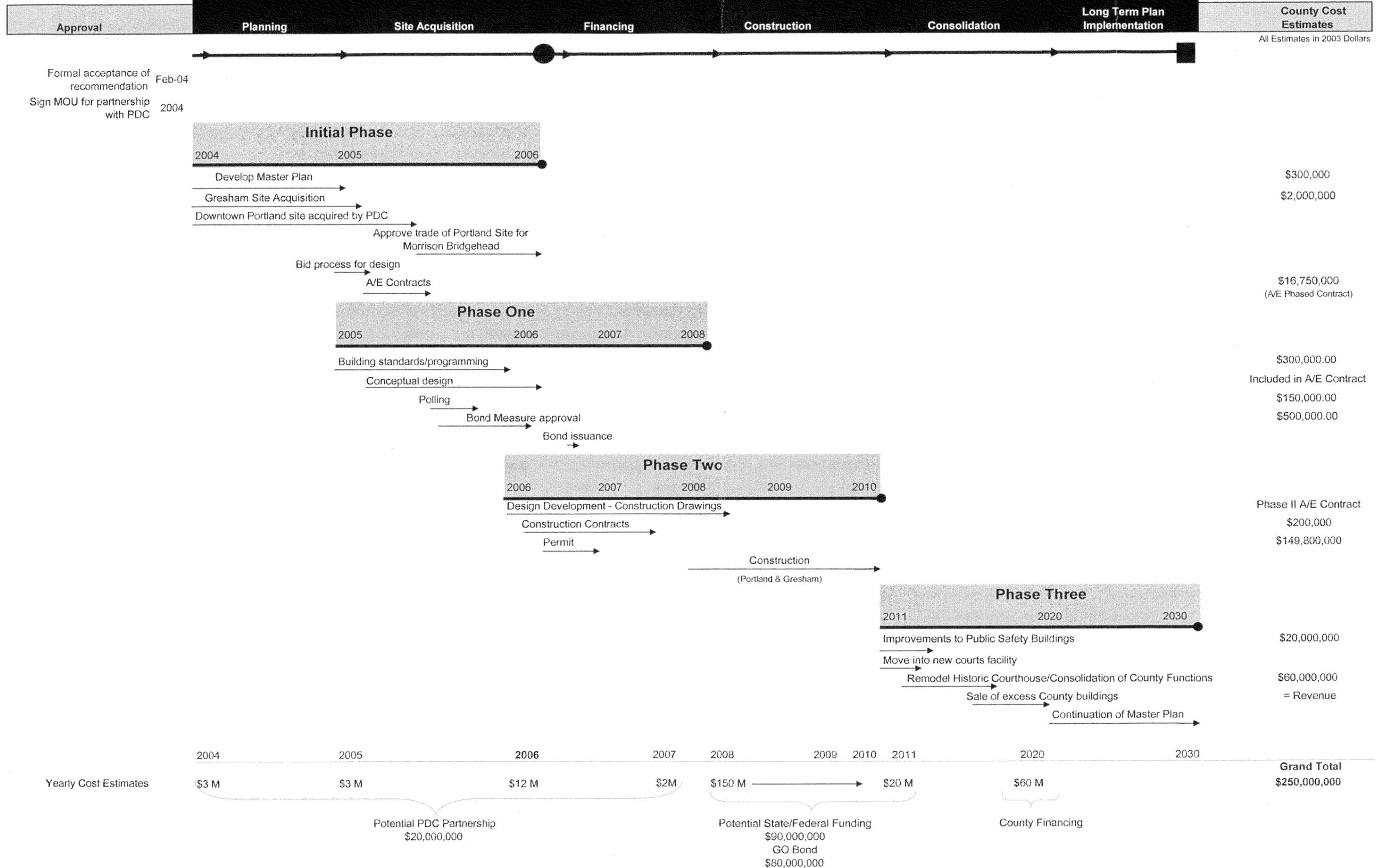
Time Frame: 2020 – 2030

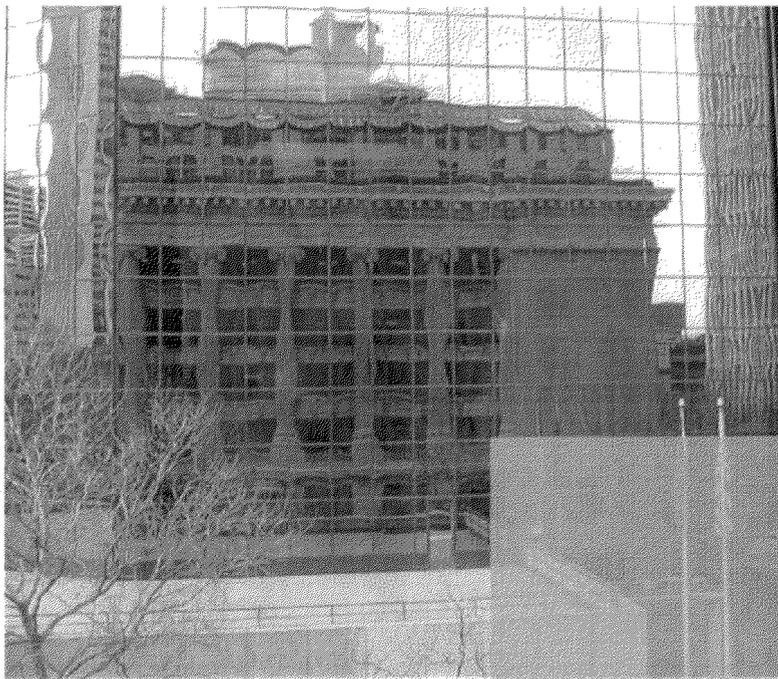
- Create Court space for additional 20 years

Courthouse Blue Ribbon Steering Committee

October 2003

Action Plan Timeline





METHODOLOGY:

**Process
Key Assumptions/
Findings**

Process -

In August, 2002, the 17 member Courthouse Blue Ribbon Steering Committee was convened following Resolution #01-114 to provide the County with a more extensive solution to the problems surrounding the courthouse. The objective of addressing all the issues presented a broader scope than other recent studies thus requiring a more creative approach. The Committee began by producing a comprehensive mission statement that included this expanded perspective and then organized a year long investigative process culminating in a final recommendation. An outline of the committee's process is included on the following page.

The committee's approach included:

- A review and analysis of all the previous reports and studies resulted in the creation of a detailed report synopsis.
- Committee members took a tour of the historic courthouse to view first hand the structural, equipment, and operating concerns in the building.
- A questions and answer sheet (included in the appendix) was produced to demystify the facts surrounding the building and it's history.
- A meeting was held at the Juvenile Justice Center (JJC) to fully analyze that buildings potential and observe the concept of offices separated from courtrooms which is in practice at the facility.
- Courtroom and space comparisons were created to evaluate adequate space requirements.
- Hoffman Construction was invited to the January 2003 meeting to address the viability of phased construction in an occupied building.
- A building comparison with the King County Courthouse was produced and interviews with project staff provided additional input on an occupied remodel.
- A report was created to summarize the potential of using the Justice Center either as a courthouse or for court expansion space.

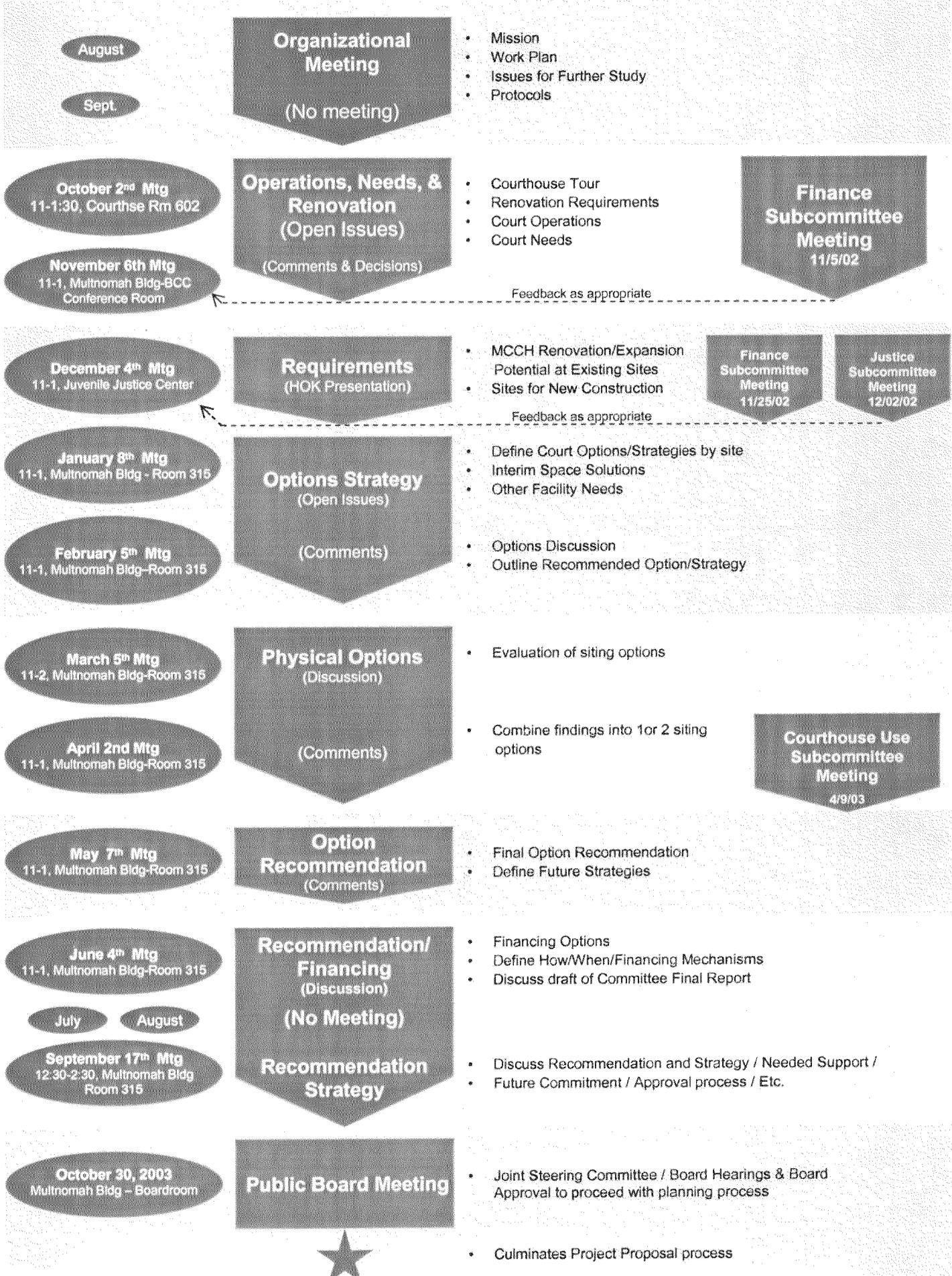
In addition, to the above considerations the Committee created three subcommittee's to fully examine the more complex issues surrounding funding/financing, justice elements, and historic courthouse uses. These subcommittees discussed, debated and deliberated issues regarding security, transportation, court procedures, historic significance, cost estimates, potential funding options, finance timing, project phasing potential, and the possibility of voter approval for a General Obligation Bond.

In February, 2003, the Committee presented a tentative conclusion to the Board for feedback. Board comments created additional areas of concentration and broadened the already expanded objective. But the funding and building constraints remained. So the Committee readdressed the historic courthouse and proceeded with their research regarding potential siting possibilities for a new facility.

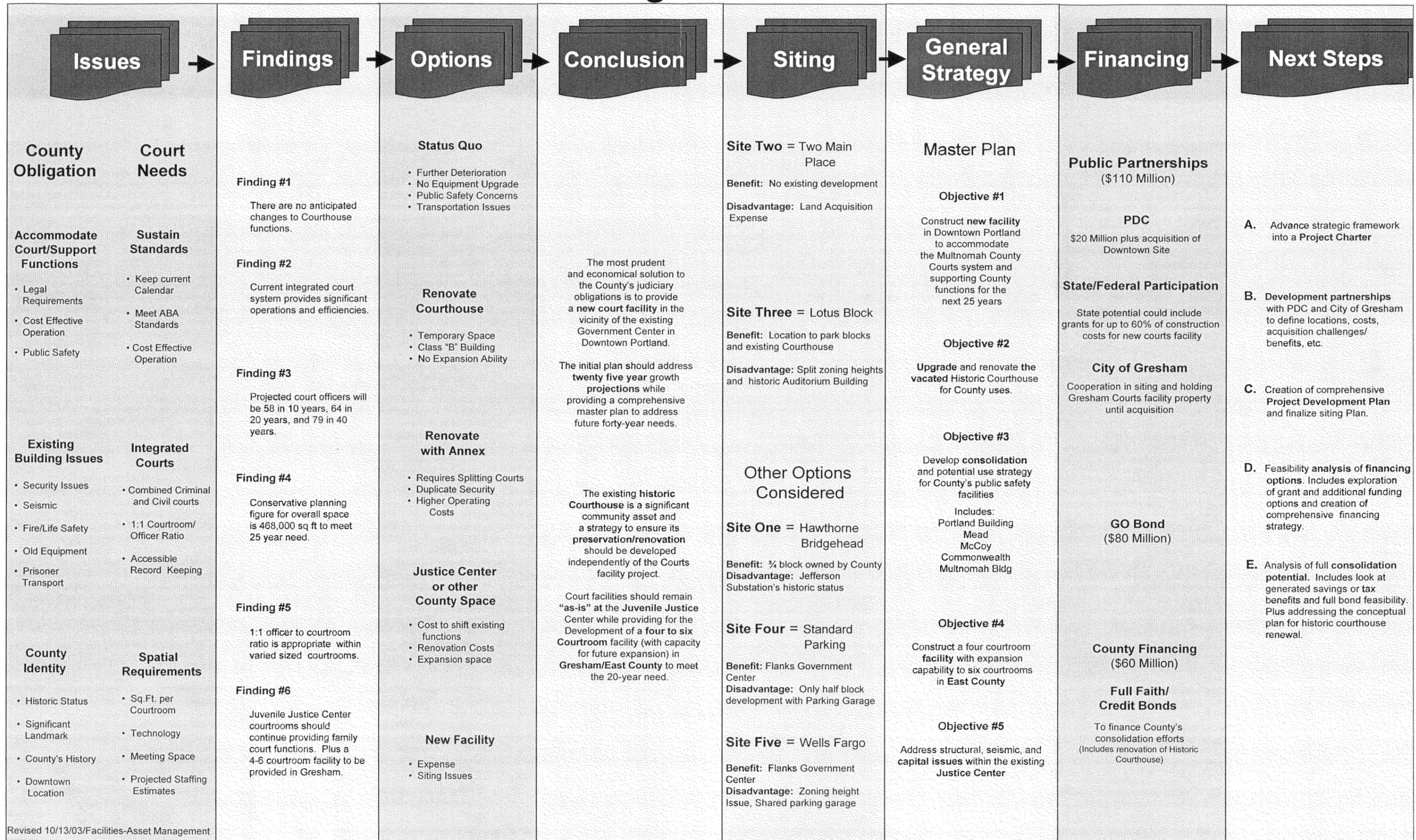
The Committee narrowed their site selections to three options after a through examination of code, zoning, land acquisition, costs, building programming, and space allocations. The Committee created comparison matrixes, analyzed building and site potential, had County staff meet with City of Portland and City of Gresham planning staffs to discuss the opinions and give the Cities an opportunity to provide input and additional suggestions. Massing studies were generated to reflect site potential and provide further analysis.

On October 30, 2003, the committee presented their recommendation summary to the Board. A copy of which is included in the appendix. Currently, they are working with the County Board and the Facility & Property Management Division to create a Resolution to evolve their recommendation into an actual project plan.

Courthouse Blue Ribbon Steering Committee Schedule



Courthouse Blue Ribbon Steering Committee Strategic Framework



Key Assumptions/Findings -

Throughout its process, the Committee endeavored to challenge all previously conceived ideas, solutions, and assumptions as a means to meet their goal of providing a comprehensive solution to all courthouse and related issues. As the Committee progressed, key assumptions were made as a means to create a foundation for the findings that resulted. This section of the report provides a listing of the committee's key assumptions and recommendations which stem from the comprehensive study of the issues. The last chapter of the report provides a more detailed breakdown of the Committee's thought process and conclusions.

Below is short sample of the assumptions. The following pages contain a matrix of the committee's findings and the resulting conclusion.

The Committee's objective was to develop a strategy to provide for Court facility needs for the next 40 years. In order to reduce capital costs and to provide the most flexible strategy, it would be more economically feasible to address the 25 year court needs, and incorporate the 40 year needs into a master plan.

It is essential to maintain a strong, central core for the court system in the downtown Portland "Government Center" but there will be continuing court needs which should be addressed outside of that core, such as at the Juvenile Justice Center and in Gresham.

Given the existing Courthouse's age, physical constraints, structural/equipment issues, and future judicial projections, the Courthouse Blue Ribbon Steering Committee finds the existing courthouse is past its functional lifespan and insufficient to accommodate the County's court system.

The Courthouse Blue Ribbon Steering Committee agrees with previous report findings and upon consideration of current zoning requirements, transportation constraints, and court growth projections concur with HOK that even a remodeled building will not meet current or long range court requirements. Therefore, given the physical limitations of both the building and site, the Committee recommends a new court facility to house the Multnomah County Court System.

The historic Courthouse is a significant community asset and a strategy to ensure its preservation/renovation should be developed independently of the new courts facility.

No matter how the Courthouse project is divided, split, or broken out it is going to cost the County at least \$250 million. The Committee worked diligently to come up with a solution to get the overall estimates under that figure. Potential scope cuts were considered and creative solutions were developed to reduce costs but these lowered estimates were offset by increases in the range of issues (e.g., Justice Center maintenance/seismic needs.) The only way to get the estimates down within plausible limits is to address the scope in palatable phases.

Finding		Conclusion
A	There are no anticipated changes in primary or basic courthouse functions	A court facility should reflect an efficient and highly flexible design that anticipates significantly more technology support as well as enhanced safety, security, and prisoner transportation measures
B	The current integrated criminal/civil court system provides significant operations and facility efficiencies	Civil and criminal courts should not be segregated
C	In spite of the current economic situation the court system will continue to expand	Court planning projections should provide facilities for 58 Court officers in 10 years, 64 in 20 years, and 79 in 40 years
D	Currently all judges are assigned to their own individual courtroom but there is a need for different sized courtrooms	Courtroom sizes should be varied to include meeting/conference rooms, non-jury courtrooms, and full jury courtrooms in a quantity equal to a 1:1 court officer to courtroom ratio. This scenario will alleviate the current practice of dedicated courtroom suites
E	A new courts facility needs to meet requirements but not be overly ornate	County to carefully consider all building elements in particular the exterior, interior finishes and signage/way finding for cost saving potential
F	It is essential to maintain a strong central core that includes the court system	Location of a court facility should be in downtown Portland within the existing Government Center
G	The HOK renovation estimates are substantial due to the inclusion of temporary court locations while the historic courthouse is being renovated	Temporary court space requires County to provide funding up front to renovate acquired space and would be an investment that can not be depreciated, amortized, or reimbursed
H	Even remodeled, the existing courthouse will not accommodate the County's court system without acquiring additional space	A new courts facility is necessary to meet all County and court spatial and functional needs and requirements
I	In order to get an approximate building size an assumed overall planning figure is required	A conservative planning figure for overall space is 468,000 sq. ft. to meet 25 year need requirements. This calculation provides the gross building square footage that includes lobby, circulation, mechanical, and support space
J	With zoning limitations, two levels of underground development will be required to meet building size requirements	Functions such as detention/holding, storage/recordkeeping, mechanical/utility, and law library could be accommodated in below grade space
K	Assume limited parking within facility. Courts related parking is desirable but not essential	Given the security, cost, and zoning requirements parking will not be included into building functions
L	A drive-in sally port is required regardless of a sky bridge or tunnel for prisoner transport	To accommodate prisoner transportation requirements from numerous locations, a securable drive-in sally port is necessary
M	To maximize the floor area ratio (FAR) of a new building some specific amenities will be required	County will need to incorporate additional bonuses to increase zoning FAR from 9:1 to 12:1. Acquisition of bonuses means providing day care space, locker room space, installation of an eco-roof, 1% for art allocation, and a possible water feature.
N	Additional square footage can be accommodated through additional site acquisition or participation in the City of Portland's Master Plan process	Additional FAR is to be acquired through a master plan process that includes a transfer of the remaining unutilized 180,000 sq. ft. from the existing historic courthouse
O	Building should have a setback for a plaza area	A significant public building in downtown Portland requires a transition from the street to the building through the development of a plaza area
P	All development will be full block	To maximize building potential all development will be considered for full block
Q	Will need phase able development in order to spread burden over two generations	In order to reduce capital costs and provide the most flexible strategy the committee concluded that it would be more economically feasible to address the 25 year court needs and incorporate the 40 year needs into a master plan for later development

Finding		Conclusion
R	No vertical expansion capabilities	Building expansion capabilities should be provided in a sectional format rather than consideration of future vertical expansion for both cost and functional factors
S	Initial Phase = Land Acquisition	Land acquisition will provide momentum and show dedication on the part of the County, plus prevent loss of siting option
T	Phase One = Building that meets 25 year need	25 year need equals 52 courtrooms (468,000 Sq Ft) downtown
U	Phase Two = Building that meets 40 year need incorporated into Master Plan	40 year need equals 64 courtrooms (576,000 Sq Ft) downtown
V	There are three viable sites for a new courts facility which are close to the existing Government Center	Site One - Hawthorne Bridgehead Site Two - Two Main Place Site Three - Lotus Block
W	Full development of Site One will require purchase and demolition of the historic Jefferson Substation and Veritable Quandary	Full block development of Site One will produce a smaller building due to proximity of bridge approaches. Site One also has limitations for transportation access and is outside of government center which means that although viable it is not being recommended as a potential site other than ranking it a distant third possibility
	The remaining 3/4 of Site One block is already owned by the County	
X	Site Two development begins with negotiations with an out of state investment firm that has a tower design already through the City's design review process	Site Two development would incorporate the full block which is currently an unobstructed lot with a single out of state owner
	Site Two is the closest to the Justice Center and the potential parking revenue may make interim land holding feasible	
Y	Development of Site three will require the incorporation of the historic Auditorium Building and/or facade	Site Three development would be full block which means acquiring 4 structures from 2 separate owners and includes the historic Auditorium building, with the facade to be incorporated into the new building in a respectful and meaningful way
	Site Three is currently a "blighted block" with public development the only likely means of improvement	
Z	Both sites two and three are recommended for development of new court facility	Two sites are being recommended as a means to not lock County into a single site selection but rather provide a choice. Final site selection to be County decision
AA	Existing Courthouse is a significant community asset and a strategy to ensure its preservation/renovation should be developed	Development strategies for renovation of historic courthouse includes use as County Seat or general County use. Final use decision to be County decision
BB	There will be continued court needs outside of the Government Center core	Juvenile Justice Center is adequate for family court as it stands. A four courtroom facility with expansion capability to six courtrooms is to be included in the 25 year strategy for East County/Gresham
CC	HOK estimates a new court facility that meets the 25 year need at \$147 million	Estimates vary from \$150 - \$168 million when all project aspects such as land acquisition, FAR bonus, and demolition costs are included.
DD	Per HOK, Gresham portion will equal \$12 million	The recommended 4-6 courtroom facility is to be constructed as soon as possible but not limit possibilities for the downtown Portland facility
EE	Courthouse Renovation cost could equal \$70 - 80 million depending on occupancy	Potential savings are possible through use of different seismic options and CMGC bidding potential as seen in King County. Budget should include \$60 million estimate for courthouse renovation
FF	The \$250 million order of magnitude estimate for the renovation of the existing courthouse is more than the county can afford	Reductions in scope of work have been addressed but additional elements are continually added, so estimate remains around \$250 million but a three tiered financing package is being recommended to reduce the full financial burden being placed on the County and its residents



ANALYSIS:

Background
Building Issues
County Obligations
Court Needs
Option Feasibility

Status Quo
Phase able Construction
Full Renovation
Gresham
Justice Center
Juvenile Justice Center
New Facility

Siting Options
Development Strategies
Existing Courthouse Use
Financing

Background:

Courthouse history dates back to 1866 when the first Multnomah County Courthouse was constructed. During the 19th century and even after the turn of the 20th century the response to growing county and court needs was to expand the courthouse to accommodate increasing spatial requirements. In 1909, a new eight floor courthouse was designed to provide a significant symbol of county government and combine all county elements within a single building. That courthouse was completed in 1914 and is the same facility Multnomah County uses today. Only today, the now historic building contains the majority of the County's court system. And although the exterior has not changed drastically over the years, the interior has been modified to accommodate the growing space, technology, and security requirements necessary for a courts facility in the 21st century.

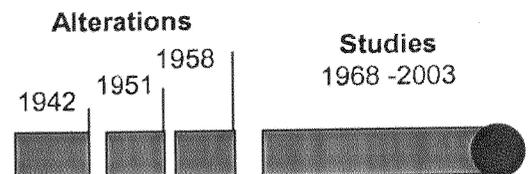
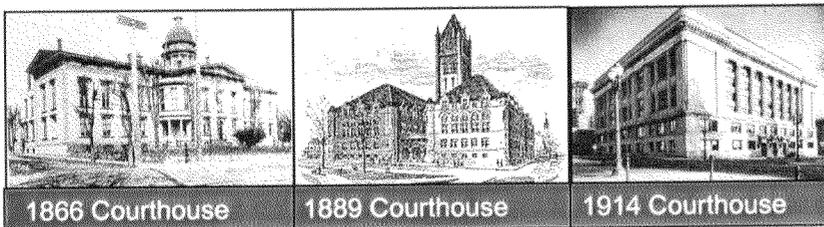
Building Issues:

Over the last thirty years there have been 23 reports, studies, and recommendations commissioned to address various courthouse issues. The analysis has been varied in its scope but the resounding common dominator is that the historic building is past its functional life span and if the facility is to remain operating all functional, physical, equipment, safety, and capacity issues need to be addressed. While none of the previous recommendations have been fully executed, the County has been successful in responding to distinct portions when funding was available.

Yet in spite of the modifications to date, major issues remain to be addressed within the 90 year old facility. A short list would include fire/life/safety issues, mechanical/electrical/plumbing equipment concerns, circulation, security, ADA, over crowding, transportation, and a structural/seismic condition that could affect the safety of occupants and operations of the building. This means that a natural hazard such as an earthquake could render the building unusable and leave the county without adequate space to meet its judiciary obligations and public safety responsibilities.

The magnitude of the building issues creates the foundation for the complex courthouse question. Following is an analysis of some of the other parts of the complex situation.

Historic Timeline:



County Obligations:

Being a government entity, Multnomah County has both legal and moral obligations to the public that it serves. In the issues surrounding the courthouse, the County has a legal obligation to house the State's 4th Judicial Circuit Court while providing the interrelated support functions such as District Attorney, Sheriff, and Community Justice.

Currently every County in Oregon is required under Oregon Revised Statute 3.014 to house their portion of the State's court system. Prior to implementation of this mandate, in the 1970's, County's were responsible for not just housing the courts but operating their individual court systems. Though relieved of day to day operating expenses, the court and judicial functions remain a crucial element of any public safety system. Which makes this an important County issue given that residents have basic civil rights that need to be met.

In addition to the legal obligations, the County also faces several moral obligations such as protecting County history, providing a County identity, and keeping residents and staff safe while occupying county facilities. There are also financial obligations to County taxpayers. The County is responsible for spending public tax dollars in both a prudent and responsible manner. Which means that any solution to the courthouse issue must address how the solution is to be funded.

The financial responsibility creates a difference between the committee's work and previous reports and studies. The committee was adamant from the beginning, as reflected in their mission statement, that their recommendation must include a financing scenario that fulfills the current need requirements, plans for future needs, and relieves tax payers from the full financial burden. There is a complete section that covers the committee's financial analysis later in the report.

With these County obligations in mind the Courthouse Blue Ribbon Steering Committee viewed the County's goal as one of addressing spatial needs while providing the County with a functional building that meets public safety needs and judicial capacity requirements while keeping the present court system functioning at its current level as the best option for financial benefit.

Court Needs:

On top of the building issues and County obligations there is the consideration of court needs. Multnomah County's judicial system has grown from a single circuit court to a court system that administers district, municipal, civil, criminal, and family court functions as well as provides a legal center for the State's trial bar. Currently the Multnomah County Court System is operating with 52 court officers (judges and referees) that administer more than half the personal injury/medical malpractice cases, wrongful death, and contract actions in Oregon which totaled 21,276 Civil, 21,513 Criminal and 537,211 parking cases in 2002. The 4th Judicial Circuit Court is the third fastest processing judicial system in the nation according to American Bar Association (ABA) Standards. The courts efficiencies are due to the use of a master calendar system, a 1:1 officer to courtroom ratio, and integrated criminal/civil courts.

The other court need to be considered is future staffing projections. The conservative forty year projections provided by Hellmuth, Obata, + Kassabaum, Inc. (HOK) and the National Center for State Courts indicate a system increase to 79 court officers by 2040. This increase of 27 court officers will require additional space for courtrooms, juries, offices,

mechanical systems, circulation, lobbies, etc. This space is simply not available in the existing building nor is there potential in a remodel of the current facility given the current building and site limitations. Given past history, current usage, projected population growth and the strict rules and standards governing courtroom and jury spaces, the court system is believed to become more space consuming. With these elements in mind, the committee agreed that the above conservative projection figures make sense for space planning purposes.

Prior studies and discussions have brought up the question of why not separate the criminal, civil, family, and administration functions of the court system? This would create smaller individual space demands and could place functions in different, more accessible locations. So why not? Well the biggest problem with this scenario is it does not change the overall space requirements, it just creates additional roofs to house the separated court functions under. Plus the Committee found it would affect case processing time, jury pool potential, duplicate both security and operational costs, limit availability to records, and provide multiple locations for jury duty, paying fines, and accessing records. All items that would make customer service difficult and create budgetary implications for both the County and court system. It is important to note that even if the courts operating considerations are removed from the scenario there is still a major impact on both the County's capital and operating budgets through increases to facilities, Sheriff, and District Attorney's budgets. So it was the committee's conclusion that the greatest benefit for county residents is to keep the courts in a single accessible location that provides the necessary public identity for a smooth running judicial system.

Another court need debate is whether there should be allowances for advances in technology and judicial efficiencies? The committee found that arbitration has cut down on the number of court cases but is not expected to decrease the current percentage of cases that are seen by a court officer. Technology is also expected to make changes in record keeping/storage capabilities and will provide an opportunity to reduce detainee transportation through the use of video cameras. But again technology will not cut down the number of actual court cases being heard in a courtroom. The one advantage technology will bring is the ability to provide different sized courtrooms. Not all courtrooms will need to be large enough for a jury, court officers can be provided varied sized courtrooms that range in size from a meeting room to a large trial courtroom. This scenario provides the ability to do away with court suites while still providing the court system a 1:1 officer to courtroom ratio.

Option Feasibility:

So just how does the county meet all its goals and obligations? Several options were analyzed prior to making the decision to recommend a new facility.

Status Quo - The committee considered a status quo approach which would simply use the existing building "as is" until system failures or a seismic event close it. This option provides a potential opportunity for FEMA assistance in the rebuilding process. When FEMA policy was examined and the limited assistance the County would receive is balanced against the safety aspects of keeping staff and residents safe, the status quo option just simply did not meet County public safety obligations.

Phase Able Construction - The thought process then moved on to addressing a phased renovation of the existing facility which ideally would allow ongoing, continued use of the facility during the remodel process. But when analyzed, the committee found that the magnitude of scope, existing HVAC equipment limitations, time frame/scheduling constraints, and the negative impact on operations and operating costs for both the County and courts, makes this option logistically and financially unfeasible.

Renovate Courthouse - The committee then considered the most recent studies by Hellmuth, Obata, + Kassabaum, Inc. (HOK 2002) and the SERA (2001) report. Both consultants investigated a complete remodel of the current courthouse. The committee found this option to be a viable one in concept, however, when weighted against the committee's expanded commitment, key assumptions, County obligations, and court needs this scenario did not meet the committee's goal. The concept fell short in the areas of expansion capability, transportation, circulation, and spatial needs. But the committee's greatest concern was the cost effectiveness of this scenario.

The proposed renovation concept includes transferring all current functions into temporary space. With no single site available to house the court system, that space must be created in multiple locations. HOK estimated this portion of the project at \$40 Million (2002.) The committee found that the temporary space costs could not be shared, amortized, reimbursed, or recouped by the County. Which means this would be up front costs for which the County will see no future benefit. Additional temporary cost elements to consider are moving, operating, and transportation costs for the Sheriff, DA, and Community Justice for which there are no current estimates. Given the County's current financial considerations the committee was simply unable to justify a concept that had a \$40 Million element that provided no benefit to the County.

Even though the financial aspects alone were enough to make the committee disregard this option they did analyze it further to find that it does not provide the flexibility or potential to meet square footage requirements. Other limitations included a zoning code which regulates the building height to twelve floors; a location on the bus mall which makes providing a loading dock or sally port area for detainee transportation unfeasible; and the original building design which would not allow building occupants separate circulation from detainees. Add that to no expansion capability for future development and that means even a completely remodeled building will not meet either the County's or court needs for the short or long term.

Gresham - The Courthouse Blue Ribbon Steering Committee concluded, there will remain a need for courts outside of downtown Portland. Although the committee is not in favor of splitting the court system, they do support a courts facility in East County/Gresham as a means to meet legal obligations and provide for high use judicial services for East County residents. This concept is not new and has been encouraged by several of the previous studies, the court system, the City of Gresham, and Multnomah County.

Basically, the issues in Gresham mirrors the previous stated issues for a new downtown Portland facility. Multnomah County is required by ORS 3.014 to provide a single court in the City of Gresham to process all alleged traffic offenses or misdemeanors occurring east of 122nd Avenue. The current court, running both a day and night docket, is unable to keep up with the case load, current backlog is 6 weeks. In addition, the current facility housing the Gresham court provides the County with the same space, overcrowding, equipment, and security challenges faced in the historic courthouse.

Given the assumption stated earlier that courts will continue to be necessary outside of the downtown Portland area, the current usage figures, increases in City of Gresham and East County populations, and the current facility challenges. The committee found the real question to be, how large of a facility should be provided in Gresham? The committee's answer is a 54,000 square foot facility originally built out with four courtrooms with expansion capability to six courtrooms at an estimated \$12 million. Even though the Gresham portion of the overall plan is smaller in scale than the Portland piece, it is the Committee's intent that the Gresham component not be over shadowed but rather be equal in siting, timing, and financial considerations.

Justice Center - In the committee's attempt to leave no option unexplored they also looked at the potential of the Justice Center for a courts facility. Two concepts were considered. The first was to use a portion of the building as court growth space. This scenario would require a cash buy out of the existing condominium agreement with the City of Portland and an update of the buildings seismic, capital, and equipment elements. Combined, these elements are estimated at \$95 - \$130 Million. This concept could meet 25 year space requirements as long as the square footage needs per courtroom are reduced, which means it would not fully meet court requirements. So basically this option would require an investment of approximately \$110 Million for the ability to meet less than 25 year square foot needs.

The second Justice Center concept was to use the entire building for the courts. Upon examination of the physical building it was found to be able to barely accommodate the 25 year spatial needs of the courts. Requirements include all current functions to be removed from the building. When the costs for creation of a new booking/release center (10 Million,) remodeling of new jail space to accommodate maximum security jail functions (\$40 Million,) and the buy out of the existing condominium agreement (\$20 - \$55 Million) were added to the remodel, seismic, and other upgrade costs (\$95 Million) the concept became more expensive than building a new facility. Which makes both concepts unrealistic from a financial perspective. But then there are also other concerns with this option, such as acquiring a new conditional use permits for jail renovations, a new booking facility, and no expansion capability past 25 years. Which means, neither Justice Center concept is a viable solution to the court housing situation.

One essential element uncovered during the Committee's look at the Justice Center was the role the existing building plays within the public safety system. With the Committee's plan to place a courts facility in the vicinity of the Justice Center, a united link is created between the two buildings. So it is imperative that the Justice Center remain functioning in its current capacity. To accommodate this addition to the Committee's expanding goal, \$20 Million is being recommended for inclusion into the overall plan to allow the Justice Center's seismic and building issues to be addressed.

Juvenile Justice Center - Prior discussions have included the use of the Juvenile Justice Center as a potential annex or expansion space. The current facility does not have the ability to hold domestic detainees, is a transit dead-end, and not zoned for additional usage. Those issues would need to be addressed before the existing building could be considered potential space. In addition, there are conditional use permit changes and parking challenges to be considered. The Committee's examination concluded that a parking structure would be necessary and that the existing court officers at the facility are adequate to handle the facility's demand. And with the population division line at 52nd Avenue it makes more sense

for a central downtown location and a Gresham facility rather than an increase at the Juvenile Justice Center.

New Facility - A new courts facility is not a new concept either but it is the first step towards a solution to the issues surrounding the courthouse. A new facility provides the County with the ability to realize full value of their investment, promotes economic vitality and employment for the region, creates square footage to address consolidation concerns, meets County and court needs and obligations, and creates a plan for the future by crafting a phase able building scenario to accommodate potential growth. The Committee is recommending a 468,000 square foot facility with a drive thru sally port be built on a full block in downtown Portland to meet the County's obligations for the next 25 years. The building plan should include expansion capability for future development to meet the spatial needs of the next generation.

Siting Options:

A significant part of the Committee's recommendation has been to meet the immediate County and court needs through a new Courts facility within the existing City of Portland Government Center. To accommodate this goal the Committee addressed several sites in downtown Portland for a new courts facility. All sites were within the existing government center in downtown Portland and would be full block development as a means to alleviate the need for future vertical expansion.

The Committee narrowed the search to the government area due to the interlocking relationship the court system has with the existing government buildings, the proximity to mass transit, and the monetary and financial role the multi - functional system plays in the area.

The original search produced five potential opportunities, however, upon in-depth analysis that looked at zoning, availability, acquisition costs, demolition, security, transportation, historic, urban renewal, and County/City goals the field was narrowed to two potential sites with another a distant third possibility. Each site has its own unique benefits and disadvantages so a direct comparison is difficult. However, each has significant potential. It is important to note that the Committee is not stating a preference or ranking the remaining sites but rather giving the County two viable options.

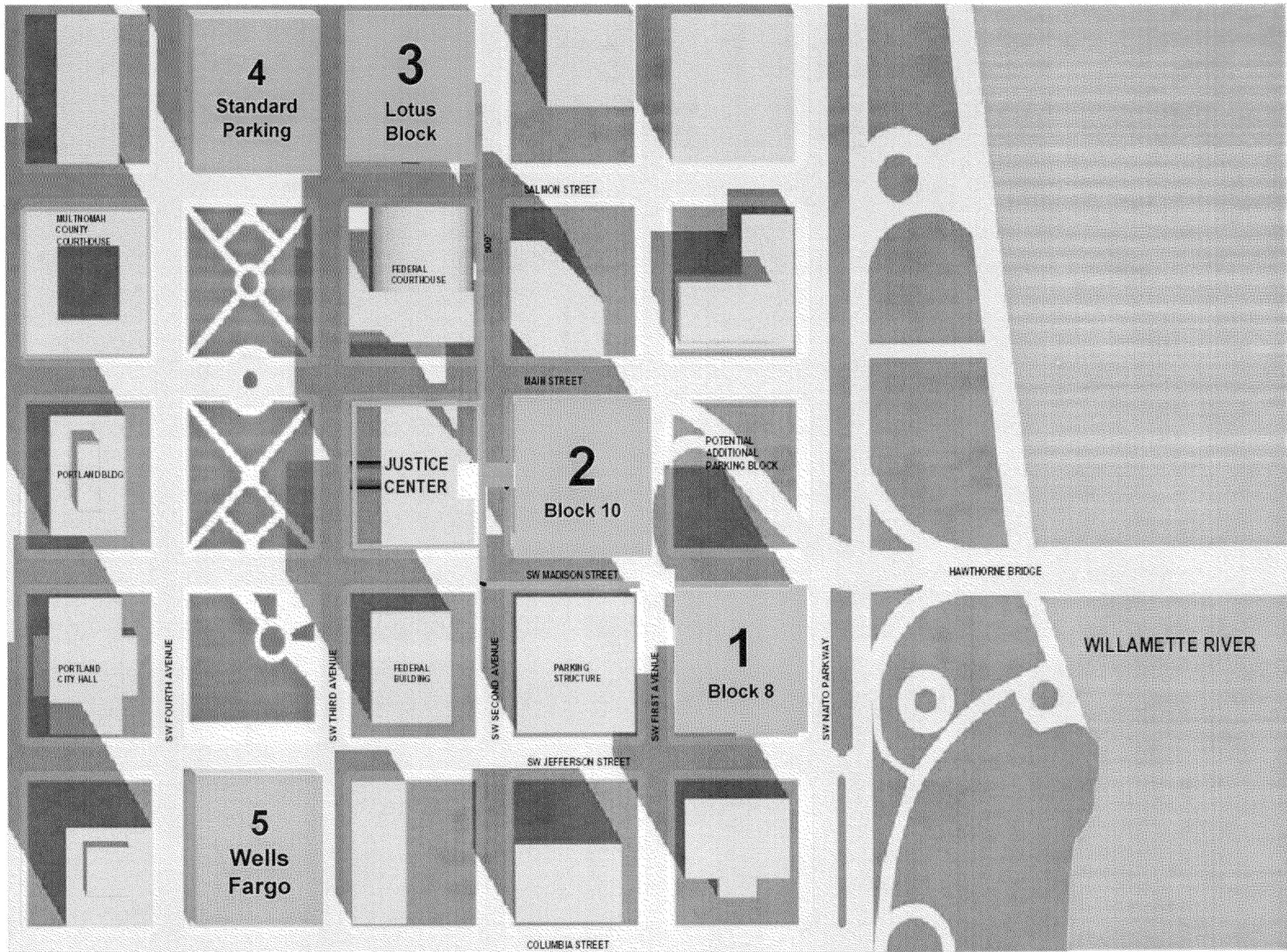
The first option is Block 10 aka Two Main Place (site #2 on the following site map.) This lot has been considered in numerous previous studies and the County had an opportunity to purchase the property prior to it being sold in 1995. The property was sold again in 1997 and is now owned by InterPark a national parking firm based out of Chicago, Illinois. The block is currently a surface parking lot that is directly East of the Justice Center. The property's location and unobstructed state are important benefits. However, the blocks 200' height restriction, the sites private development potential, and estimated acquisition costs are all disadvantages toward County acquisition.

The second option is the Lotus Block (Site #3 on the following site map.) This is a developed site with four existing structures and a quarter block parking lot. One of the structures, the Auditorium Building, is registered on the National Historic Registry. It is the Committee's goal

to see the facade of the historic building used in any development of the property. The block is currently considered by the City to be in a blighted state and the Committee agrees with the concept that public acquisition is the blocks best potential for redevelopment in the immediate to near future.

The site that came in a distant third was the Hawthorne Bridgehead (Site #1 on the following site map.) Three quarters of this site is already owned by the County but full block development would require the County to obtain both the Veritable Quandary and the Jefferson Substation building. The latter is also listed on the National Historic Registry. The reasons for placing this site a distant third are mainly functional concerns. The block is surrounded by bridge approaches for the Hawthorne Bridge which would require additional building set backs, also major transportation issues came into play. The one way streets, inability to turn off of a bridge approach, and the distance to light rail were all major concerns.

The following site map, development strategies, and siting matrix reflect the conversations the Committee had during their narrowing process. It is important to reiterate that the Committee is not making a recommendation on which site should be acquired but rather providing two options for the County Board's consideration. The siting goal was to provide the County with flexibility and the County gains the ability to negotiate for a fair market rate by not being locking into a decision for a single site.



MULTNOMAH COUNTY COURTHOUSE SITE CONCEPT STUDIES

SITE PLAN

06/18/03

Revised by Facilities & Property Management
Long Range Planning, Multnomah County



Development Strategies:

Block 10 – Two Main Place

- Phase One - Acquire the undeveloped lot
- Phase Two - Construct first building phase to accommodate 25 year need
(52 Courtrooms in practical development scenario)
 - Create 40 year Master Plan during planning process
- Phase Three - Complete full site development in accordance with Master Plan

Estimated 25 year development cost (land acquisition included) = \$159 Million

Lotus Block –

- Phase One - Acquire the four existing buildings & parking lot
- Phase Two - Demolish the three non historic buildings, Auditorium Building's
Historic elements to be incorporated within new building facade
 - Construct first building phase to accommodate 25 year need
(54 courtrooms in practical development scenario)
 - Create 40 year Master Plan during planning process
- Phase Three - Complete full site development in accordance with Master Plan

Estimated 25 year development cost (land acquisition included) = \$165 Million

Hawthorne Bridgehead –

- Phase One - Acquire Veritable Quandary and the historic Jefferson Substation
- Phase Two - Demolish existing buildings
 - Construct first building phase to accommodate 25 year need
(52 courtrooms in practical development scenario)
 - Create 40 year Master Plan during planning process
- Phase Three - Complete full site development in accordance with Master Plan

Estimated 25 year development cost (land acquisition included) = \$156 Million

Gresham – Civic Center

- Phase One – Acquire site
- Phase Two – Construct a 4 – 6 courtroom facility that includes expansion capability

25 year development cost (land acquisition included) = \$12 Million

The following pages provide site aerials, simplified site plans, and graphic massing studies for all the potential sites in downtown Portland.

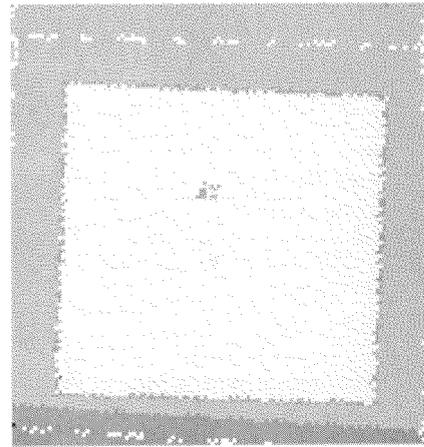
Development Strategy

Block 10

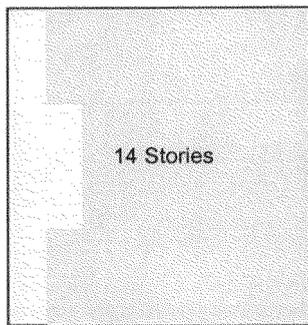
(Two Main Place)



Aerial Photo

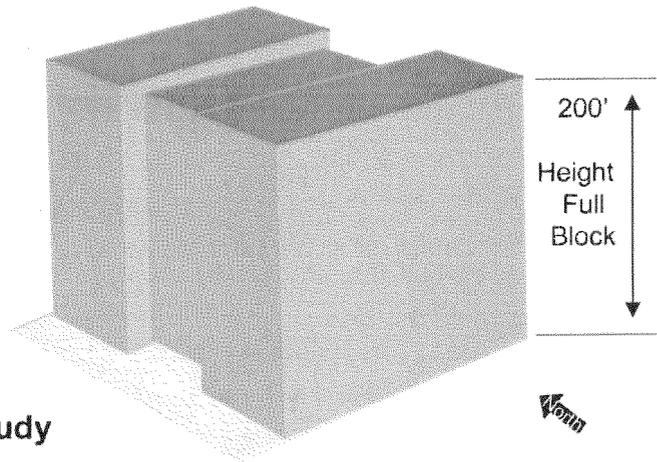


Existing Site Plan



14 Stories

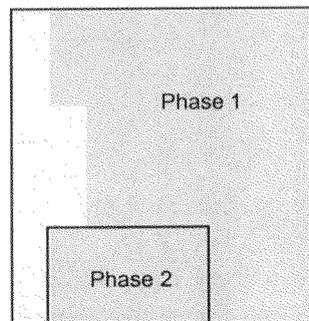
200'



200'
Height
Full
Block



Proposed Site Plan & Massing Study
(Full Build Out)



Phase 1

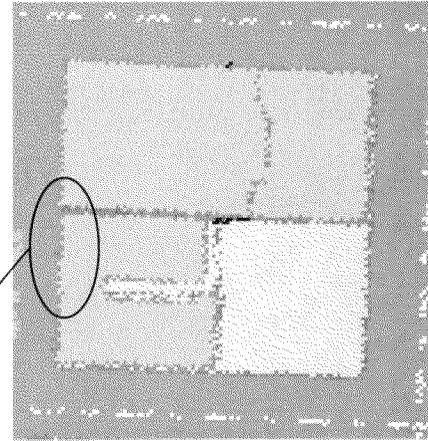
Phase 2

Proposed Phasing Site Plan

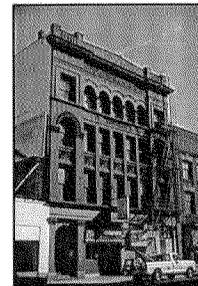
Development Strategy Lotus Block



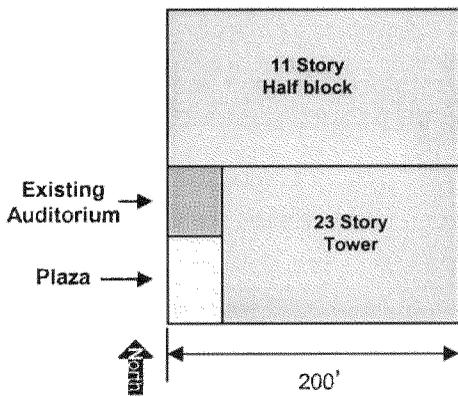
Aerial Photo



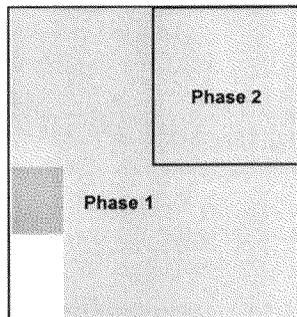
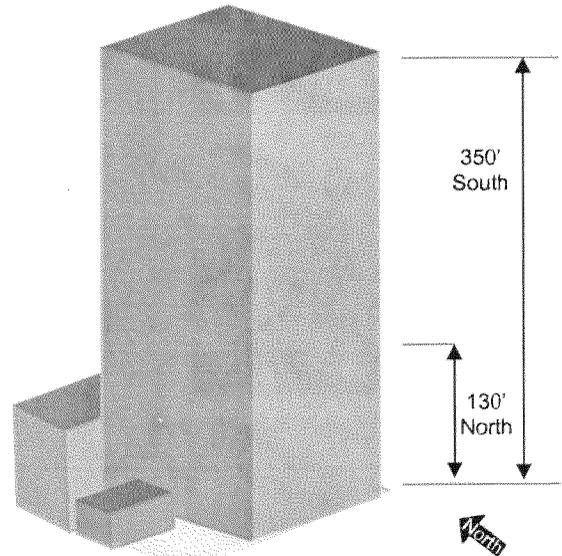
Existing Site Plan



Auditorium Facade

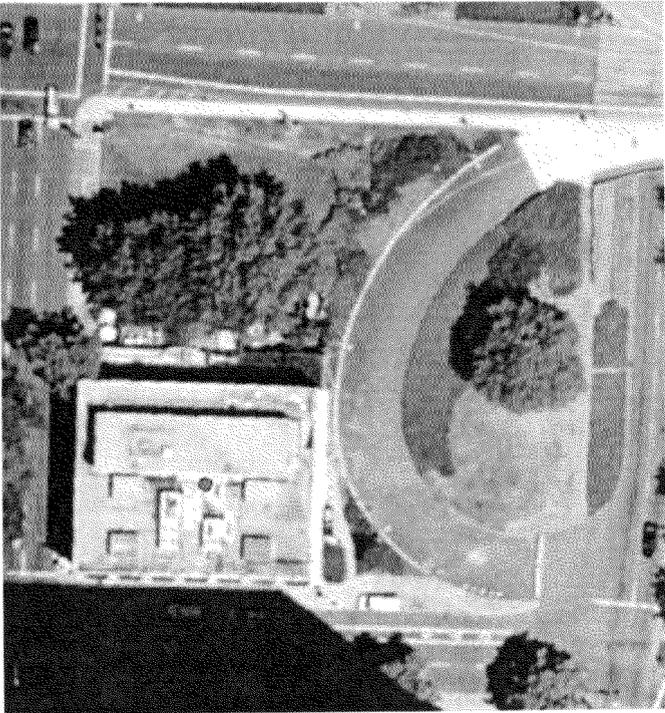


Proposed Site Plan & Massing Study
(Full Build Out)

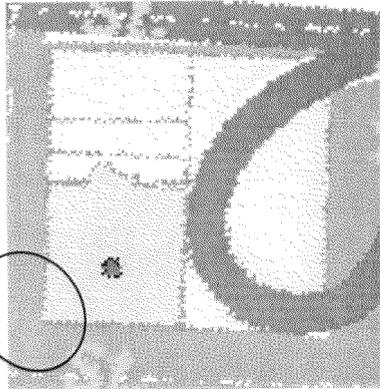


Proposed Phasing Site Plan

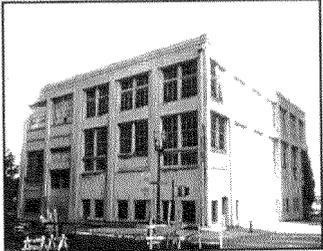
Development Strategy Hawthorne Bridgehead



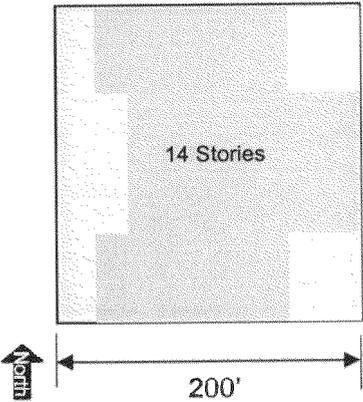
Aerial Photo



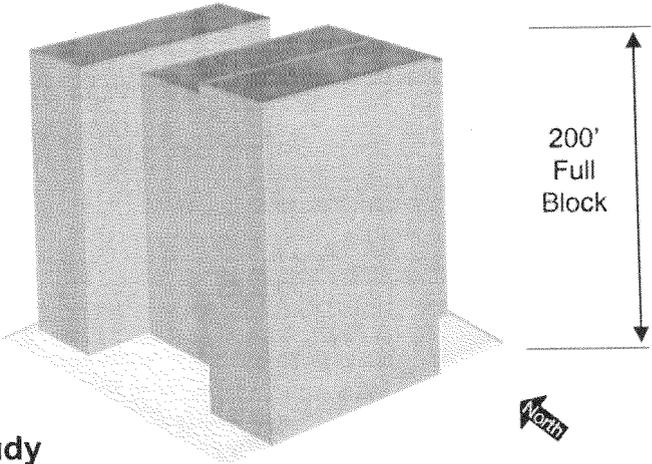
Existing Site Plan



Jefferson Substation Facade



Proposed Site Plan & Massing Study



Full development required to meet 25 year need.

Will not meet 40 year need.

Courthouse Siting Matrix

Criteria	1 Bridgehead Site	2 Block 10 (Two Main Place)	3 Lotus Block
Maximum Building Potential - Basic Zoning Requirements			
Height Restriction	200'	200'	130' N - 350' S
FAR (w/bonuses)	1:12	1:12	1:12
Site Area	One City Block (200' X 200') 40,000 GSF	One City Block (200' X 200') 40,000 GSF	One City Block (200' X 200') 40,000 GSF
GSF w/FAR (To equal 40 year need)	480,000 Sq Ft Above Ground 96,000 Below Ground (Possible water table issues)	480,000 Sq Ft Above Ground 96,000 Below Ground (Possible water table issues)	480,000 Sq Ft Above Ground 96,000 Below Ground (Possible water table issues)
Practical Maximum Development			
Proposed Footprint of Development Area	30,000 Sq Ft	35,000 Sq Ft	37,500 Sq Ft
Floor Heights	15' Courtroom Floors 11 1/2' Support Space	15' Courtroom Floors 11 1/2' Support Space	15' Courtroom Floors 11 1/2' Support Space
Total GSF (with transfer of FAR under master plan provision)	480,000 SqFt.	570,000 Sq Ft.	597,500 SqFt.
GSF Breakdown	420,000 Above Grade 60,000 Below Grade	490,000 Above Grade 80,000 Below Grade	537,500 Above Grade 80,000 Below Grade
25 Year Need = (62 Courtrooms X 9,000 SqFt)	468,000 Sq Ft	468,000 Sq Ft	468,000 Sq Ft
40 Year Need = (64 Courtrooms X 9,000 SqFt)	576,000 Sq Ft	576,000 Sq Ft	576,000 Sq Ft
Court Capacity Potential (Proposed Massing)	52 Courts 25 year need	64 Courts 40 year need	64 Courts 40 year need
Other Factors			
Ability to Phase	Phase 1 = Full Block Build Out (with demo historic building)	Phase 1 = 3/4 Block Phase 2 = 1/4 Block	Phase 1 = 3/4 Block Phase 2 = 1/4 Block
Land Ownership	County 3/4 Block 2 Private Owners 1/4 Block	1 Private Owner	2 Private Owners
Existing Building Demolition	2 Structures (1 Multiple Story Historic Building) (1 Single Story Building)	None	4 Structures (1 Multiple Story Historic Building) (3 Various Sized Buildings)
Historic Issues	Jefferson Substation (NHR)	None	Auditorium Building (NHR) ACUW Temple (Potential City Landmark)
Special District	Downtown Waterfront Development Opportunities	Downtown Waterfront Development Opportunities	Downtown Waterfront Urban Renewal District
Parking Issues	Adjacent to potential parking block	Adjacent to potential parking block	Adjacent to potential Smart Park Lot
In Custody Transport	Sally Port for Bus	Sally Port for Bus Skybridge/Tunnel Possible	Sally Port for Bus
Vehicular Access	Jefferson Street Only	2nd Avenue Only	All 4 sides
Distance to Related Facilities	4 Blocks to MCCH	2 Blocks to MCCH	1 Block to MCCH
Proximity to Max To Transit Mall	5 Blocks 4 Blocks	3 Blocks 3 Blocks	1 Block 2 Blocks
Other	Excellent views and visibility Property Trade Possibilities	Good views and visibility	Corner on Park Blocks Blighted condition

Cost Estimates for 25 year need

Criteria	1 Bridgehead Site 53 Courtrooms	2 Block 10 (Two Main Place) 52 Courtrooms	3 Lotus Block 54 Courtrooms
Land Acquisition ESTIMATE (Full Block)	\$3,000,000	\$10,000,000	\$8,000,000
Demolition	\$1,000,000	\$250,000	\$2,000,000
Total Building Budget	\$151,000,000	\$148,000,000	\$154,000,000
1% for Art (FAR)	\$830,000	\$814,000	\$861,000
Total Project Cost *	\$155,830,000	\$159,064,000	\$164,861,000
Total Project Cost per Square Foot	\$325	\$337	\$338

* Total Project cost includes construction, soft costs, and contingency.

Existing Courthouse Use:

The existing historic Multnomah County Courthouse has been the subject of intense study and heated debate even prior to its completion in 1914. The building has been on the National Historic Registry since 1979 and continues to be the County's oldest and most notable landmark. Upon completion of the new courts facility, the existing courthouse will be available for other purposes. The full Committee as well as a subcommittee reviewed numerous use options. Ideas ranged from demolition of the building and redevelopment of the site, to selling or leasing the building, to reuse or redevelopment for other County purposes.

The main factor used to narrow the choices was the historical status of the building, which basically left only three potential options:

- Respect the historic landmark and continue with county use
- Re-use the facility for other purposes
- Sell the building

Each option provides the County with opportunities. Selling the building would provide the County with a lump sum payment and put one building back on the tax rolls as well as allow the new owners to take advantage of tax breaks unavailable to a public entity. Using the building for other purposes could provide some lease income. But the most sound financial and logical option as urged by the County Board at the February 2003 briefing is to retain the facility for County use.

The Committee's plan for the historic courthouse consists of renovation of the facility during its unoccupied state once the new courts facility is completed. The additional space will provide the County with consolidation options not currently available. It creates space that the County can use to decrease leased space and/or vacate other less notable buildings that could then be sold. Thus putting possibly two or three buildings back on the tax rolls and providing a reduction in lease expenses. All of which will decrease the debt service and annual operating costs which lessens the County's financial burden.

The Courthouse Blue Ribbon Steering Committee is recommending that the County keep the historic courthouse as the significant public facility that it is. But is stopping short of telling the County how to consolidate. That decision is being left up to the County management who is in the best position to make the decision of what functions are best for the renovated facility. There are numerous potential options between the Multnomah, Mead, McCoy, Commonwealth, and Portland Buildings. All of which can provide the benefits reflected earlier in this section. The Committee would note that it is important that the decision regarding functions within the Historic Courthouse need to reflect the status of the building within the community framework.

Committee Renovation estimates = \$60 to 70 Million depending upon occupation.

Financing Approach:

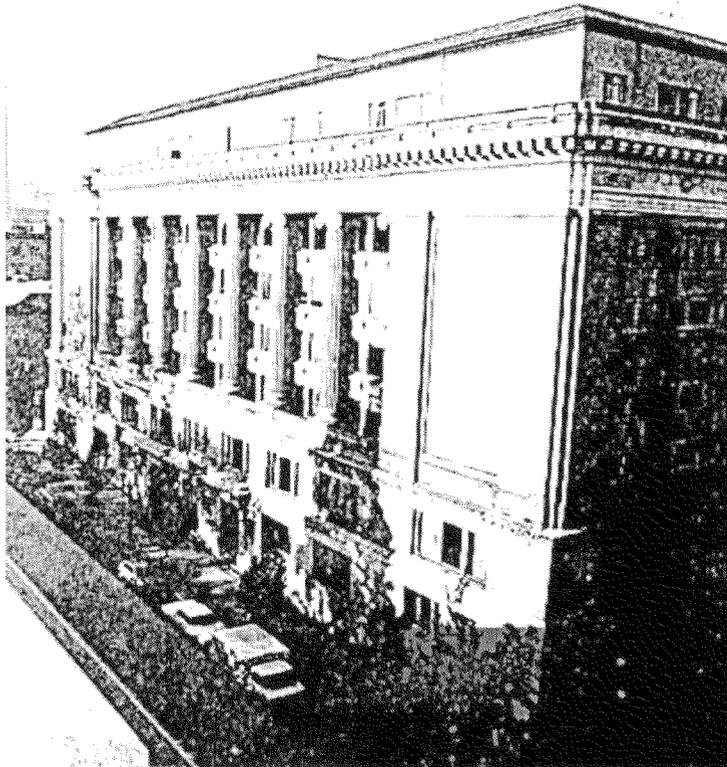
In the 30 year history of courthouse studies, the biggest stumbling block toward a solution to the courthouse issue has not been a lack of ideas but rather availability of funding for the project. During the Courthouse Blue Ribbon Steering Committee's analysis of previous studies, it became apparent that no previous report had included a financial/funding solution outside of a General Obligation Bond (GO Bond.) A GO Bond provides a new funding source through the creation of a revenue stream from property taxes, which means taxpayers carry the full financial burden. Realizing the magnitude of current and previous estimates, it is not surprising that the County has been unable to commit to that idea as a solution. With this in mind, the first order of business for the committee was to convene a finance subcommittee to find the most promising funding/financing strategies. Through the subcommittee's discussions and evaluation, two major issues surfaced. Concept costs must be reduced and additional funding sources must be found.

Rather than start over with cost estimates, the subcommittee reviewed and agreed with HOK's cost estimates for the renovation of the historic courthouse. In addition, the committee amended and extended HOK's existing contract to allow for creation of initial costs estimates for a new facility on the committee's proposed sites. Yet no matter how the committee viewed the concept, changed scope, and cut estimates the total remained unfeasible. The subcommittee's final solution was for the financial burden to be spread and shared across generations by address 25 year spatial needs now and providing for the additional 40 year needs in expansion capability.

When the sub committee turned to funding sources it found that the County is not currently in a financial position to subsidize the debt service for the courthouse project out of the General Fund. The County currently has the ability to get full faith credit funding, there is just no way to pay back those funds given the debt service load. The subcommittee agreed the best option is a GO Bond, however, approval of any GO bond is questionable and one for over \$100 million is considered impossible. The other option discussed was the selling or trading of existing undeveloped properties the County already owns, such as the Morrison Bridgehead. The potential is there for the County to look at either selling the property outright or trading it for other property downtown.

The subcommittee suggested a philosophy that would break the project into more palatable bite size pieces. Each of these pieces could develop a constituency of support that would, in turn, provide multiple funding options. This idea produces a multi-phased financing strategy that could incorporate both public and private partners, issuance of a GO Bond, sale of consolidated buildings, and other County financing options. It is important to note that any funding scenario will need to include assistance from taxpayers through a GO Bond. It is the subcommittee's hope that with other funding sources any GO Bond proposed will be for the lowest possible amount.

It is this multi-phased financing strategy that the finance subcommittee issued to the full committee for consideration. The full committee's assessment and recommendation is included in the conclusion section of this report.



APPENDIX:

**Recommendation Summary
Question & Answer Sheet**

For copies of meeting minutes, previous report synopsis, or other pertinent analysis information contact:

Multnomah County, Facilities & Property Management at 503-988-3322



Courthouse Blue Ribbon Steering Committee's

Recommendation Summary

October 2003



Department of Business and Community Services
Facilities & Property Management Division
Multnomah County, Oregon

Revised 10/28/03/Krecklow/Facilities/Asset Management

Courthouse Blue Ribbon Steering Committee Members:

Chairman – Diane Linn
Multnomah County Chair

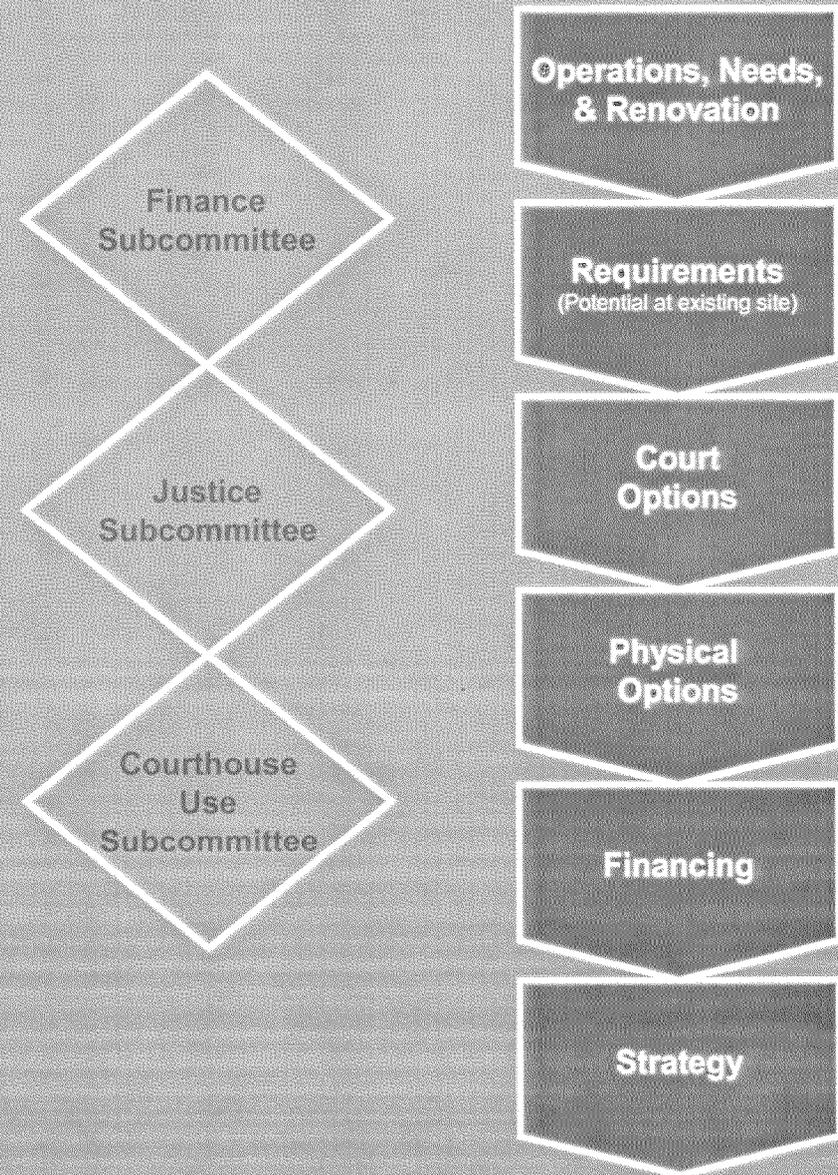
Vice Chair – Maria Rojo De Steffey
Multnomah County Commission, District 1

- Bernie Guisto**, Multnomah County Sheriff
- Dale Koch**, State Court Presiding Judge
- Doug Bray**, State Court Administrator
- Pat LaCrosse**, Retired
- Dan Petrusich**, President, Melvin Mark Companies
- Mike Schrunk**, Multnomah County District Attorney
- Edward Harnden**, Oregon State Bar Association
- Chuck Becker**, Mayor, City of Gresham
- Mike Salsgiver**, Portland Business Alliance
- Robert Neuberger**, Multnomah County Bar Association
- Nohad Toulan**, Portland State University, Dean, College of Urban Affairs
- Sam Brooks**, Chairman, Oregon Association of Minority Entrepreneurs
- Mary Jo Briggs**, Manager, City of Fairview
- Don Eggleston**, President, SERA Architects
- Jim Hennings**, Director, Metropolitan Public Defender

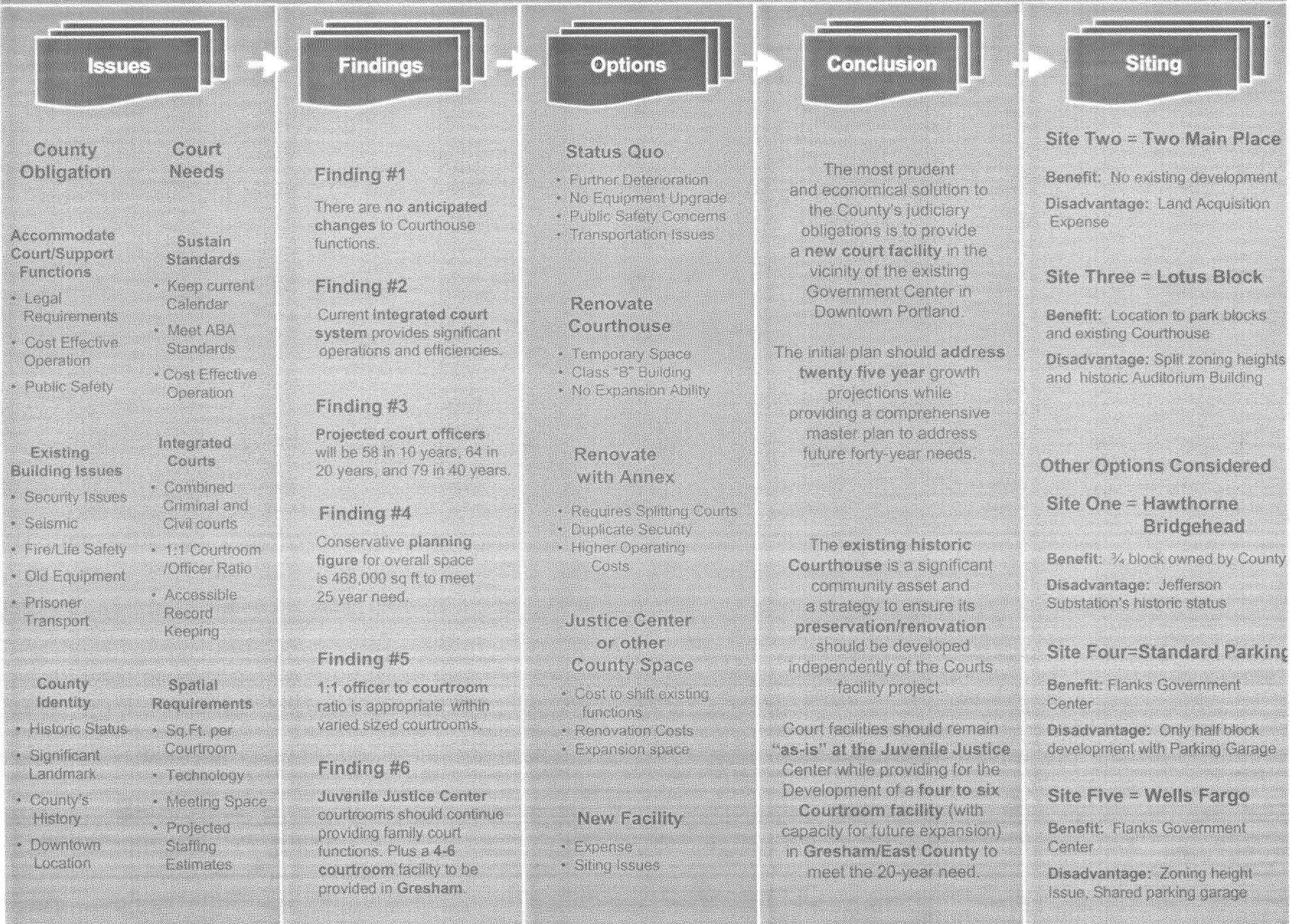
Multnomah County Technical Advisors:

- Doug Butler**, Director, Facilities & Property Management
- Duke Shepard**, Chair's Office Representative
- Dave Boyer**, Chief Financial Officer
- Joanne Fuller**, Director, Department of Community Justice
- Gina Mattioda**, Director, Public Affairs

Process



Strategic Framework



Strategy: 5 Part Plan

- **Build a new court facility within the Downtown Portland Government Center that will accommodate 25 year needs**
- **Upgrade and renovate the vacated Historic Courthouse for County uses**
- **Build a new court facility in Gresham**
- **Address the structural, seismic and capital issues within the existing Justice Center**
- **Consolidate County functions within the newly created square footage and dispose of excess buildings**

Financing Considerations:

Courthouse Renovation Study - August 2002:

\$250 Million = Renovate Historic Courthouse
New Courts Facility in Gresham

Financing option = GO Bond

Current Recommendation - October 2003:

\$250 Million = New Courts Facility in Downtown Portland
Renovate Historic Courthouse
New Courts Facility in Gresham
Consolidation of County central facilities
Upgrade of Justice Center

Financing options = **Public Partnerships \$110 Million**
(Potential Partners: PDC, City of Gresham, State, and Federal)

GO Bond \$80 Million
(First opportunity 2006)

County Financing \$60 Million
(Full Faith and Credit Bonds with consolidation & debt savings)

Benefits:

- Provides a solution to County's four biggest capital concerns
- Brings in partners for elements such as development strategies
- Consolidation creates potential for public buildings to return to tax rolls
- Employment stimulation through creation of jobs
- Increases County presence in both Downtown and East County
- Keeps Historic Courthouse
- Provides a flexible and phase-able plan
- Tax payers not carrying full financial burden
- Eliminates public safety system emergency concerns

Where do we go from here?

Approval of resolution to move forward with framework:

- Formalize project charter
- Proceed with partnerships
- Create a comprehensive project plan
- Analyze financing options
- Explore consolidation options



Multnomah County Courthouse Questions & Answers

The historic Multnomah County Courthouse has served as a hub for the county's public safety system for 90 years. On any given day 2,500 - 5,000 people can pass through its doors to appear in courtrooms, serve on juries, consult the law library, visit the District Attorney and judicial offices, or search legal records.

Although currently deemed safe for occupants, this high-traffic, overcrowded facility has numerous problems related to age, including fire and safety issues, and mechanical and electrical problems. Earthquakes are an additional concern which could irreparably damage the structure and render the facility unusable. The problems can not be easily fixed and are requiring the County and State to spend additional operating and capital funds each year to just keep the building functioning.

How many people work in the building? How many use it on a daily basis?

According to the Multnomah County Sheriff roughly 5,000 people pass through the lobby of the Multnomah County Courthouse daily. This includes approximately 650 court and county staff, jurors (approx. 132,000 citizens per year,) and anywhere from 2,500 – 5,000 visitors which includes: attorneys, clients, witnesses, spectators, press, and people using other court functions. All these individuals are utilizing the lobby, hallways, stairs, elevators, restrooms, offices, and courtrooms on a daily basis.

What was the original capacity?

The courthouse, completed in 1914, was designed to serve as the Government seat for all 250,000 Multnomah County residents. The building housed: 17 courtrooms; the County Commissioners; and all county departments such as Taxation, Elections, and Law Enforcement. Three of the eight floors of the building were dedicated to law enforcement. The 7th and 8th floors were used as detention/jail facilities.

Today, the building houses the entire Multnomah County Court system which serves all 660,486 Multnomah County residents. The courts process 21,276 Civil, 21,513 Criminal and 537,211 parking cases annually within the 90-year-old building. The facility currently accommodates 39 courtrooms, 28 jury rooms, a jury assembly space, a law library, District Attorney and judicial offices, Community Justice, support staff, security, holding/detention, records, and storage spaces.

Needless to say, the building simply was not designed to handle today's high level security, technology, and prisoner transport needs let alone the myriad of legal proceedings currently required to be processed through the facility.



What geographic area does the downtown court serve?

The Fourth Judicial Circuit court serves all Multnomah County residents as well as provides a legal center for the State's Trial Bar. This means that more than half of the personal injury/medical malpractice cases, wrongful death actions, and contract actions in Oregon are processed through the Multnomah County Courthouse.

Why is a renovated or new court facility needed?

The current facility is past its functional lifespan. A short list of the pending building issues would include fire/life/safety issues, mechanical/electrical/plumbing equipment concerns, circulation, security, ADA, and over crowding that affects the safety of occupants and operations of the building. In addition, the building's structural/seismic condition could render the facility unusable after a major earthquake. Such a hazard would leave the county without adequate space to meet its judiciary obligations and public safety responsibilities. The goal is to provide the county with a functional building that meets public safety needs, judicial capacity requirements, and county building standards.

Is a downtown courthouse the best use of the property?

A courthouse placed in the existing downtown Portland government center provides the community a centralized location that is close to mass transit, attorney's offices, and other administration facilities that serve county residents. The other option is a decentralized system which duplicates functions and increases costs by requiring things like additional prisoner transportation and security screening.

How will this project increase capacity at the Courthouse? What is the projected future need?

Currently the Multnomah County Court System is operating with 52 court officers (judges and referees.) The conservative 40 year projections indicate an increase to 79 court officers by 2040. This increase of 27 court officers will require additional space for courtrooms, juries, offices, mechanical systems, etc. All scenarios being discussed address the space needs for the next 20 to 40 years as well as examine how to keep the current court system in place and functioning.

How are the courts funded?

The funding responsibility for Oregon's judicial system is shared between the State and the individual (36) counties. The State is responsible for the courts personnel and administration costs while each county is responsible for housing their respective court system.

Multnomah County is responsible for housing the Fourth Judicial Circuit Court and providing the support functions that combine to serve and protect the citizens of Multnomah County. The support functions include the Community Justice Programs, the County Prosecutor (DA,) and the Sheriff's Office which provides security, holding/detention, prisoner transportation, the jails, and law enforcement services.



Who would pay for a renovated or new facility?

Any courthouse endeavor would require a general obligation bond to be the main portion of the financing package. A general obligation bond is paid by county residents through taxes; therefore, it will require voter approval. As a means of lowering the amount of general obligation bond, the county is examining other supplemental means of financing such as a consolidation of county leased space; selling existing county owned property; or partnerships with other public/private entities.

What options are being considered?

All options are being considered and evaluated by the Courthouse Blue Ribbon Steering Committee. Current options range from renovating the existing courthouse to building a new facility. Each option has its own set of advantages/disadvantages and the Committee is working to determine the most prudent option.

Who is evaluating the courthouse renovation/construction project?

Over the years the county has had numerous consultants, engineers, and committees evaluate the status of the courthouse. Most recently a Courthouse Blue Ribbon Steering Committee has been convened to address the current situation. The Committee is comprised of county, civic, business and community leaders that are looking at government's responsibility to provide adequate public safety for citizens while planning for future needs. The Steering Committee intends to have a recommendation to present to the board in September/October 2003.

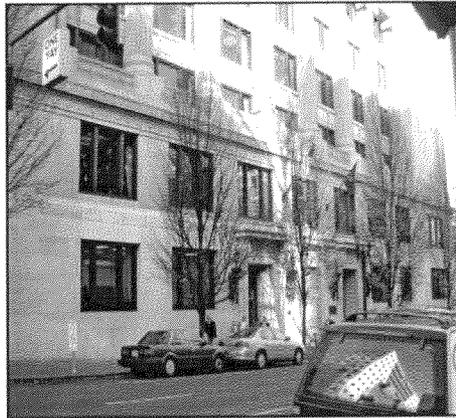
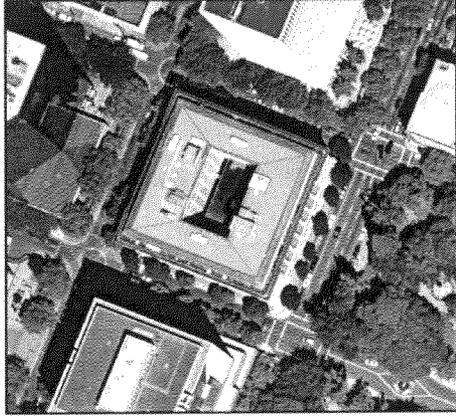
Proposed Timeline

Committee Recommendation Finalized	July/August 2003
Public Board Presentation Meeting	September/October 2003
Community Involvement	September 2003 – May 2004

Who do I contact if I have a question or need more information about the project?

Call: (503) 736-6800 Fax: (503) 736-6801 Email: pao.org@co.multnomah.or.us
Write: Multnomah County Public Affairs Office
501 SE Hawthorne Blvd
Portland, OR 97214

Multnomah County Facilities & Property Management
401 N Dixon
Portland, OR 97227
(503) 503-988-3322 Fax: (503) 988-5082



AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: March 11, 2004

Agenda Item #: B-2

Est. Start Time: 9:45 AM

Date Submitted: 03/03/04

Requested Date: March 11, 2004

Time Requested: 1 hour

Department: DBCS

Division: Central HR

Contact/s: Gail Parnell

Phone: 503.988.5015

Ext.: 22595

I/O Address: 503/4

Presenters: Gail Parnell

Agenda Title: Briefing on the Multnomah County Classification and Compensation Program Process

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

- 1. What action are you requesting from the Board? What is the department/agency recommendation?**
Informational only.
- 2. Please provide sufficient background information for the Board and the public to understand this issue.**
A PowerPoint presentation will be part of the briefing.
- 3. Explain the fiscal impact (current year and ongoing).**

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

If a budget modification, explain:

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

- ❖ What budgets are increased/decreased?
- ❖ What do the changes accomplish?
- ❖ Do any personnel actions result from this budget modification? Explain.
- ❖ Is the revenue one-time-only in nature?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

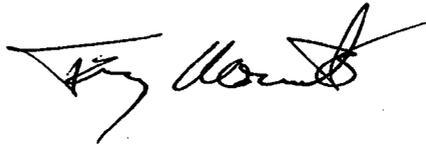
- ❖ Why was the expenditure not included in the annual budget process?
- ❖ What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?
- ❖ Why are no other department/agency fund sources available?
- ❖ Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.
- ❖ Has this request been made before? When? What was the outcome?

If grant application/notice of intent, explain:

- ❖ Who is the granting agency?
- ❖ Specify grant requirements and goals.
- ❖ Explain grant funding detail – is this a one time only or long term commitment?
- ❖ What are the estimated filing timelines?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?
- ❖ How will the county indirect and departmental overhead costs be covered?

4. Explain any legal and/or policy issues involved.
5. Explain any citizen and/or other government participation that has or will take place.

Required Signatures:



Department/Agency Director: _____ Date: 03/03/04

Budget Analyst

By: _____ Date:

Dept/Countywide HR



By: _____ Date: 03/03/04

MULTNOMAH
COUNTY

CENTRAL HUMAN RESOURCES
CLASSIFICATION/COMPENSATION
SYSTEM

PHILOSOPHY

- **Multnomah County's Compensation Philosophy is to attract, motivate, and retain competent individuals by setting pay ranges (mid-points) equal to the market rate for positions doing similar work in comparable jurisdictions**

COMPENSATION PROGRAM OBJECTIVES

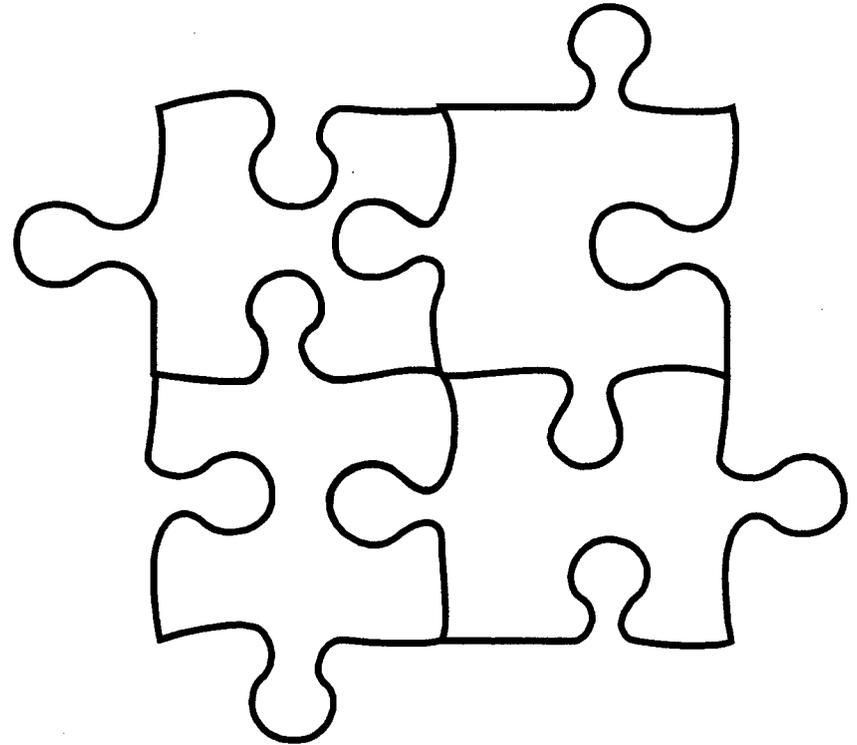
- Internally equitable
- Externally competitive
- Affordable
- Understandable
- Legal/defensible
- Efficient to administer
- Capable of being reshaped for the future
- Appropriate for the organization

Classification System – A means of describing work

- Classification Systems generally group similar jobs into broad classifications.
- Multnomah County's Classification System defines jobs by describing:
 - **the work done;**
 - **the knowledge, skills and abilities needed to do the job, and**
 - **the job's relationship to other job classifications in its job family.**

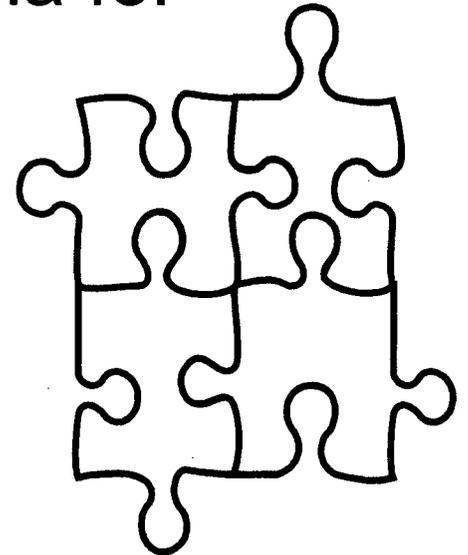
Why Class/Comp Systems are Important

- Legal Factors
- Global Factors
- Demographic Factors



Legal Factors

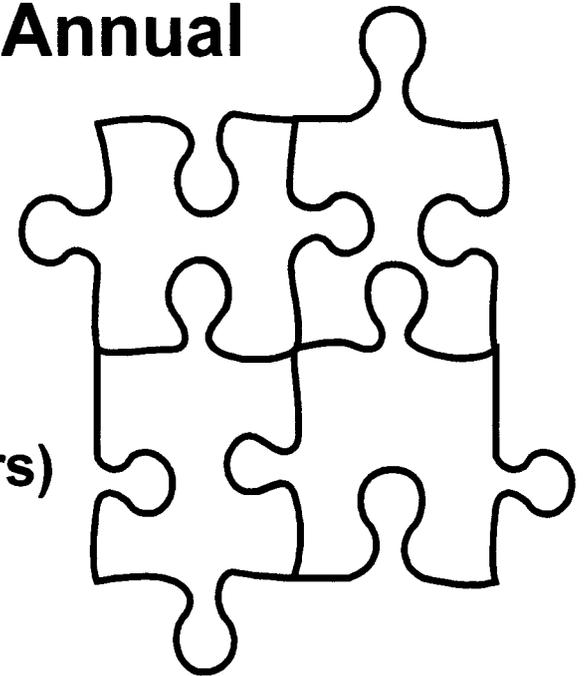
- ❑ Compliance with FLSA, ADA, Title VII and other state and federal laws.
- ❑ Assures job related selection criteria for recruitments.



Global Factors

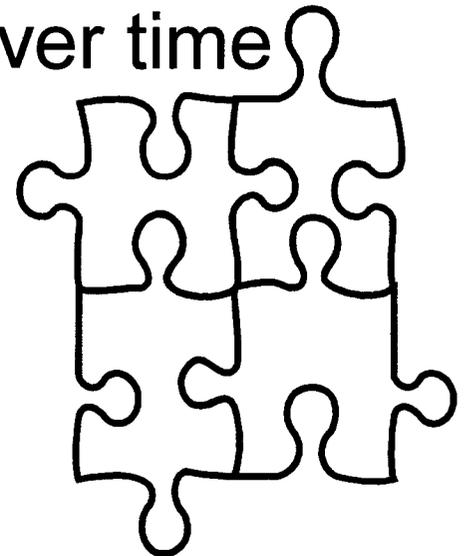
- Reliable comparisons to other employers' compensation in our labor market.
- Cost of Turnover
 - **Exempt Positions – 300% of Annual Salary**
 - **Non-exempt Positions – 150% of Annual Salary**

(Statistics from Bureau of National Affairs)



Demographic Factors

- Adaptability in a changing business environment.
- Changes in technology affect how work is accomplished
- Skills in the marketplace change over time and in response to technology



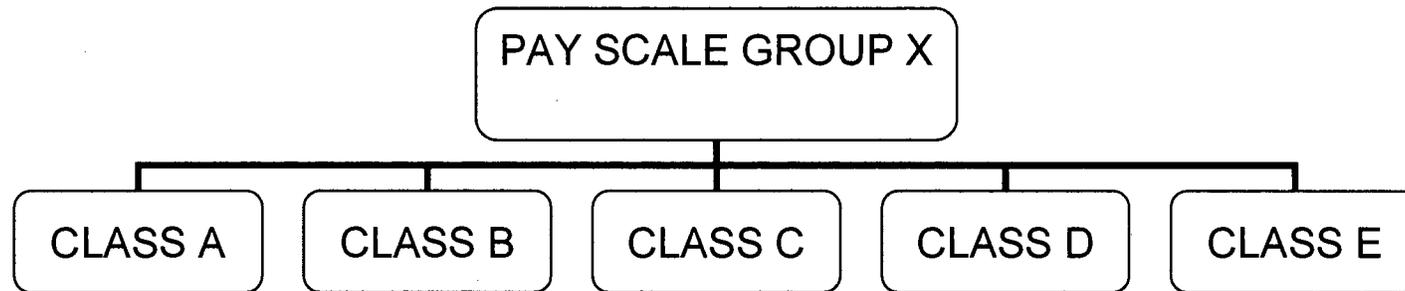
2001 CLASSIFICATION/COMPENSATION GOALS

- SIMPLIFY THE PROFILE OF THE CLASS/COMP PROGRAM (Fewer Classes)
- BRING PAY STRUCTURES IN LINE WITH PHILOSOPHY AND GENERALLY ACCEPTED COMPENSATION PRACTICES.
- BRING CLASSIFICATIONS INTO LINE WITH PHILOSOPHY AND GENERALLY ACCEPTED PRACTICES.

SIMPLIFICATION

- Reduce the number of classifications.
 - Eliminate unused/vacant classifications.
 - Identify similar jobs, group them in families based on similar knowledge, skill, ability, and duties.

HOW CLASSIFICATION AND COMPENSATION MESH



CLASSIFICATIONS WITH THE SAME MARKET VALUE ARE BOUND TO A COMMON LEVEL ON THE PAY STRUCTURE.

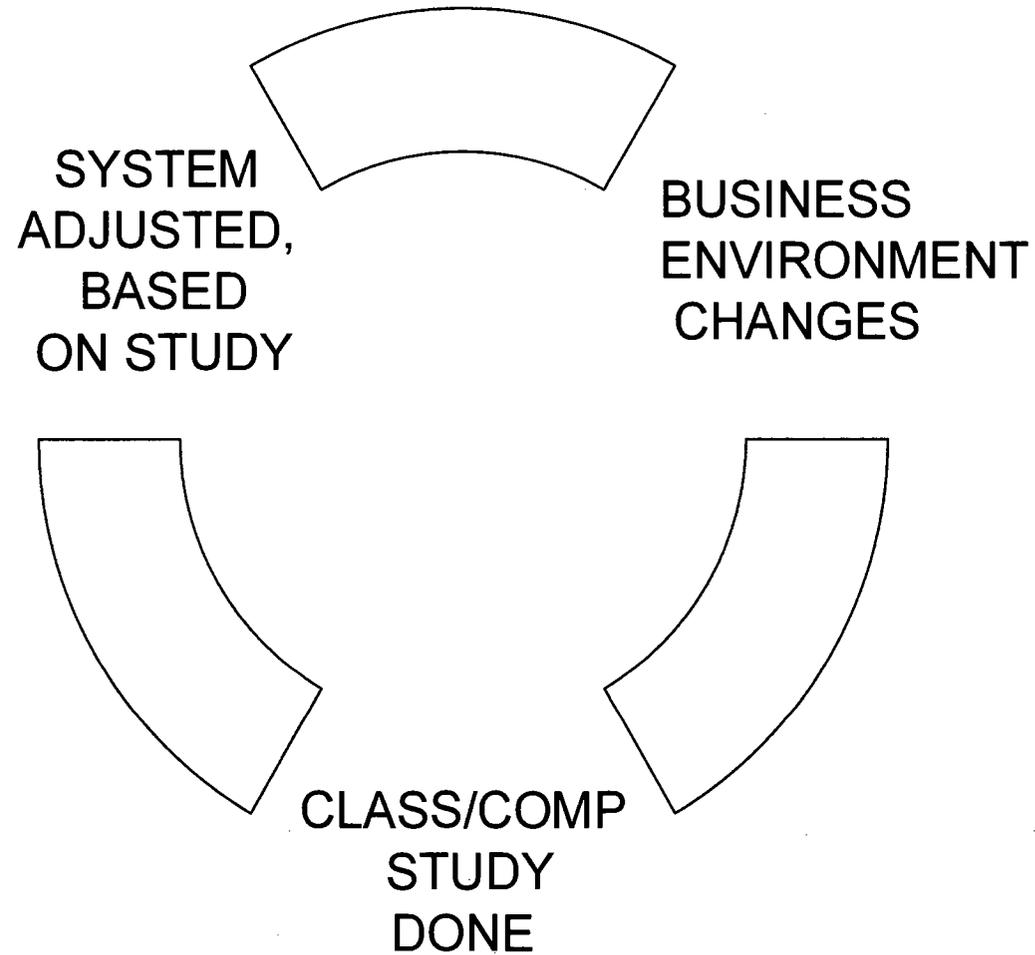
ADAPTING TO A CHANGING ENVIRONMENT

- THE SYSTEM IS MARKET DRIVEN.
- CHANGES PROMOTE COMPETITIVE ADVANTAGE AND INTERNAL EQUITY.
- CHANGES TO THE SYSTEM ARE MANAGED THROUGH STUDIES.

ENVIRONMENTAL FACTORS DRIVE CLASS/COMP CHANGES

- ❑ TECHNOLOGY
- ❑ LAWS AND REGULATIONS
- ❑ THE AVAILABLE WORK FORCE
- ❑ FUNDING LEVELS AND ORGANIZATIONAL STRUCTURE
- ❑ CITIZEN DEMAND CHANGES
- ❑ MARKET FORCES AFFECT PAY LEVELS

How Environmental Drive the Model



Process for Review at Multnomah County

- Managers' Request
 - Based upon reorganization or change in business need
 - Work with HR Managers and submit requests
- Employees' Request
 - Based on changes in duties over time or internal comparison to other jobs
 - Seek supervisor approval and submit request
- AFSCME Local 88 2001-04 Labor Contract
 - See next slides

LOCAL 88 NEGOTIATED STUDIES

- IN THE 2001 – 2004 CONTRACT, THE COUNTY AND LOCAL 88 HAVE NEGOTIATED A SET-ASIDE FUND EQUAL TO .5% OF THE COLA.
- THE BOARD REVIEWS AND VOTED TO ACCEPT THE UNION CONTRACT AND THIS FUND WAS APPROVED AT THAT TIME.
- FUNDS PAY ONLY FOR THE COST OF IMPLEMENTATION IN THE FIRST YEAR. PROGRAMS PAY AFTER THAT.
- UNUSED FUNDS ARE CARRIED FORWARD TO FUND LOCAL 88 STUDIES.
- THIS PROCESS IS MANAGED BY CLASS/COMP AND THE LOCAL 88 CLASS/COMP COMMITTEE

Local 88 study costs

Beginning Balance

851,325

Study 1 Health

185,765

Study 2 Mechanics

-3,354

Study 3 Legal

-62,161

Study 4 Appraisers

-63,463

Study 5 Maintenance

-30,212

Study 6 Weatherization

-3,949

Study 7 Outreach Driver

-228

Study 8 Animal Control Dispatcher

0

Study 10 Planners

-22,279

Study 11 PDS

-132,114

Encumbered Balance as of 1/21/04

347,800

Non-Local 88 Study Costs

- Must be funded within existing department budgets
- Changes that would require budget increase must be approved by the Board of County Commissioners
- Internal fund shifts are managed administratively by departments

THE STUDY PROCESS

- CLASS/COMP AND LOCAL 88 ANNOUNCE JOINT STUDIES.
- CLASS/COMP ANNOUNCES MANAGEMENT STUDIES
- IDENTIFY STUDY POPULATION
- CLASS/COMP DECIDES IF IN-HOUSE OR CONTRACTED STUDY
- (CONT.)

THE STUDY PROCESS

- APPOINT/BRIEF ADVISORY COMMITTEE
- INTRODUCE STUDY TO AFFECTED EMPLOYEES
- GATHER JOB DESCRIPTIONS, DESK AUDITS, ETC
- ALLOCATE EMPLOYEES
- DESCRIBE PLAN FOR COMP DATA TO ADVISORY COMMITTEE

- (CONT.)

THE STUDY PROCESS

MARKET SURVEY

- PRESENT TO MANAGEMENT AND/OR LOCAL 88 COMMITTEE
- RELEASE STUDY RECOMMENDATIONS
- AFFECTED LOCAL 88 MEMBERS VOTE ON RECOMENDATION
- PROCESS ANY APPEALS
- IMPLEMENT
- FOLLOWUP

Effects on Individual Employees

- Pay may change.
- Seniority may change.
- Work-out-of-class may end
- Lead pay may change.
- Represented vs. Non-represented status may change.

EXAMPLE OF A MANAGEMENT STUDY – THE CHIEF FINANCIAL OFFICER STUDY

- THE COUNTY REORGANIZED TO A SHARED SERVICES MODEL.
- THE NEW STRUCTURE CHANGED THE NATURE OF THE COUNTY'S FINANCIAL OPERATIONS.
- THIS REQUIRED A REVIEW OF A NUMBER OF POSITIONS.
- A CLASS/COMPSTUDY DETERMINED THE CORRECT CLASSIFICATION AND PAY RANGE FOR THE COUNTY'S CHIEF FINANCIAL MANAGER.

**EXAMPLE OF A MANAGEMENT INITIATED
REPRESENTED CLASS STUDY - THE INFORMATION
TECHNOLOGY OFFICE STUDY**

- **THE BUSINESS ENVIRONMENT (TECHNOLOGY AND ORGANIZATIONAL NEEDS) CREATED A NEED TO CHANGE CLASSIFICATION STRUCTURES**
- **CLASS/COMP CONDUCTED A STUDY FOLLOWING THE STUDY PROCESS OUTLINED ABOVE.**

EXAMPLE OF A NEGOTIATED STUDY – WEATHERIZATION STUDY

- ❑ TWO EMPLOYEES DOING ESSENTIALLY THE SAME DUTIES WERE IN TWO DIFFERENT CLASSES AND PAY RANGES.
- ❑ EACH RANGE HAD A SINGLE EMPLOYEE IN IT.
- ❑ THE STUDY WAS DONE AS DESCRIBED ABOVE. (INPUT FROM THE 2 EMPLOYEE AND THEIR SUPERVISOR SERVED AS THE ADVISORY COMMITTEE.)

PENDING CLASS/COMP WORK

□ **NEGOTIATED STUDIES**

- IMPLEMENT PDS STUDY
- IMPLEMENT PLANNERS
- MCSO RECORDS TECHS,
CORRECTIONS TECHS,
CASE MANAGEMENT
ASSISTANTS, MCSO
RECORDS TECH
SUPERVISORS, DCJ
RECORDS TECHS,
JUVENILE RECORDS
TECHS
- 8 STEP 3% - BY – 3%
REPRESENTED PAY
STRUCTURE

□ **NON-REPRESENTED**

- SHARED SERVICES
FINANCIAL MANAGERS
- HUMAN RESOURCES
STUDY
- ABOLISH 3 REDUNDANT
& VACANT
CORRECTIONS
MANAGER CLASSES

□ **REPRESENTED**

- WEB DEVELOPERS
- CODE ENFORCEMENT