

**ANNOTATED MINUTES**

*Tuesday, March 1, 1994 - 9:45 AM  
Multnomah County Courthouse, Room 602*

**BOARD BRIEFINGS**

- B-1 Board Briefing on Inmate Training Project Through the Home Builders Institute. Presented by Bill Wood.*

**PRESENTATION AND RESPONSE TO BOARD QUESTIONS BY LARRY AAB AND GARY SIMMONS.**

- B-2 Facilities Fund Overview and the Five Year Facilities Capital Improvement Plan. Presented by Wayne George, Jim Emerson, Craig Calkins and Betsy Williams.*

**PRESENTATION AND RESPONSE TO BOARD QUESTIONS REGARDING THE FACILITIES FUND BY BETSY WILLIAMS, WAYNE GEORGE AND CRAIG CALKINS. FIVE YEAR FACILITIES CAPITAL IMPROVEMENT PLAN TO BE PRESENTED THE FOLLOWING WEEK.**

- B-3 Presentation of the Proposed Work Plan and Budget for the 1994 Multnomah County Fair. Presented by Betsy Williams, Barbara Rutherford-Crest and Susan Sharp.*

**PRESENTATION AND RESPONSE TO BOARD QUESTIONS BY BETSY WILLIAMS, MARIA HALL, VICE-CHAIR OF THE NEW FAIR ADVISORY BOARD AND BARBARA RUTHERFORD-CREST, FAIR ADMINISTRATOR.**

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*Thursday, March 3, 1994 - 9:30 AM  
Multnomah County Courthouse, Room 602*

**REGULAR MEETING**

*Chair Beverly Stein convened the meeting at 9:34 a.m., with Vice-Chair Tanya Collier, Commissioners Sharron Kelley, Gary Hansen and Dan Saltzman present.*

**CONSENT CALENDAR**

**UPON MOTION OF COMMISSIONER KELLEY,  
SECONDED BY COMMISSIONER HANSEN, THE**

**CONSENT CALENDAR (ITEMS C-1 THROUGH C-4) WAS UNANIMOUSLY APPROVED.**

**COMMUNITY AND FAMILIES SERVICES DIVISION**

- C-1 *RESOLUTION in the Matter of Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody*

**RESOLUTION 94-41.**

**DEPARTMENT OF HEALTH**

- C-2 *Ratification of Amendment #4 to Intergovernmental Revenue Agreement, Contract #200724, Between the Oregon Health Division and Multnomah County Health Department to Increase Funds for Various Health Department Programs, for the Period July 1, 1993 through June 30, 1994*
- C-3 *Ratification of Amendment #1 to Intergovernmental Revenue Agreement, Contract #201004, Between the Oregon Health Division and Multnomah County Health Department to Increase Funding by \$18,400, for the Period Upon Execution through July 30, 1995*
- C-4 *Ratification of an Intergovernmental Agreement, Contract #201844, Between Multnomah County Health Department and the Oregon Health Sciences University to Provide Dental Specialty Care Services to Clients Referred by the County, for the Period February 1, 1994 through 30 Days Written Notice*

**REGULAR AGENDA**

**NON-DEPARTMENTAL**

- R-1 *PROCLAMATION in the Matter of Recognizing the Contributions and Community Service of the COLUMBIA RIVER GIRL SCOUT COUNCIL*

**GIRL SCOUT, JAMIE SCHMEER READ THE PROCLAMATION FOR THE RECORD. PRESENTATION BY NANCY COWDEN, GIRL SCOUT CADET TROOP 12. COMMISSIONERS WERE PRESENTED WITH GIRL SCOUT COOKIES. PROCLAMATION 94-42 WAS APPROVED.**

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

- UC-1 *ORDER in the Matter of the Acquisition of Real Property for the Department of Community Corrections East County District Probation Services Field Office (IN CONJUNCTION WITH R-2)*

**COMMISSIONER KELLEY MOVES AND  
COMMISSIONER HANSEN SECONDED, CONTINUING  
UC-1 AND R-2 UNTIL MARCH 10, 1994. MOTION  
UNANIMOUSLY APPROVED.**

**DEPARTMENT OF COMMUNITY CORRECTIONS**

- R-2 *Budget Modification DCC #7 Requesting Authorization to Transfer \$120,000 from Rentals to Buildings for the Purchase of Property at 495 NE Beech in Gresham, for the Proposed Location of an East County District Office of Parole and Probation and Integrated Services*

**CONTINUED UNTIL MARCH 10, 1994.**

**NON-DEPARTMENTAL**

- R-3 *Public/Private Partnerships: Human Services Contracting Report Presentation by Members of the Multnomah County Task Force on Contracting*

**PRESENTATION AND RESPONSE TO BOARD  
QUESTIONS BY CAROLYN MARKS BAX, BOB  
DONOUGH, SUSAN CLARK. CHAIR STEIN  
REQUESTED TASK FORCE REPORT TO THE BOARD  
IN THREE MONTHS.**

- R-4 *RESOLUTION in the Matter of Accepting the Report from the Contracting Task Force: Public/Private Partnerships in Human Services Contracting*

**UPON MOTION OF COMMISSIONER KELLEY,  
SECONDED BY COMMISSIONER SALTZMAN,  
RESOLUTION 94-44 WAS UNANIMOUSLY APPROVED.**

- R-5 *PUBLIC HEARING in the Matter of an Appeal of Greg Durham from Hearings Officer Decision Revoking Appellant's Adult Care Home License*

**CHAIR STEIN PRESENTED PROCEDURE OF HEARING  
TO ALLOW 15 MINUTES PER SIDE TO PRESENT  
ARGUMENT AND EVIDENCE, WITH THE APPELLANT  
GOING FIRST. THE RECORD WILL BE LEFT OPEN  
UNTIL 5:00 PM ON THURSDAY, MARCH 10, 1994, FOR  
SUBMITTAL OF WRITTEN REBUTTAL TO THE  
ARGUMENTS AND EVIDENCE PRESENTED DURING  
THIS HEARING; AND THE BOARD TO REVIEW THE  
WRITTEN MATERIALS AND PLACE THIS MATTER ON  
THE BOARD AGENDA FOR DISCUSSION AND A  
TENTATIVE VOTE ON THURSDAY, MARCH 17, 1994.**

**PETE KASTING, DEPUTY CITY ATTORNEY FOR THE CITY OF PORTLAND, ADVISING THE BOARD OF COUNTY COMMISSIONERS ON THIS ITEM. MR. KASTING REQUESTED THE BOARD TO DISCLOSE ANY EX PARTE CONTACTS FROM EITHER SIDE, AND THE NATURE OF SAME.**

**COMMISSIONER SALTZMAN NOTED THAT HE WAS CONTACTED BY A FAMILY MEMBER REQUESTING HIM TO LOOK INTO THIS CASE. COMMISSIONER SALTZMAN ADVISED THAT HE ONLY OBTAINED THE HEARINGS OFFICER DECISION.**

**COMMISSIONER HANSEN ADVISED THAT RON WYDEN'S CONGRESSIONAL STAFF CONTACTED HIS STAFF ON THIS ISSUE. COMMISSIONER HANSEN NOTED THAT HE HAD NO PERSONAL CONTACT REGARDING THIS ISSUE.**

**MR. KASTING ASKED IF THE PARTIES INVOLVED HAD ANY QUESTIONS REGARDING THESE EX PARTE CONTACTS. NO REQUEST MADE. MR. KASTING REITERATED THE PROCESS OF PROCEDURE ON THIS ITEM.**

**STEVEN MARKS, ATTORNEY FOR THE APPELLANT GREG DURHAM, PRESENTED AND EXPLAINED WHY THE BOARD SHOULD REVERSE THE HEARINGS OFFICER DECISION REVOKING THE APPELLANTS'S ADULT CARE HOME LICENSE AND LET THE LICENSE EXPIRE IN THE THIRTEEN DAYS IT HAS REMAINING.**

**CHIP LAZENBY, ASSISTANT COUNTY COUNSEL, REPRESENTING THE COUNTY, PRESENTED AND EXPLAINED WHY THE BOARD SHOULD AFFIRM THE HEARINGS OFFICER DECISION REVOKING GREG DURHAM'S ADULT CARE HOME LICENSE AND NOT LET IT EXPIRE BY ITS OWN TERMS. MR. LAZENBY REQUESTED THE BOARD TO ADOPT THE HEARINGS OFFICER ORDER AS THE FINAL ORDER REVOKING MR. DURHAM'S LICENSE. MR. LAZENBY ALSO NOTED THAT MR. DURHAM HAS BEEN GIVEN SEVERAL SECOND CHANCES.**

**MR. MARKS PRESENTED AND EXPLAINED REBUTTAL.**

**MR. MARKS RESPONSE TO QUESTIONS OF COMMISSIONER SALTZMAN. MR. LAZENBY RESPONSE TO QUESTIONS OF COMMISSIONER SALTZMAN. MR. LAZENBY RESPONSE TO QUESTIONS OF CHAIR STEIN. BOARD COMMENTS AND DISCUSSION REGARDING REVOCATION. MR. MARKS STATED FOR THE RECORD, THAT MR. DURHAM WOULD NOT APPLY FOR AN ADULT CARE HOME LICENSE WITHIN MULTNOMAH COUNTY EVER AGAIN. FURTHER BOARD QUESTIONS, COMMENTS AND DISCUSSION REGARDING POSSIBLE APPLICATIONS BY MR. DURHAM TO OTHER COUNTIES FOR ADULT CARE HOME LICENSE. MR. KASTING READ THE STATE RULES AND STANDARDS GOVERNING THE ISSUANCE OF ADULT CARE HOME LICENSES. MR. BALOG RESPONSE TO QUESTION OF COMMISSIONER SALTZMAN.**

**HEARING CLOSED. MR. KASTING ADVISED THE BOARD AND BOTH PARTIES THE CONTENTS OF THE RECORD MADE BEFORE THE HEARINGS OFFICER WILL BE MADE A PART OF THE BOARD'S RECORD, AND THAT ANY REBUTTAL SUBMITTED WILL BE ON THE RECORD ONLY. ALSO, ANY PARTIES MAKING WRITTEN SUBMISSIONS SHOULD PROVIDE A COPY FOR EACH MEMBER OF THE BOARD, THE CLERK OF THE BOARD, OPPOSING COUNSEL, AND MR. KASTING BY 5:00 PM THURSDAY, MARCH 10, 1994, FOR CONSIDERATION BEFORE THE BOARD OF COUNTY COMMISSIONERS AT 9:30 AM ON THURSDAY, MARCH 17, 1994.**

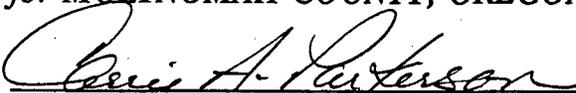
**PUBLIC COMMENT**

R-6 *Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.*

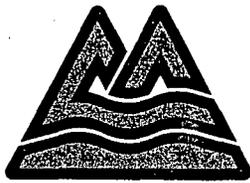
**NONE.**

*There being no further business, the meeting was adjourned at 11:45 a.m.*

**OFFICE OF THE BOARD CLERK  
for MULTNOMAH COUNTY, OREGON**



**Carrie A. Parkerson**



# MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK  
SUITE 1510, PORTLAND BUILDING  
1120 S.W. FIFTH AVENUE  
PORTLAND, OREGON 97204

BOARD OF COUNTY COMMISSIONERS		
BEVERLY STEIN •	CHAIR	• 248-3308
DAN SALTZMAN •	DISTRICT 1	• 248-5220
GARY HANSEN •	DISTRICT 2	• 248-5219
TANYA COLLIER •	DISTRICT 3	• 248-5217
SHARRON KELLEY •	DISTRICT 4	• 248-5213
CLERK'S OFFICE •	248-3277	• 248-5222

## AGENDA

### MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

#### FOR THE WEEK OF

FEBRUARY 28, 1994 - MARCH 4, 1994

*Tuesday, March 1, 1994 - 9:45 AM - Board Briefings. . . . .Page 2*

*Thursday, March 3, 1994 - 9:30 AM - Regular Meeting. . . . .Page 2*

*Thursday Meetings of the Multnomah County Board of Commissioners are taped and can be seen at the following times:*

*Thursday, 10:00 PM, Channel 11 for East and West side subscribers*

*Thursday, 10:00 PM, Channel 49 for Columbia Cable (Vancouver) subscribers*

*Friday, 6:00 PM, Channel 22 for Paragon Cable (Multnomah East) subscribers*

*Saturday 12:00 Noon, Channel 21 for East Portland and East County subscribers*

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

Tuesday, March 1, 1994 - 9:45 AM

Multnomah County Courthouse, Room 602

**BOARD BRIEFINGS**

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- B-2 Facilities Fund Overview and the Five Year Facilities Capital Improvement Plan. Presented by Wayne George, Jim Emerson, Craig Calkins and Betsy Williams. 10:00 A.M. TIME CERTAIN, 1 HOUR REQUESTED.
- B-3 Presentation of the Proposed Work Plan and Budget for the 1994 Multnomah County Fair. Presented by Betsy Williams, Barbara Rutherford-Crest and Susan Sharp. 11:00 A.M. TIME CERTAIN, 30 MINUTES REQUESTED.
- 

Thursday, March 3, 1994 - 9:30 AM

Multnomah County Courthouse, Room 602

**REGULAR MEETING**

**CONSENT CALENDAR**

**CHILDREN AND FAMILIES SERVICES DIVISION**

- C-1 RESOLUTION in the Matter of Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody 94-41

**DEPARTMENT OF HEALTH**

- C-2 Ratification of Amendment #4 to Intergovernmental Revenue Agreement, Contract #200724, Between the Oregon Health Division and Multnomah County Health Department to Increase Funds for Various Health Department Programs, for the Period July 1, 1993 through June 30, 1994
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REGULAR AGENDA

NON-DEPARTMENTAL

- APP R-1 PROCLAMATION in the Matter of Recognizing the Contributions and Community Service of the COLUMBIA RIVER GIRL SCOUT COUNCIL 94-42

DEPARTMENT OF COMMUNITY CORRECTIONS

- nk R-2 Budget Modification DCC #7 Requesting Authorization to Transfer \$120,000 from Rentals to Buildings for the Purchase of Property at 495 NE Beech in Gresham, for the Proposed Location of an East County District Office of Parole and Probation and Integrated Services

NON-DEPARTMENTAL

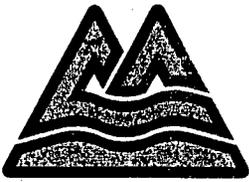
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- APP R-4 RESOLUTION in the Matter of Accepting the Report from the Contracting Task Force: Public/Private Partnerships in Human Services Contracting 94-44

- R-5 PUBLIC HEARING in the Matter of an Appeal of Greg Durham from Hearings Officer Decision Revoking Appellant's Adult Care Home License. 11:00 A.M. TIME CERTAIN, 15 MINUTES PER SIDE

PUBLIC COMMENT

- R-6 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.



# MULTNOMAH COUNTY OREGON

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SUITE 1510, PORTLAND BUILDING  
1120 S.W. FIFTH AVENUE  
PORTLAND, OREGON 97204

BOARD OF COUNTY COMMISSIONERS		
BEVERLY STEIN •	CHAIR	• 248-3308
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SHARRON KELLEY •	DISTRICT 4	• 248-5213
CLERK'S OFFICE •	248-3277	• 248-5222

## SUPPLEMENTAL AGENDA

*Thursday, March 3, 1994 - 9:30 AM*

*Multnomah County Courthouse, Room 602*

## REGULAR MEETING

## UNANIMOUS CONSENT ITEMS

### NON-DEPARTMENTAL

*App* UC-1 *PROCLAMATION in the Matter of Proclaiming Recognition for a Lifetime of Achievement in the Arts by Ray Evans* ~~94-93~~ 93-43

### DEPARTMENT OF ENVIRONMENTAL SERVICES

UC-2 *ORDER in the Matter of the Acquisition of Real Property for the Department of Community Corrections East County District Probation Services Field Office (IN CONJUNCTION WITH R-2)*

*Continued*

1994-1.AGE/40/cap

MEETING DATE: MAR 03 1994

AGENDA NO: C-1

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

**SUBJECT:** Program Initiated Peace Officer Hold Designees

**BOARD BRIEFING** Date Requested: \_\_\_\_\_

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

**REGULAR MEETING:** Date Requested: \_\_\_\_\_

Amount of Time Needed: 3 Minutes

**DEPARTMENT:** \_\_\_\_\_ **DIVISION:** Children & Families Services

**CONTACT:** Lynn Meyo **TELEPHONE #:** 248-3691 ext. 6358  
**BLDG/ROOM #:** 160/6th Floor

**PERSON(S) MAKING PRESENTATION:** Lorenzo Poe/Lynn Meyo

**ACTION REQUESTED:**

INFORMATIONAL ONLY     POLICY DIRECTION     APPROVAL     OTHER

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

Routine Request for Program Initiated Peace Officer Hold Designees  
No Budget Impact  
See Attached Briefing Memo

BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
1994 FEB 21 AM 11:56

**SIGNATURES REQUIRED:**

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

OR

**DEPARTMENT MANAGER:** Lorenzo Poe mbs

**ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES**

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

0516C163 Copy of Resolution 94-41 Sent to Lynn Meyo  
on 3-4-94. 6193



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF SOCIAL SERVICES  
 MENTAL HEALTH, YOUTH & FAMILY SERVICES DIVISION  
 ADULT MENTAL HEALTH PROGRAM  
 426 SW STARK, 6TH FLOOR  
 PORTLAND, OREGON 97204  
 (503) 248-3691 FAX (503) 248-3926  
 TDD (503) 248-3598

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

TO: BOARD OF COUNTY COMMISSIONERS  
 FROM: LOLENZO POE, DIRECTOR *Lorenzo Poe ms*  
 CHILDREN AND FAMILIES SERVICES DIVISION

TODAY'S DATE: FEBRUARY 14, 1994

REQUESTED PLACEMENT DATE: ASAP

RE: PROGRAM INITIATED PEACE OFFICER HOLD DESIGNATION  
 (PIPOH)

- I. Recommendation/Action Requested:  
 Ratification of the changes in the list of designees for Program Initiated Peace Officer Holds (mental health holds).
- II. Background/Analysis:  
 The Children and Families Services Division has participated in the training of these individuals and believe that they can perform Program Initiated Police Officer holds in accordance with ORS 426.215. Due to staff turnover, new designees need to be added to the authorized list.
- III. Financial Impact:  
 No impact.
- IV. Legal Issues:  
 The rules governing Program Initiated Police Officer Holds are found in ORS 426.215.
- V. Controversial Issues:  
 Process has been in effect since 1987. We see no current political controversy in this matter.
- VI. Link to Current County Policies:  
 This is consistent with current County policies.
- VII. Citizen Participation:  
 We do not anticipate citizen involvement at this meeting.
- VIII. Other Government Participation:  
 There are no other jurisdiction/county departments affected.

BEFORE THE BOARD OF COMMISSIONERS

FOR THE COUNTY OF MULTNOMAH

In the matter of Authorizing Designees	)	
of the Mental Health Program Director	)	
to Direct a Peace Officer	)	Resolution
to Take an Allegedly Mentally Ill Person	)	94-41
into Custody	)	

WHEREAS, if authorized by a county governing body, a designee of a mental health program director may direct a peace officer to take into custody a person whom the designee has probable cause to believe is dangerous to self or others and whom the designee has probable cause to believe is in need of immediate care, custody, and treatment for mental illness; and

WHEREAS, there is a current need for specified designees of the Multnomah County Mental Health Program Director to have the authority to direct a peace officer to take an allegedly mentally ill person into custody; and

WHEREAS, all the designees listed below have been specifically recommended by the Mental Health Program Director and meet the standards established by the Mental Health Division; it is therefore

ORDERED that the individuals listed below are hereby authorized as designees of the Mental Health Program Director for Multnomah County to direct any peace officer to take into custody a person whom the designee has probable cause to believe is dangerous to self or others and whom the designee has probable cause to believe is in need of immediate care, custody or treatment for mental illness:

Added to the list of designees are:

- Jane Erickson, Mt Hood Mental Health
- Dan Thoma, Mt Hood Mental Health
- Toni Bloom, Mt Hood Mental Health

DATED the 3rd of March, 1994



BOARD OF COUNTY COMMISSIONERS

By Beverly Stein  
Beverly Stein  
Chair, Board of Commissioners

REVIEWED BY  
LAURENCE KRESSEL, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY, OREGON

By H.H. Lazenby  
H.H. Lazenby  
Assistant County Counsel

MEETING DATE: MAR 03 1994

AGENDA NO: C-2

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

SUBJECT: Ratification of revision #4 to intergovernmental agreement with Oregon Health Division

BOARD BRIEFING Date Requested: \_\_\_\_\_

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

REGULAR MEETING: Date Requested: 3/3/94

Amount of Time Needed: 5 minutes or less

DEPARTMENT: Health DIVISION: \_\_\_\_\_

CONTACT: Frnk TELEPHONE #: x4274  
BLDG/ROOM #: 160/7

PERSON(S) MAKING PRESENTATION: Frnk

**ACTION REQUESTED:**

INFORMATIONAL ONLY     POLICY DIRECTION     APPROVAL     OTHER

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

Ratification of revision #4 to intergovernmental agreement with Oregon Health Division. Revision increases funds for various Health Department programs, and is the fifth statewide revision, but the fourth that affects Multnomah County.

BOARD OF  
COUNTY COMMISSIONERS  
1994 FEB 22 PM 4: 14  
MULTNOMAH COUNTY  
OREGON

**SIGNATURES REQUIRED:**

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

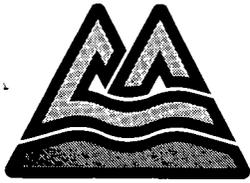
OR

DEPARTMENT MANAGER: Belli Adegard

**ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES**

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

0516C/63 *Sent Originals to H. Brane on 3-4-94.*



# MULTNOMAH COUNTY OREGON



HEALTH DEPARTMENT  
426 S.W. STARK STREET, 8TH FLOOR  
PORTLAND, OREGON 97204-2394  
(503) 248-3674  
FAX (503) 248-3676  
TDD (503) 248-3816

BOARD OF COUNTY COMMISSIONERS  
BEVERLY STEIN • CHAIR OF THE BOARD  
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TANYA COLLIER • DISTRICT 3 COMMISSIONER  
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

## MEMORANDUM

TO: Beverly Stein, Multnomah County Chair

VIA: Bill Odegaard, Director, Health Department

FROM: Tom Fronk, Business Services Manager, Health Department

DATE: February 11, 1994

SUBJECT: FY '94 Budget Revision #4 for Grant With the Oregon Health Division

Retroactive: The changes in revision #4 of the Oregon Health Division grant initiated by the state are effective upon the Board's ratification of the revision. The county received the revision in February 1994, but the state requires that any changes reflect the entire grant period July 1, 1993 to and including June 30, 1994. This is the fifth statewide revision issued by the state, but is the fourth one that impacts Multnomah County.

Recommendation: The Health Department recommends County Chair approval and Board ratification of the attached revision #5 of the Oregon Health Division grant to Multnomah County for FY '93-94.

Analysis: The revision provides for revenue increases:

Aids-Minority Outreach	\$8,000
HIV Block Grant --Prevention	234,417
HIV Block Grant --Client Services	63,932
Central Drug Purchasing	81,859
AIDS Surveillance	5,440
STD-Gonococcal Isolate Surveillance Project	<u>3,000</u>
	\$396,648

**Background:**

The Oregon Health Division grant is subject to revisions during the course of the year. Changes initiated by the state reflect changes in the projections of the level of federal funding received by the state.

(2001doc)



CONTRACT APPROVAL FORM

(See Administrative Procedure #2106)

Contract # 200724

Amendment # 4

MULTNOMAH COUNTY OREGON

<p>CLASS I</p> <input type="checkbox"/> Professional Services under \$25,000	<p>CLASS II</p> <input type="checkbox"/> Professional Services over \$25,000 (RFP, Exemption) <input type="checkbox"/> PCRFB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue	<p>CLASS III</p> <input checked="" type="checkbox"/> Intergovernmental Agreement <p>APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</p> <p>AGENDA # C-2 DATE 3/3/94</p> <p>Carrie A. Parkerson</p> <p>BOARD CLERK</p> <p>REVENUE</p>
------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Department HEALTH Division \_\_\_\_\_ Date \_\_\_\_\_

Contract Originator Brame Phone x2670 Bldg/Room 160/2

Administrative Contact Fronk Phone x4274 Bldg/Room 160/7

Description of Contract FY 94 grant revision #4 reflecting an increase in program funding.

RFP/BID # \_\_\_\_\_ Date of RFP/BID \_\_\_\_\_ Exemption Exp. Date \_\_\_\_\_

ORS/AR # \_\_\_\_\_ Contractor is  MBE  WBE  ORF

Contractor Name Oregon Health Division  
 Mailing Address 800 N.E. Oregon St. #21  
 Portland, Oregon 97232  
 Phone 731-4029  
 Employer ID# or SS# N/A  
 Effective Date July 1, 1993  
 Termination Date June 30, 1994  
 Original Contract Amount \$ 4,521,016  
 Total Amount of Previous Amendments \$ 311,583  
 Amount of Amendment \$ 396,648  
 Total Amount of Agreement \$ 5,229,247

(Carol Allen)  
 Remittance Address \_\_\_\_\_  
 (If Different) \_\_\_\_\_  
 Payment Schedule \_\_\_\_\_ Terms \_\_\_\_\_  
 Lump Sum \$ \_\_\_\_\_  Due on receipt  
 Monthly \$ \_\_\_\_\_  Net 30  
 Other \$ \_\_\_\_\_  Other \_\_\_\_\_  
 Requirements contract - Requisition required.  
 Purchase Order No. \_\_\_\_\_  
 Requirements Not to Exceed \$ \_\_\_\_\_

REQUIRED SIGNATURES:

Department Manager *Belle Adgaard*  
 Purchasing Director \_\_\_\_\_  
 (Class II Contracts Only)  
 County Counsel \_\_\_\_\_  
 County Chair / Sheriff *Melody Stein*  
 Contract Administration \_\_\_\_\_  
 (Class I, Class II Contracts Only)

Encumber: Yes  No   
 Date 2/16/94  
 Date \_\_\_\_\_  
 Date 22 Feb 94  
 Date 3/3/94  
 Date \_\_\_\_\_

VENDOR CODE			VENDOR NAME						TOTAL AMOUNT \$		
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/ REV SRC	SUB OBJ	REPT CATEG	LGFS DESCRIPTION	AMOUNT	INC/ DEC IND
01.	156	015	Various			Various				\$396,648	
02.											
03.											

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

INSTRUCTIONS ON REVERSE SIDE

WHITE - CONTRACT ADMINISTRATION CANARY - INITIATOR PINK - FINANCE

OREGON HEALTH DIVISION

The following is a list of the titles of assurances with which grantees must agree to comply if they accept state and federal funds administered by the Oregon Health Division. The detailed assurances are located under these titles in the Resource Manual for Grant Programs provided to each grantee. The Common Program Assurances and Fiscal Assurances are required for all programs; the Program-Specific Assurances are required for individual grant programs. Your signature on this document is evidence that you have read and agreed to comply with the required assurances.

ASSURANCES

Common Program Assurances

Fiscal Assurances

Program Specific Assurances:

- HIV/AIDS Prevention Block Grant
- HIV Seropositive Wellness Program (SWP)
- HIV Family of Seroprevalence Surveys
- HIV Surveillance Activities in Multnomah County
- HIV Care Consortia
- AIDS Minority Outreach
- STD Control Program Multnomah and Jackson Counties
- Tuberculosis Outreach
- TB General Case Management and Epidemiology
- Drinking Water Program
- Maternal and Child Health/Perinatal
- Women and Children's Health Data Project
- High Risk Infant Monitoring and Follow-Up
- School Based Health Clinics
- Family Planning
- Rural Oregon Minority Prenatal Project
- Immunization
- Women, Infants and Children Program
- State Support for Public Health

\*\*\*\*\*

The undersigned agrees to comply with the above assurances which are in effect during the time of the grant period.

TO BE COMPLETED BY THE HEALTH DIVISION:

TO BE COMPLETED BY THE GRANTEE:

Approved by:

Approved by:

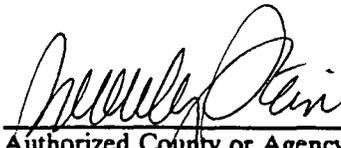
\_\_\_\_\_  
Manager, Community Services

MULTNOMAH COUNTY OREGON  
\_\_\_\_\_  
Local Agency Name

\_\_\_\_\_  
Manager, Fiscal Services

By:

\_\_\_\_\_  
Administrator, Health Division

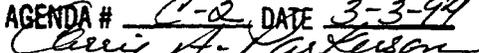
  
\_\_\_\_\_  
Authorized County or Agency Officer  
and Title Beverly Stein, Multnomah County  
Chair  
Date 3-3-94

Date \_\_\_\_\_

REVIEWED:  
LAURENCE KRESSEL, County Counsel for  
Multnomah County, Oregon  
By \_\_\_\_\_

3/8/93

REVIEWED:  
LAURENCE KRESSEL, County Counsel for  
Multnomah County, Oregon  
By: 

APPROVED MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # C-2 DATE 3-3-94  
  
BOARD CLERK

State of Oregon  
**OREGON HEALTH DIVISION**  
 Department of Human Resources  
**NOTICE OF GRANT AWARD**

<b>1) Grantee</b> Name: Multnomah Co. Community Health Street: 426 S. W. Stark St.-7th Floor City: Portland State: OR      Zip Code: 97204	<b>2) Issue Date</b> 2/3/94	This Action <b>REVISION #5</b>
<b>3) Award Period</b> From 07/01/93 Through 06/30/94		

4) OSHD Funds Approved	Program Manager Approval	Previous Award	Increase/ (Decrease)	New Grant Award
STD-Gonococcal Isolate Surveillance Project		0	3,000	3,000
<b>TOTAL</b>		<b>4,832,599</b>	<b>396,648</b>	<b>5,229,247</b>

**5) Remarks:**

The amounts cited in item 4 of this award are provisional and subject to adjustments when the FFY94 appropriation is enacted and Oregon receives its allocation. Any adjustments to these amounts will be reflected in subsequent grant awards.

**6) Capital Outlay Requested in This Action**

Prior approval is required for Capital Outlay. Capital Outlay is defined as an expenditure for equipment with a purchase price in excess of \$1,000 and a life expectancy greater than one year.

PROGRAM	ITEM DESCRIPTION	COST	PROG. APPROV

MEETING DATE: MAR 03 1994

AGENDA NO: C-3

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

**SUBJECT:** Ratification of amendment with Oregon Health Division and Office of Medical Assistance Programs

**BOARD BRIEFING** Date Requested: \_\_\_\_\_

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

**REGULAR MEETING:** Date Requested: March 3, 1994

Amount of Time Needed: 5 minutes or less

**DEPARTMENT:** HEALTH **DIVISION:** \_\_\_\_\_

**CONTACT:** Fronk **TELEPHONE #:** x4274  
**BLDG/ROOM #:** 160/7

**PERSON(S) MAKING PRESENTATION:** Fronk

**ACTION REQUESTED:**

INFORMATIONAL ONLY     POLICY DIRECTION     APPROVAL     OTHER

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

Ratification of amendment to agreement with Oregon Health Division and Office of Medical Assistance Programs that provides parents with a toll-free-telephone number to access information about health care providers. This amendment will allow the Health Division to increase funding for this agreement from \$144,369 to \$162,769. Multnomah County will bill the state monthly for the portion of the Hotline operational costs chargeable to the Medicaid program.

**SIGNATURES REQUIRED:**

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

OR

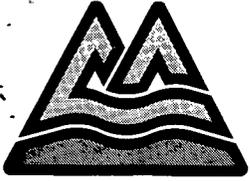
**DEPARTMENT MANAGER:** Billie Odgaard

BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
1994 FEB 22 PM 4:14

**ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES**

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

0516C/63 Sent Originals to Herman Brane on 3-4-94.



# MULTNOMAH COUNTY OREGON



HEALTH DEPARTMENT  
426 S.W. STARK STREET, 8TH FLOOR  
PORTLAND, OREGON 97204-2394  
(503) 248-3674  
FAX (503) 248-3676  
TDD (503) 248-3816

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

## MEMORANDUM

TO: Board of County Commissioners

FROM: Bill Odgaard

REQUESTED PLACEMENT DATE: March 3, 1994

DATE: February 17, 1994

SUBJECT: Amendment #1 to Intergovernmental Agreement With Oregon Department of Human Resources and the Office of Medical Assistance Programs (MCH Hotline)

I. Recommendation/Action Requested: The Board is requested to approve an amendment to the MCH Hotline agreement with the Oregon Health Division (OMAP) for the period upon execution to and including June 30, 1995.

II. Background/Analysis: The county has a local information and referral program that will be complemented by this program that provides a toll-free telephone number for use by parents to access information about health care providers and practitioners who provide health care services under Title V and Title XIX. The first agreement was executed for FY 90-91 and this is an amendment to the annual renewal of the original agreement. The amendment will allow the Health Division to increase its funding by \$18,400 to a total of \$162,769 for the period July 1, 1993 to June 30, 1995. Reimbursement from OMAP is not increased under this amendment.

III. Financial Impact: The County will be paid \$867,000 to

[1557o/m]

provide the service. Reimbursement from OMAP is not increased under this amendment.

IV. Legal Issues: None

V. Controversial Issues: None

VI. Link to Current County Policies: County currently provides information and referral services that will be enhanced by this program.

VII. Citizens Participation: None

VIII. Other Government Participation: Federal programs will be accessed by this program funded by the state.



CONTRACT APPROVAL FORM

(See Administrative Procedure #2106)

MULTNOMAH COUNTY OREGON

Contract # 201004  
Amendment #

<p>CLASS I</p> <input type="checkbox"/> Professional Services under \$25,000	<p>CLASS II</p> <input type="checkbox"/> Professional Services over \$25,000 (RFP, Exemption) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue	<p>CLASS III</p> <input checked="" type="checkbox"/> Intergovernmental Agreement <p>APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</p> <p>AGENDA # C-8 DATE 12/9/93 DEB BOGSTAD</p> <p>BOARD CLERK REVENUE</p>
------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Department HEALTH Division Date

Contract Originator Brame Phone x2670 Bldg/Room 160/2

Administrative Contact Frank Phone x4274 Bldg/Room 160/7

Description of Contract Provides parents with a toll-free telephone number to access information about health care providers and practitioners who provide health care services under Title V and Title XIX. (MCH Hotline)

RFP/BID # Date of RFP/BID Exemption Exp. Date

ORS/AR # Contractor is  MBE  WBE  QRF

Contractor Name Oregon Health Division  
Office of Medical Assistance

Mailing Address 203 Public Service Building  
Salem, Oregon 97310

Phone (503) 378-2263

Employer ID# or SS# N/A

Effective Date July 1, 1993

Termination Date June 30, 1995

Original Contract Amount \$ ~~144,369~~ 867,000.00

Total Amount of Previous Amendments \$

Amount of Amendment \$

Total Amount of Agreement \$

Programs

Remittance Address (If Different)

Payment Schedule Terms

Lump Sum \$  Due on receipt

Monthly \$  Net 30

Other \$  Other

Requirements contract - Requisition required.

Purchase Order No.

Requirements Not to Exceed \$

REQUIRED SIGNATURES:

Department Manager *Berti Odgaard*

Purchasing Director (Class II Contracts Only)

County Counsel

County Chair / Sheriff

Contract Administration (Class I, Class II Contracts Only)

Encumber: Yes  No

Date 11/18/93

Date

Date 11-73-93

Date December 9, 1993

Date

VENDOR CODE			VENDOR NAME						TOTAL AMOUNT \$		
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/ REV SRC	SUB OBJ	REPT CATEG	LGFS DESCRIPTION	AMOUNT	INC/ DEC IND
01.	156	015	0875			6050		0396	MCH Hotline - Exp		
02.	156	015	0875			2371		0396	11 - Rev		
03.											
* If additional space is needed, attach separate page. Write contract # on top of page.											

INSTRUCTIONS ON REVERSE SIDE

**INTERAGENCY AGREEMENT  
FOR MCH HOTLINE**

I. PARTIES:

The parties to this agreement are the Multnomah County Health Department (hereafter referred to as Multnomah County) and the Oregon Health Division (hereafter referred to as the Health Division) and the Office of Medical Assistance Programs (here after referred to as OMAP).

II. PURPOSE:

To provide a toll-free telephone number for the use of parents, women of childbearing age, and adolescents to access information about health care providers and practitioners who provide health care services under Title V and Title XIX.

III. TERM: This agreement shall be effective from July 1, 1993 to June 30, 1995. Approval of this contract is contingent upon legislative approval of the Health Division and OMAP budgets.

IV. FUNDING:

The Health Division agrees to pay Multnomah County up to a total of \$144,369, of which \$95,785 will be from non-Federal funds. These funds may be spent on operational costs.

Funds for outreach and advertizing are estimated at \$100,000. Expenditure of these funds will be authorized in writing for program-specific campaigns by the Manager of MCH Systems. Timing and budget of individual campaigns will be jointly developed by Multnomah County and Health Division staff. Non-Federal funds will be used to the extent possible. In the event private donations are received to support specific outreach activities, such as printing and distributing baby books, Multnomah County will not bill the Health Division for the amount of private party support, but will use the private party funds to match Medicaid.

Multnomah County will submit a quarterly expenditure report to the Health Division showing the following items for both the SAFENET Hotline and the Multnomah County Health Information and Referral System. Reports will be due 30 days after the quarter ends, and will be sent to the MCH Systems Manager, Lorraine Duncan.

1. Outreach and Advertizing total expenditures:

- portion billed to Health Division
- portion billed to OMAP
- portion billed to Good Health Plan

2. Operating expenditures:

- portion billed to Health Division

portion billed to OMAP  
portion billed to Good Health Plan

The Health Division will reimburse Multnomah County only after quarterly reports have been received and approved. Notice of disapproval or payment will be made no later than 60 days after billing. Final report is due to the Health Division by August 10, 1995.

Multnomah County agrees to spend a minimum of \$370,000 on Information and Referral Services using non Federal funds in addition to the funds received from the Health Division.

Multnomah County agrees to bill OMAP on a quarterly basis for that portion of the hotline operational cost chargeable to the Medicaid program. It is understood that the Medicaid portion of the Hotline operational cost will not exceed 90% of the total cost of the Hotline. OMAP will pay the invoice from Multnomah County and will then bill Multnomah County for the General Fund cost of the payment to the County. Multnomah County will reimburse OMAP for the General Fund cost of the payment to the County. Multnomah County certifies that its payment to OMAP will be from nonfederal funds.

The total amount paid to Multnomah County under this agreement from OMAP will not exceed \$867,000 Total Funds. Multnomah County agrees to maintain all records necessary to respond to any audit of Hotline costs billed to the Medicaid program. The final bill to OMAP will be mailed not later than August 10, 1995.

V. RESPONSIBILITIES:

Mutual Responsibilities:

1. Attend quarterly advisory group meetings.

Health Division

1. Establish or maintain agreements with county health departments, Adult and Family Services Division, and Oregon Medical Assistance Programs. The agreements are for the purpose of assuring coordination and participation in policy development for the hotline. The agreements should complement the existing county information and referral service.
2. Monitor expenditures.
3. Provide management and approval for the outreach and advertising campaign plans and activities. The Health Division will provide technical assistance and liaison with all related state programs which would be funding media campaigns.

Multnomah County

1. Operate a statewide 800 number with conference calling capabilities to be in operations from 8:00 to 5:00 Monday through Friday, serving the following clients:
  - a. WIC Clients
  - b. Prenatal Low-Income Clients
  - c. Well-Child Clients, including Immunization for Children
  - d. Low-Income Children in Need of Primary Medical Service
  - e. Children in Need of Mental Health Services
  - f. Children with Special Health Care Needs (including Children with Permanent Disabilities served through CDRC)
  - g. Family Planning Clients
  - h. Low income children in need to dental care.
2. Follow operational guidelines including:
  - a. Basic referral information.
  - b. Written guidelines on how to handle calls.
  - c. Logging system to keep track of calls.
3. Maintain computer system.
4. Maintain capacity for Spanish interpretation services and on call for other foreign language interpreters.
5. Be responsive to the advisory group and to the various needs of the funding agency(ies).
6. Maintain an updated listing of local resources.
7. Maintain the visibility of the Hotline as a focal point for health care information and referral by participating in information sharing meetings throughout the state with health and social service agencies.
8. Maintain information for the purpose of identifying providers most likely to accept Medicaid patients.
9. Maintain "callback" protocol for complex problems surrounding access to service.
10. Maintain at least one membership with relevant professional associations: Northwest Alliance of Information and Referral Systems (NW-AIRS); Alliance of Information and Referral Systems (AIRS); Northwest Information and Referral Association (NIRA); and Oregon Public Health Association (OPHA).
11. Maintain and upgrade skills of Hotline staff by attending trainings and conferences sponsored by NW-AIRS, AIRS, NIRA, and OPHA within available

resources.

12. Return hotline equipment to the Health Division if the hotline is in operation less than five years.
13. Follow Title V Assurances:
  - a. Administrative costs must be no more than 10%. Administrative costs are defined as "Costs incurred by an organization that are not readily identifiable but are nevertheless necessary to the operation of the organization and the performance of its programs. These costs include but are not limited to costs of operating and maintaining facilities for administrative personnel not directly associated with program and administrative salaries, equipment, depreciation, etc."

D. OMAP RESPONSIBILITIES

1. Serve on Advisory Board.
2. Include MCH Hotline Toll-free number on all brochures relating to Maternal & Child Health services for Medicaid clients.
3. Remit Medicaid Federal funds available to support the operation and ongoing outreach efforts of the Hot-line.
4. Provide information on how Medicaid providers can be accessed by Medicaid clients calling the Hotline.

REQUIRED REPORTING BY HOTLINE:

- A. Management reports. Management reports should include progress report on operation of hotline. Reports will also include number of calls by locations, and number of referrals by program area. Management reports should also include data on a sample of followup calls to help identify problems of access. Written and oral reports due at advisory group meetings.
- B. Expenditure reports as described in paragraph IV shall be submitted quarterly, with the final report due August 10, 1995.

VII. CIVIL RIGHTS:

All parties agree to the provisions of the Civil Rights Act of 1964, and to Title V of the Rehabilitation Act of 1973, regarding no discrimination and consideration of the handicapped.

VIII. FEDERAL REQUIREMENTS:

All parties agree to comply with the applicable requirements of P.L. 9735 and OMB circulars A-87, A-128, A-102 in carrying out the provisions of this agreement.

IX. This contract maybe terminated by mutual consent of all parties, or by either party upon 60 days notice in writing and delivered by certified mail or in person.

The Division may terminate this contract effective upon delivery of written notice to Multnomah County, or at such later date as may be established by the Division, under any of the following conditions:

a. If Division funding from State, Federal, or other sources is not obtained and continued at levels sufficient to allow for purchase of the indicated quantity of services. The contract may be modified to allow for a reduction in funds.

b. If Federal or State regulations are modified, changed, or interpreted in such a way that the services are no longer allowable or appropriate for purchase under this contract, or are no longer eligible for the funding proposed for payments authorized by this contract.

Any such termination of this document shall be without prejudice to any obligations or liabilities of either party already accrued prior to such termination.

AGREED:

MULTNOMAH COUNTY

Bille Odegaard 10/8/93  
Bille Odegaard (date)

Director  
Multnomah County Health Division

Beverly Stein

Beverly Stein  
County Chair

by Laurence Kressel

Laurence Kressel  
County Counsel

OMAP

Jean Thorne

Jean Thorne  
Director  
Office of Medical Assistance Programs

OREGON HEALTH DIVISION

Donna L. Clark 1/3/94  
Donna L. Clark (date)

Assistant Administrator  
Title V Director

Lorraine Duncan

Lorraine Duncan  
Manager, MCH Systems

Patty Neuhaus 7/21/93

Patty Neuhaus  
Business Manager

Marlyn Lewis

Marlyn Lewis  
Fiscal Manager



CONTRACT APPROVAL FORM  
(See Administrative Procedure #2106)

MULTNOMAH COUNTY OREGON

Contract # 201004

Amendment # 1

<p>CLASS I</p> <input type="checkbox"/> Professional Services under \$25,000	<p>CLASS II</p> <input type="checkbox"/> Professional Services over \$25,000 (RFP, Exemption) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue	<p>CLASS III</p> <input checked="" type="checkbox"/> Intergovernmental Agreement <p>APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</p> <p>AGENDA # <u>C-3</u> DATE <u>3/3/94</u>  <u>Carrie A. Parkerson</u>          BOARD CLERK</p> <p>REVENUE</p>
------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Department HEALTH Division \_\_\_\_\_ Date \_\_\_\_\_

Contract Originator Brame Phone x2670 Bldg/Room 160/8

Administrative Contact Fronk Phone x4274 Bldg/Room 160/7

Description of Contract Increase funding \$18,400. (MCH HOTLINE).

RFP/BID # \_\_\_\_\_ Date of RFP/BID \_\_\_\_\_ Exemption Exp. Date \_\_\_\_\_

ORS/AR # \_\_\_\_\_ Contractor is  MBE  WBE  ORF

Contractor Name Oregon Health Division Office of Medical Assistance Programs

Mailing Address 203 Public Service Building Salem, Oregon 97310

Phone x2 (503) 378-2263

Employer ID# or SS# N/A

Effective Date Upon Execution

Termination Date June 30, 1995

Original Contract Amount \$ 867,000

Total Amount of Previous Amendments \$ 0

Amount of Amendment \$ 18,400 *increases Health Division funding from \$14,300 to \$162,769*

Total Amount of Agreement \$ 885,400

Remittance Address \_\_\_\_\_ (If Different)

Payment Schedule \_\_\_\_\_ Terms \_\_\_\_\_

Lump Sum \$ \_\_\_\_\_  Due on receipt

Monthly \$ \_\_\_\_\_  Net 30

Other \$ \_\_\_\_\_  Other \_\_\_\_\_

Requirements contract - Requisition required.

Purchase Order No. \_\_\_\_\_

Requirements Not to Exceed \$ \_\_\_\_\_

REQUIRED SIGNATURES:

Department Manager Billie Okegaard

Purchasing Director (Class II Contracts Only) [Signature]

County Counsel [Signature]

County Chair / Sheriff [Signature]

Contract Administration (Class I, Class II Contracts Only) \_\_\_\_\_

Encumber: Yes  No

Date 2/17/94

Date \_\_\_\_\_

Date 22 Feb 94

Date 3/3/94

Date \_\_\_\_\_

VENDOR CODE		VENDOR NAME							TOTAL AMOUNT		\$
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/REV SRC	SUB OBJ	REPT CATEG	LGFS DESCRIPTION	AMOUNT	INC/DEC IND
01.	156	015	0875			6050		0396	MCH Hotline -	Exp.	
02.	156	015	0875			2371		0396	" "	Rev.	
03.											

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

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FOR MCH HOTLINE

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portion billed to Good Health Plan

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  - a. Basic referral information.
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9. Maintain "callback" protocol for complex problems surrounding access to service.
10. Maintain at least one membership with relevant professional associations: Northwest Alliance of Information and Referral Systems (NW-AIRS); Alliance of Information and Referral Systems (AIRS); Northwest Information and Referral Association (NIRA); and Oregon Public Health Association (OPHA).
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resources.

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- B. Expenditure reports as described in paragraph IV shall be submitted quarterly, with the final report due August 10, 1995.

VII. CIVIL RIGHTS:

All parties agree to the provisions of the Civil Rights Act of 1964, and to Title V of the Rehabilitation Act of 1973, regarding no discrimination and consideration of the handicapped.

VIII. FEDERAL REQUIREMENTS:

All parties agree to comply with the applicable requirements of P.L. 9735 and OMB circulars A-87, A-128, A-102 in carrying out the provisions of this agreement.

IX. This contract maybe terminated by mutual consent of all parties, or by either party upon 60 days notice in writing and delivered by certified mail or in person. The Division may terminate this contract effective upon delivery of written notice to Multnomah County, or at such later date as may be established by the Division, under any of the following conditions:

a. If Division funding from State, Federal, or other sources is not obtained and continued at levels sufficient to allow for purchase of the indicated quantity of services. The contract may be modified to allow for a reduction in funds.

b. If Federal or State regulations are modified, changed, or interpreted in such a way that the services are no longer allowable or appropriate for purchase under this contract, or are no longer eligible for the funding proposed for payments authorized by this contract.

Any such termination of this document shall be without prejudice to any obligations or liabilities of either party already accrued prior to such termination.

AGREED:

MULTNOMAH COUNTY

Billi Odegaard 10/8/93  
Billi Odegaard (date)  
Director  
Multnomah County Health Division

Beverly Stein  
Beverly Stein  
County Chair

by Laurence Kressel  
Laurence Kressel  
County Counsel

OMAP

Jean Thorne  
Jean Thorne  
Director  
Office of Medical Assistance Programs

OREGON HEALTH DIVISION

Donna L. Clark 1/3/94  
Donna L. Clark (date)  
Assistant Administrator  
Title V Director

Lorraine Duncan  
Lorraine Duncan  
Manager, MCH Systems

Patty Neuhaus 7/21/93  
Patty Neuhaus  
Business Manager

Marlyn Lewis  
Marlyn Lewis  
Fiscal Manager

SDSD #  
30350-1

The Intraagency Agreement between Multnomah County Health Department, Oregon Health Division, and the Office of Medical Assistance Programs for the period July 1, 1993 through June 30, 1995 is hereby amended.

The agreement provides for a toll-free telephone number for the use of parents, women of child-bearing age, and adolescents to access information about health care providers and practitioners who provide health care services under Title V and Title XIX.

The Oregon Health Division agrees to provide funding for a half-time community information specialist for a period of one year. The person hired for this position will develop SAFENET outreach campaigns for Health Division programs. Timing for outreach activities will be coordinated with the MCH Systems Manager.

Health Division funding for this agreement is increased by \$18,400 to a total of \$162,769. The additional funds are 50% federal, 50% non-federal. Reimbursement from OMAP is not increased under this amendment.

**MULTNOMAH COUNTY**

**OREGON HEALTH DIVISION**

Billi Odegaard 2/17/94  
Billi Odegaard (date)  
Director  
Multnomah County Health Department

Donna L. Clark 12/15/93  
Donna L. Clark (date)  
Assistant Administrator  
Title V Director

Beverly Stein  
Beverly Stein  
County Chair

Lorraine Duncan 12/15/93  
Lorraine Duncan  
MCH Systems Manager

Laurence Kressel  
Laurence Kressel  
County Counsel

Patty Neuhaus  
Patty Neuhaus  
Business Manager

**OMAP**

Jean Thorne  
Jean Thorne  
Director, OMAP

Marlyn Lewis  
Marlyn Lewis  
Fiscal Manager, OHD

APPROVED MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # C-3 DATE 3-3-94  
Ann A. Peterson  
BOARD CLERK

MEETING DATE: MAR 03 1994

AGENDA NO: C-4

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

SUBJECT: Ratification of intergovernmental agreement with Oregon Sciences University, School of Dentistry

BOARD BRIEFING Date Requested: \_\_\_\_\_

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

REGULAR MEETING: Date Requested: March 3, 1994

Amount of Time Needed: 5 minutes or less

DEPARTMENT: HEALTH DIVISION: \_\_\_\_\_

CONTACT: Fronk/Empey TELEPHONE #: x4274  
BLDG/ROOM #: 160/7

PERSON(S) MAKING PRESENTATION: Fronk/Empey

**ACTION REQUESTED:**

INFORMATIONAL ONLY     POLICY DIRECTION     APPROVAL     OTHER

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

Ratification of intergovernmental agreement with Oregon Health Sciences University, School of Dentistry. The OHSU School of Dentistry agrees to become a primary care provider under the county's Multicare Dental, and agrees to accept reimbursement on a capitated rate basis. The Health Department will be reimbursed by the state Office of Medical Assistance Programs which is operating the Oregon Health Plan.

**SIGNATURES REQUIRED:**

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

OR

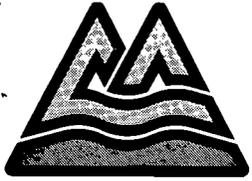
DEPARTMENT MANAGER: Billi Odegaard

BOARD OF  
COUNTY COMMISSIONERS  
1994 FEB 22 PM 4: 14  
MULTNOMAH COUNTY  
OREGON

**ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES**

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

0516C163 *Sent Originals to Herman Brone on 3-4-94.*



# MULTNOMAH COUNTY OREGON



HEALTH DEPARTMENT  
426 S.W. STARK STREET, 8TH FLOOR  
PORTLAND, OREGON 97204-2394  
(503) 248-3674  
FAX (503) 248-3676  
TDD (503) 248-3816

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

## MEMORANDUM

TO: Beverly Stein, Multnomah County Chair

FROM: *B. Odgaard* Odgaard, Health Department Director

REQUESTED PLACEMENT DATE: MARCH 3  
~~February 17~~, 1994

DATE: February 7, 1994

SUBJECT: Intergovernmental agreement with Oregon Health Sciences University (OHSU) School of Dentistry on behalf of Multicare Dental under the Oregon Health Plan.

I. Recommendation/Action: The Health Department recommends approval of this intergovernmental agreement with the OHSU School of Dentistry for the period February 1, 1994 through 30 days written notice. This agreement was received in this office February 11, 1994, and signed by the contractor first.

II. Background/Analysis: OHSU school of Dentistry agrees to become a primary care provider under Multicare Dental, and agrees to accept reimbursement on a capitated rate basis.

III. Financial Impact: The expenditures in this agreement are reimbursed to the Health Department through its Multicare Dental agreement with the Office of Medical Assistance Programs which is operating the Oregon Health Plan.

IV. Legal Issues: none.

V. Controversial Issues: none.

VI. Link to Current County Policies: This agreement is in direct support of Multicare Dental which is part of the Oregon Health Plan.

VII. Citizen Participation: none.

VIII. Other Government Participation: All parties to this agreement are governmental bodies.



# CONTRACT APPROVAL FORM

(See Administrative Procedure #2106)

MULTNOMAH COUNTY OREGON

Contract # 201844

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

<p><b>CLASS I</b></p> <input type="checkbox"/> Professional Services under \$25,000	<p><b>CLASS II</b></p> <input type="checkbox"/> Professional Services over \$25,000 (RFP, Exemption) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue	<p><b>CLASS III</b></p> <input checked="" type="checkbox"/> Intergovernmental Agreement <p>APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</p> <p>AGENDA # <u>C-4</u> DATE <u>3/3/94</u>  <u>Carrie A. Parkerson</u>          BOARD CLERK</p>
-------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Department HEALTH Division \_\_\_\_\_ Date \_\_\_\_\_

Contract Originator BRAME Phone x2670 Bldg/Room 160/2

Administrative Contact FRONK Phone x4274 Bldg/Room 160/7

Description of Contract PROVIDE DENTAL SPECIALITY CARE IN THE AREAS OF ORAL SURGERY, ORAL PATHOLOGY, ENDODONTICS, AND PERIODONTICS AND RELEATED SERVICES TO CLIENTS REFERRED BY THE COUNTY.

RFP/BID # \_\_\_\_\_ Date of RFP/BID \_\_\_\_\_ Exemption Exp. Date \_\_\_\_\_

ORS/AR # \_\_\_\_\_ Contractor is  MBE  WBE  QRF

Contractor Name OREGON HEALTH SCIENCES UNIVERSITY  
SCHOOL OF DENTISTRY  
 Mailing Address 3181 SW SAM JACKSON PARK RD  
PORTLAND, OREGON 97201

Phone \_\_\_\_\_  
 Employer ID# or SS# \_\_\_\_\_  
 Effective Date FEBRUARY 1, 1994  
 Termination Date UPON 30 DAYS WRITTEN NOTICE  
REQUIREMENTS  
 Original Contract Amount \$ \_\_\_\_\_  
 Total Amount of Previous Amendments \$ \_\_\_\_\_  
 Amount of Amendment \$ \_\_\_\_\_  
 Total Amount of Agreement \$ \_\_\_\_\_

Remittance Address \_\_\_\_\_ (If Different)

Payment Schedule \_\_\_\_\_ Terms \_\_\_\_\_

Lump Sum \$ \_\_\_\_\_  Due on receipt  
 Monthly \$ \_\_\_\_\_  Net 30  
 Other \$ \_\_\_\_\_  Other \_\_\_\_\_  
 Requirements contract - Requisition required.  
 Purchase Order No. \_\_\_\_\_  
 Requirements Not to Exceed \$ \_\_\_\_\_

**REQUIRED SIGNATURES:**

Department Manager Belle Odgaard  
 Purchasing Director \_\_\_\_\_  
 (Class II Contracts Only)  
 County Counsel [Signature]  
 County Chair / Sheriff [Signature]  
 Contract Administration \_\_\_\_\_  
 (Class I, Class II Contracts Only)

Encumber: Yes  No   
 Date 2/2/94  
 Date \_\_\_\_\_  
 Date 22 FEB 94  
 Date 3/3/94  
 Date \_\_\_\_\_

VENDOR CODE			VENDOR NAME						TOTAL AMOUNT \$		
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/ REV SRC	SUB OBJ	REPT CATEG	LGFS DESCRIPTION	AMOUNT	INC/ DEC IND
01.	156	015	0811,0812			6110		0300	DENTAL DCO	REQ	
02.			0813,0814					0314	CONSULT		
03.											

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

INSTRUCTIONS ON REVERSE SIDE

ORAL RADIOLOGY

<u>ADA</u>	<u>O-Code</u>	<u>Procedure Description</u>	<u>Fee</u>
00210	1451	Full Mouth	37.00
00220	1452	First film	9.00
00230	1453	Each additional film	6.00
00240	1454	Occlusal	9.00
00270	1455	Bite Wing Single Film	7.00
00272	1456	Bite Wings (2 films)	15.00
00274	1457	Bite Wings (4 films)	15.00
00250	1458	Extra Oral (5 x 7)	29.00
00290	1459	Extra Oral (8 x 10)	34.00
00290	1460	Extra Oral (10 x 12)	40.00
00330	1461	Panoramic	34.00
	1469	Two Views	51.00
	1470	Panoramic and Full Mouth Films	71.00
<u>Intra-oral Periapical Series</u>			
00230	1462	2 - 4 Films	15.00
00230	1463	5 - 8 Films	22.00
00230	1464	9 - 13 Films	29.00
00230	1465	14 - FM Films	37.00
	1472	Duplicating Fees: Full Mouth or Equivalent	17.00
	1471	1 Film to 1/2 Full Mouth	9.00
00321	1466	TMJ Series* (12 views)	127.00
		TMJ Series plus Panoramic	155.00
00310	1467	Sialogram Series 3 (8 x 10)	165.00
00999	1468	Radiographic Interpretation and Report* (TMJ, Sialogram, etc.) (Unspecified diagnostic procedure)	T.B.A.

\*Fees for the less common types of examinations will be arranged by the chairperson of the department concerned with treatment. Fees charged for special oral radiographs as requested by private practitioners will be comparable to those charged by private x-ray laboratories in the Portland area.

Behavior Management (per session)

09230	2255	Analgesia (nitrous oxide-oxygen)	18.00
09630	2256	Conscious sedation, per session	49.00
09920	2257	Behavior management, per session	16.00

Miscellaneous

09420	2258	Hospital call (per visit)	31.00-43.00
09610	2259	Oral Antibiotics	21.00
09610	2260	Avitene	31.00 per socke
09610	2261	Amicar	10.00/ 5ml
09999	2262	Coronal color modification/vital bleaching, per tooth	43.00

\*Fees to be determined in consultation with clinical instructor.

Endodontics (including procedures and follow-up, excludes final restoration)

03110	2234	Pulp cap, direct	10.00
03120	2235	Pulp cap, indirect (excludes final restoration)	23.00
03220	2236	Vital pulpotomy or nonvital pulpectomy	31.00

Trauma/Emergency Treatment (excludes diagnostic procedures & final restoration)

02970	2237	Temporary, acid etch restoration	44.00
07270	2238	Tooth stabilization &/or reimplant.	122.00
07510	2239	Incise & drain, intraoral	44.00
07910	2240	Suture traumatic wound	60.00
09110	2241	Palliative emergency treatment of dental pain (minor procedures)	28.00
02840	2242	Temporary crown	59.00

Oral Surgery

07110	2243	Single tooth extraction	39.00
07120	2244	Extraction, each additional tooth	32.00
07130	2245	Root removal, exposed roots	27.00
07210	2246	Surgical extraction of tooth, erupt.	60.00
07285	2247	Biopsy oral tissue-hard (Oral Path. to bill sep. for lab fees)	72.00
07286	2248	Biopsy oral tissue-soft (Oral Path. to bill separately for lab fees))	49.00

Orthodontics (includes adjustments and retainer but not initial records)

All orthodontic fees must be preauthorized or paid in full before initiating treatment

08110	2249	Tooth guidance, removable appliance [i.e., removable appl. for ant. crossbite]	378.00
08120	2250	Tooth guidance, fixed appliance [i.e., W-arch, quad. helix, labial-lingual, rapid palatal expansion	378.00
08220	2251	Habit treatment, fixed appliance [i.e., palatal crib]	342.00
08370	2252	Interceptive orthodontics, fixed [i.e., 2x4 or other multi-tooth banded appliances] *{ 2 arches=max. \$625}	622.00-927.00
08998		Prelim. Ortho Appt.	NC
08999		Ortho follow-up appt.	NC

PEDIATRIC DENTISTRY RESIDENTS' CLINIC FEES

ADA	O-Code	Description	Fee
00110	2201	Initial oral exam	20.00
00120	2202	Recall exam (within 1 year of last appointment)	16.00
00130	2203	Emergency exam (clinic hours)	15.00
00130	2204	Emergency exam (night/weekend/holiday)	34.00
00470	2205	Diagnostic casts for ortho-workup (1st set only)	38.00
09940		Occlusal Guard	
<u>Preventive</u>			
01110	2206	Adult prophylaxis (w/o topical) (>18yrs)	27.00
01120	2207	Children prophylaxis (w/o topical)	15.00
01201	2208	Topical fluoride + prophylaxis (child)	22.00
01203	2209	Topical fluoride (excluding prophylaxis)	7.00
01351	2210	Sealant, per tooth	15.00
09641	2211	Athletic mouthguard or night guard	61.00
<u>Space Maintainers (Fee includes adjustments)</u>			
01510	2212	Space maintainer, fixed unilateral (does not include SSC) [i.e., band & loop or crown & loop]	67.00
01515	2213	Space maintainer, fixed bilateral [i.e., lingual or transpalatal arch]	104.00
01525	2214	Space maintainer, removable, bilateral acrylic	79.00
01550	2215	Recement space maintainer	12.00
<u>Restorative</u>			
02110	2216	Amalgam, 1 surface, primary	24.00
02120	2217	Amalgam, 2 surface, primary	38.00
02130	2218	Amalgam, 3 surface, primary	44.00
02140	2219	Amalgam, 1 surface, permanent	27.00
02150	2220	Amalgam, 2 surface, permanent	40.00
02160	2221	Amalgam, 3 surface, permanent	51.00
02161	2222	Amalgam, 4 or more surface, permanent	68.00
02330	2223	Composite, 1 surface, anterior	28.00
02331	2224	Composite, 2 surfaces, anterior	39.00
02332	2225	Composite, 3 surfaces, anterior	49.00
02335	2226	Composite, involving incisal angle > 4 surfaces, anterior	65.00
02336	2227	Composite crown, anterior, primary	65.00
02380	2228	Composite, posterior, 1 surface, primary	24.00
02381	2229	Composite, posterior, 2 surface, primary	38.00
02385	2230	Composite, posterior, 1 surface, permanent	27.00
02930	2231	Stainless steel crown, primary	65.00
02931	2232	Stainless steel crown, permanent	65.00
02933	2233	Stainless steel crown with composite window	92.00

ORTHODONTICS

<u>ADA Code</u>	<u>Q-Code</u>	<u>Procedure Description</u>	<u>Fee</u>
08560	2701	Class I	2220.00
08570	2702	Class II	2220.00
08580	2703	Class III	2220.00
08550	2704	Single Arch	1000.00
00470	2705	Ortho Study Models	25.00
09310	2706	Ortho Consult	25.00-100.00
00110	2707	Initial Ortho Oral Exam	15.00
00110	2708	Ortho Photos and Chart (Diagnostic photos)	25.00

07286	2637	(Pathology to bill patient for lab) Biopsy of oral tissue-soft	59.00
09110	2638	(Pathology to bill patient for lab) Emergency care	40.00
09230	2639	Analgesia (nitrous oxide sedation)	35.00
09240	2640	Intravenous sedation	67.00

PERIODONTOLOGY

ADA	Q-Code	Description	Fee
00110	2601	Initial oral examination (for treatment plan)	59.00
00120	2602	Periodic oral exam (tissue check or re-eval)	26.00
01330	2603	Oral hygiene instruction	9.00
00210	2604	Radiograph: intraoral-complete series (full mouth)	37.00
00220	2605	Radiograph: single film	9.00
00230	2606	Radiograph: each additional	6.00
00270	2607	Radiograph: bitewing--single film	7.00
03920	2608	Hemisection root amputation	106.00
04210	2609	Gingivectomy or gingivoplasty - per quadrant	134.00
04211	2610	Gingivectomy or gingivoplasty - per tooth	46.00
04220	2611	Gingival curettage, surgical - per quadrant	122.00
04240	2612	Gingival flap, incl. root planing - per quadrant	134.00
04249	2613	Crown lengthening - hard and soft tissue	122.00
04250	2614	Mucogingival surgery - per quadrant	132.00
04260	2615	Osseous surgery (incl. flap entry/closure) per quadrant	214.00
04261	2616	Bone replacement graft-single site (surgery+material)	92.00 Plus surgery fee
04262	2617	Bone replacement graft-mult. site (surgery <u>only</u> )	244.00+
--	2641	Synthetic material for grafting (per vial)	92.00
04268	2618	Guided tissue regeneration (incl. surgery & re-entry)	427.00
04270	2619	Pedicle soft tissue grafts	110.00
04271	2620	Free soft tissue grafts - single sites	110.00
04271	2621	Free soft tissue grafts-multiple sites	73.00
04240	2622	Apically repositioned flap	
04320	2623	Provisional splinting - intracoronal (per tooth)	79.00
04321	2624	Provisional splinting - extracoronal (per tooth)	67.00
09951	2625	Occlusal adjustment, limited	99.00
09952	2626	Occlusal adjustment, complex	177.00
04341	2627	Periodontal scaling and root planning - per quadrant	85.00
	2628	Adult orthodontics	134.00
09940	2629	Special periodontal appliances (includes \$50.00 lab fee) (nightguard, occlusal splints, etc.)	220.00
04910	2630	Periodontal maintenance (recall)	59.00
06030	2631	Endosseous implant (in the bone) Initial implant	900.00
	2632	Additional implant (each)	750.00
06080	2633	Implant maintenance (incl. removal of prosthesis, cleansing, reinsertion)	73.00
07960	2634	Frenectomy/Frenotomy	73.00
07110	2635	Extraction - single tooth	41.00
07285	2636	Biopsy of oral tissue-hard	59.00

ORAL SURGERY - cont'd.

ADA	Q-Code	Description	Fee
07451	2547	Excision of cyst, large, complex (> 1.25 cm)	595.00
07450	2548	Removal of odontogenic cyst	205.00
07980	2549	Sialolithotomy	205.00
	2550	Stomatoplasty; muscle reattachment-per quad	283.00
07993	2551	Alloplastic ridge augmentation, per quad	283.00
06030	2552	Implant (second)	900.00 750.00
	2553	Insertion, skeletal wire, pin, screw	200.00
	2554	Simple removal, skeletal wire, pin, screw	70.00
	2555	Complex removal	200.00
	2556	Alveolar fracture, reduction and fixation	332.00
	2557	Complex mandibular or maxillary fracture reduction and fixation	498.00
07650	2559	Simple fracture of zygoma	831.00
	2560	Simple segmental osteotomy for deformity	748.00
	2561	Complex segmental osteotomy for deformity	1995.00
	2562	Genioplasty	1330.00
	2563	Facial bone augmentation	1330.00
	2564	Simple TMJ dislocation, closed reduction	183.00
	2565	Complex TMJ dislocation, closed reduction Neurectomy	306.00

## ORAL SURGERY

ADA	Q-Code	Procedure Description	Fee
00110	2501	Initial Examination (diagnostic)	67.00
09310	2502	Consultation	99.00
09930	2503	Postoperative treatment (surgery elsewhere)	29.00
00410	2504	Bacteriologic smears	20.00
	2505	Cytologic smears	29.00
07286	2506	Biopsy, incisional	66.00
07286	2507	Biopsy, excisional	99.00
07285	2508	Biopsy hard tissue	106.00
09110	2509	Palliative treatment for pain, minor	26.00
09110	2510	Temporary restoration (sedative)	33.00
09951	2511	Occlusal adjustment, limited	109.00
09952	2512	Occlusal adjustment, extensive	224.00
07670	2513	Surgical splint, stent-acrylic	153.00
07880	2514	Occlusal appliance, acrylic	166.00
09610	2515	Therapeutic drug injection	40.00
09630	2516	Diagnostic injection	29.00
09240	2517	Intravenous sedation	76.00
09230	2518	Nitrous oxide sedation	35.00
09220	2519	General anesthesia, first 30 minutes	112.00
	2520	Each additional 15 minutes	35.00
07911	2521	Suture - up to 5 cm	153.00
07912	2522	Suture - greater than 5 cm	306.00
09610	2523	Injection TMJ steroid	89.00
09610	2524	Injection, nerve, alcohol	89.00
07110	2525	Extraction of tooth	46.00
07120	2526	Additional extraction, same sitting	46.00
07210	2527	Surgical tooth extraction, erupted	84.00
07220	2528	Soft tissue impaction	99.00
07230	2529	Partial bony impaction	133.00
07240	2530	Complete bony impaction	199.00
07250	2531	Root recovery, (flap procedure)	84.00
07270	2532	Root reimplantation	199.00
07310	2533	Alveoplasty, per quadrant (I.P.)	120.00
03410	2534	Apicoectomy (I.P.) anterior	143.00
	2535	Apicoectomy with root canal rx	153.00
04210	2536	Gingivectomy (or plasty), per quadrant	153.00
07550	2537	Saucerization and/or sequestrectomy	183.00
07960	2538	Frenectomy (or plasty)	133.00
07470	2539	Removal of exostosis	250.00
07970	2540	Excision of hyperplastic tissue	153.00
	2541	Oral-antral fistula repair, simple	342.00
07560	2542	Root recovery from antrum	375.00
07510	2543	Incision and drainage of abscess	120.00
07430	2544	Benign tumor excision, small (< 1.25 cm)	109.00
07431	2545	Benign tumor excision, large, complex (>1.25 cm)	283.00
07450	2546	Excision of cyst, small (< 1.25 cm)	109.00

Grad. Endo. Cont.

09110	2316	Palliative (emergency) treatment of pain-minor procedures	27.00
09230	2310	Analgesia (nitrous oxide)	37.00
09240	2309	Intravenous sedation	79.00
09610	2318	Therapeutic drug injection	39.00
03999		Unspecified Endodontic Procedure (By Report)	
02140		One surface amalgam	29.00
02150		Two surface amalgam	40.00
02160		Three surface amalgam	51.00
02161		Four or more surfaces, amalgam	51.00
02330		One surface composite	32.00

**OREGON HEALTH SCIENCES UNIVERSITY  
SCHOOL OF DENTISTRY  
GRADUATE DENTAL CLINIC  
FEE SCHEDULE  
Effective June 28, 1993**

Graduate Endodontology

ADA	Q-Code	Description	Fee
00110	2301	Initial oral exam	37.00
00130	2302	Emergency oral exam	37.00
02932	2329	Prefabricated resin crown	61.00
02940	2317	Sedative filling	37.00
02950	2325	Core build-up, including any pins	61.00
02970	2326	Temp. crown (fractured tooth)	61.00
03120	2303	Pulp cap-indirect	24.00
03220	2304	Pulpotomy	55.00
03310	2305	Anterior RCT	235.00
03320	2306	Bicuspid RCT	285.00
03330	2307	Molar RCT	345.00
03346	2335	Retreatment - anterior	256.00
03347	2336	Retreatment - bicuspid	311.00
03348	2337	Retreatment- molar	378.00
03351	2338	Apexification/recalcification-initial visit	61.00
03352	2339	Apexification/recalcification-interim med. rep.t visit	31.00
03353	2340	Apexification/recalcification-final visit	183.00
03410	2331	Apicoectomy/Periradicular surgery, anterior	150.00
03421	2332	Apicoectomy/Periradicular surgery, bicuspid (each root)	200.00
03425	2333	Apicoectomy/Periradicular surgery, molar (first root)	250.00
03426	2330	Apicoectomy/Periradicular surgery (each additional root)	37.00
03450	2311	Root amputation-per root	159.00
03460	2308	Endodontic endosseous implant	264.00
03470	2334	Intentional replantation	73.00
03920	2312	Hemisection	264.00
03950	2327	Canal preparation and fitting of preformed dowel or post	61.00
03960	2328	Bleaching of discolored teeth	92.00
07110	2320	Extraction of single tooth	46.00
07270	2321	Tooth reimplantation	61.00
07272	2322	Tooth transplantation	342.00
07285	2315	Biopsy of oral tissue-hard	105.00
07286	2314	Biopsy of oral tissue-soft	98.00
07510	2324	Incision and drainage of abscess-intraoral soft tissue	75.00
07910	2319	Suture of recent small wounds	118.00
08999	2323	Unspecified orthodontic procedure (extrusion)	151.00

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly appointed officers the date first written above.

OREGON HEALTH SCIENCES UNIVERSITY

for By David C. Sennell  
Thomas G. Fox, Ph.D.  
Vice President

Date 2/8/94  
93-1600-1786  
Federal I.D. Number

By HJ VanHassel  
Henry J. VanHassel, DMD, Dean  
School of Dentistry

Date 2-8-94

MULTNOMAH COUNTY,  
OREGON

By Beverly Stein  
Beverly Stein, Multnomah  
County Chair

Date 3-3-94

HEALTH DEPARTMENT

By Billi Odegaard  
Billi Odegaard, Director

Date 1/6/94

By David B Empey  
Program Manager

Date 1/6/94

REVIEWED:

LAURENCE B. KRESSEL,  
County Counsel for  
Multnomah County,  
Oregon

By L. Kressel

Date 22 Feb 94

APPROVED MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # C-4 DATE 3-3-94  
Christi A. Peterson  
BOARD CLERK

9.2 MultiCare Dental may temporarily suspend participation by a Participating Provider, an employee or officer thereof.

9.3 Participating Provider may not assign this Agreement or any of its obligations or rights hereunder without the written consent of MultiCare Dental. MultiCare Dental may assign this Agreement and any party or parts hereof without the consent of Participating Provider. In the event of merger, consolidation or acquisition of either party, this Agreement will be binding on the parties and any successors of the parties.

9.4 This Agreement will be governed by the laws of the State of Oregon. The parties stipulate to jurisdiction and venue in the Oregon Circuit Court for the County of Multnomah.

terminate this Agreement without cause by giving the other party written notice of termination of at least 30 days prior to the effective termination date.

8.2 MultiCare Dental will terminate or suspend this Agreement with Participating Provider upon the lapse, relinquishment, suspension, expiration, cancellation or termination of any required license, certification or qualification or Participating Provider.

8.3 MultiCare Dental reserves the right to terminate this Agreement upon 10 days' notice in the event that Participating Provider or any officer, director, or employee of Participating Provider: violates any material provision of this Agreement; violates any material rule or procedure of MultiCare Dental; violates prevailing standards of the dental profession in this state; or is convicted of a criminal offense involving moral turpitude. Any determination under this section may be appealed by the Participating Provider to the governing body of MultiCare Dental whose decision will be final short of judicial redress.

8.4 Upon the happening of any of the following events of default, this Agreement may be terminated by the nondefaulting party if the default is not corrected within 30 days following delivery of written notice to the defaulting party of the specific description of the default. Such events are:

8.4.1 The failure of MultiCare Dental to make any payment required under this Agreement before 90 days after it is past due, date of 30 days after the billing date.

8.4.2 The default of either party in the substantial performance of substantive and nonmonetary terms, conditions, covenants or obligations of this Agreement.

8.5 Participating Provider may have a reciprocal right of termination with respect to the licensure or insolvency of MultiCare Dental, but such rights are fully subjective to state laws, rules and regulations and, accordingly, no specific reciprocal rights are Participating Provider for herein.

8.6 In order to protect the rights of Members upon nonperformance hereof by MultiCare Dental for any reason including insolvency, the parties agree that each will continue to perform all of its duties and obligations with respect to Members then under the care of Participating Provider to the date of termination. Participating Provider will be eligible for reimbursement under the terms of this Agreement during such period. Provider is entitled to receive all earned compensation to the date of termination. following expiration of all periods during which Participating Provider is obligated to provide Covered Services, Participating Provider will use reasonable efforts to assist and cooperate in the transfer of Members to other dental care providers.

## 9 Miscellaneous.

9.1 This Agreement may be amended in writing by MultiCare Dental and such amendment will automatically become effective 31 days after written notice to Participating Provider, unless specifically rejected by Participating Provider in writing within 30 days of such written notice.

have not otherwise been paid by a primary or secondary carrier in accordance with regulatory standards for coordination of benefits. In the event of MultiCare Dental's insolvency, MultiCare Dental will continue to provide Covered Services to Members for the duration of the period for which premiums on behalf of the Member were paid to MultiCare Dental or until the Member's discharge from inpatient facilities, whichever is later.

## 6 Records and Confidentiality of Records.

6.1 Provider will maintain financial and other records pertinent to this Agreement. All records other than dental records will be retained by Participating Provider for at least three years after financial payment is made under this Agreement and all pending matters are closed. Additionally, if an audit, litigation or other action involving the records is started before the end of the three-year period, the records must be retained until all issues arising out of the action are resolved. Retention of dental records is subject to OAR 410-141-180, Medical Recordkeeping.

6.2 At all reasonable times, Participating Provider will provide OMAP, the Health Care Financing Administration, the Comptroller General of the United States, the Oregon Secretary of State, and all of their duly authorized representatives the right of access to its facilities and to its financial and medical records which are directly pertinent to this Agreement. These records will be made available for the purpose of making audit, examination, excerpts and transcriptions. Contractor will, upon request and without charge, provide a suitable work area and copying capabilities to facilitate such an audit or review.

6.3 Subject to the requirements of applicable law, including 42 C.F.R. Part 431, Subpart F, Participating Provider will not use, release or disclose any information concerning a member for any purpose not directly connected with the administration of this Agreement, except with the written consent of the OMAP member, the Member's attorney or, if appropriate, the Member's parent or guardian. Participating Provider will use its best efforts to ensure that this agent, employees, officers and subcontractors with access to the Member's records understand and comply with this confidentiality provision. Participating Provider will maintain confidentiality of medical records in accordance with applicable law, including ORS 433.045(3) with respect to HIV test information.

6.4 All of this Article 6 will survive termination of this Agreement for a period of five years.

## 7 Grievance and Arbitration.

7.1 MultiCare Dental will maintain a reasonable procedure for hearing and responding to the grievances of Members and Participating Providers. Participating Provider will cooperate with such grievance procedure.

## 8 Term and Termination.

8.1 This Agreement will be in effect on the date of execution. Either party may

410-120-740, or as otherwise provided by law.

5.3 MultiCare Dental reserves the right to coordinate benefits with other health plans, insurance carriers, or government agencies. Participating Provider consents to MultiCare Dental's release of medical information to such other parties as necessary to accomplish the coordination of benefits. Coordination of benefits will not result in compensation in excess of the amount determined by this Agreement, except where state laws or regulations require to the contrary. If Participating Provider has knowledge that a Member has third party insurance or benefits or that either Member or Provider is entitled to payment by a third party, Participating Provider will immediately so advise MultiCare Dental. MultiCare Dental will be entitled to a credit or refund for the exact amount of payment received by Participating Provider.

5.4 The payment to Participating Provider by MultiCare Dental under this Article 5 will compensate Participating Provider and all persons providing Covered Services under or through Participating Provider, for the provision of all Covered Services to Members. Services which are not Covered Services may be the responsibility of the Member and Participating Provider may bill and collect separately for those which are lawfully the responsibility of the Member. Payment by MultiCare Dental will not constitute a waiver of defenses.

5.5 Participating Provider will submit to MultiCare Dental encounter data for each contact with a Member which would qualify for a Fee-For-Service Payment. Participating Provider shall submit encounter data at least once per calendar month. Each encounter claim will include such information as may be required by MultiCare Dental Rules.

5.6 If Participating Provider fails to make a reasonable attempt to verify an individual's eligibility for Covered Services or if the information provided to MultiCare Dental by Participating Provider is inaccurate and MultiCare Dental should later determine either that the individual was not eligible or the services were not Covered Services, MultiCare Dental will not be liable for payment for such services. Verification of eligibility by MultiCare Dental is based upon records at hand. If MultiCare Dental subsequently determines that a patient is or was not a Member at the time services are rendered, MultiCare Dental will promptly notify Participating Provider and payment (if any) will be determined based on the effective dates of membership.

5.7 No payments for Covered Services will be made if the delivered services do not comply with this Agreement or with the quality of care and utilization standards adopted in the MultiCare Dental Quality Assurance and Utilization Review Program. Participating Provider agrees that it will not charge, bill or attempt to collect from MultiCare Dental or the Member for any charges incurred in connection with such services. The agreement of a Member to the contrary will not bind MultiCare Dental.

5.8 In no event, including, but not limited to nonpayment by MultiCare Dental, MultiCare Dental's insolvency or breach of this Agreement, will Participating Provider bill, charge, collect a deposit from, seek compensation, copayment, deductible, remuneration or reimbursement from, or have any recourse against OMAP, a Member or other person, other than MultiCare Dental for Covered Services. This provision will not prohibit collection for non-Covered Services, which

instructions.

3.13 Participating Provider is subject under the Oregon Workers Compensation Law and shall comply with ORS 656.017 which requires them to provide Worker's Compensation coverage for all of their employees.

4 MultiCare Dental. MultiCare Dental agrees to:

4.1 Perform all administrative, accounting, marketing, enrollment and other functions necessary, convenient or appropriate for the administration of this Agreement;

4.2 Maintain adequate personnel and facilities to provide timely telephone and written response, during normal business hours, to inquiries regarding eligibility, Covered Services and prior authorization of Written Referrals; and

4.3 Employ and provide a dentist as Dental Director who will be responsible for the management of the dental care aspects of MultiCare Dental.

5 Provider Compensation.

5.1 MultiCare Dental will pay to Participating Provider Fee-for-Service Payments for Covered Services that are provided to a Member. Billing and payment for all fee-for-service claims will be pursuant to MultiCare Dental Rules.

5.2 MultiCare Dental will have no obligation to make any Fee-For-Service Payments to Participating Provider:

5.2.1 For any periods that Provider materially breached any of its obligations under this Agreement;

5.2.2 If Participating Provider fails to make a reasonable attempt to verify an individual's eligibility for Dental Services;

5.2.3 If information provided to MultiCare Dental by Participating Provider is inaccurate and MultiCare Dental should later determine either that the individual was not eligible or the services were not Covered Services.

5.2.4 If the delivered services do not comply with this Agreement or with the quality of care and utilization standards adopted in the MultiCare Dental Utilization Management and Quality Review.

Any payments received by Participating Provider in breach of the above, and any other payments received by Provider from MultiCare Dental to which Participating Provider is not entitled under the terms of this Agreement, will be considered an overpayment and will be recovered from Participating Provider as a set-off against future payments due, in accordance with OAR

3.6 Participating Provider, as a division of Oregon Health Sciences University, is subject to the provisions of ORS 30.260 through 30.300 (as now or hereafter amended) for its tort liabilities. Pursuant to ORS 30.300 through 30.260. Participating Provider's employees designated dentists and agents are covered by that law. A letter certifying Participating Provider's coverage under the Oregon Tort Claims Act shall be provided to MultiCare Dental upon request.

3.7 Participating Provider, to the extent authorized by Article XI, paragraph 7 of the Oregon Constitution and the Oregon Tort Claims Act (ORS 30.260, et. seq.), shall defend, indemnify, save and hold harmless MultiCare Dental and its officers, agents and employees from damages arising out of the tortious acts of provider, or its officers, agents and employees acting within the scope of their employment or duties in performance of this agreement.

3.8 If sums payable to Participating Provider under this agreement exceed \$100,000, Provider will comply with all applicable standards, orders or requirements issued under Section 306 of the Clean Air Act (42 U.S.C. 1857(h)), Section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency (EPA) regulations (40 C.F.R. Part 15), which prohibit the use of facilities included on the EPA List of Violating Facilities. Participating Provider will report any violations to OMAP, to the Department of Health and Human Services, and to the U.S. EPA Assistant Administrator for Enforcement (EN-329).

3.9 Participating Provider will comply with any applicable mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with Energy Policy and Conservation Act (Title III, Part C, Public. L. 94-165).

3.10 If sums payable to Participating Provider exceed \$10,000 Provider will comply with Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375, and as supplemented in Department of Labor regulations (41 C.F.R. part 60).

3.11 Participating Provider will comply with the requirements of 42 C.F.R. Part 489, Subpart I OBRA 1990, Patient Self-Determination Act, and Oregon Revised Statute, Chapter 127, as amended by the Oregon Legislative Assembly 1993, pertaining to advanced directives.

3.12 Participating Provider acknowledges that no federal appropriated funds have been paid or will be paid, by or on behalf of Participating Provider, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of federal contract, grant, loan, or cooperative agreement. Provider agrees that if any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee or a member of Congress in the connection with this federal contract, grant, loan or cooperative agreement, Provider will complete and submit Standard Form-LLL "Disclosure From to Report Lobbying," in accordance with its

2.2 This Agreement will in no way be construed to provide any rights directly to Members except that Members may assert paragraphs 5.6 and 5.7 hereof.

2.3 This Agreement and the relationship between MultiCare Dental and Participating Provider is subject to the OMAP Agreement, OMAP Rules and MultiCare Dental Rules. If there is a conflict between the terms of this Agreement and the OMAP Agreement, OMAP Rules or MultiCare Dental Rules, the terms of the OMAP Agreement or such rules will control.

### 3 Provider Services and Agreements.

3.1 Provider agrees to provide Covered Services within the Service Area to Members within the scope of its practice and license. Members will be treated without unlawful discrimination of any kind except in the case of noncooperation of the Member.

3.2 Participating Provider may make referrals for Emergency Services but must notify Dental Director immediately within normal business hours or otherwise within 48 hours of the rendition of such Emergency Services.

3.3 Before providing Covered Services (other than Emergency Services) to a Member, Participating Provider will verify eligibility of member referred by MultiCare Dental. Participating Provider will also comply with all applicable laws OMAP Rules and MultiCare Dental Rules regarding "informed consent."

3.4 Participating Provider will provide Covered Services in a manner which assures continuity, including coordination with the Referring Dentist. In addition, Provider will:

3.4.1 Conduct its practice and treat all Members at a level of care and competence that, in view of its special expertise, equals or exceeds the standard of care imposed upon providers having similar types of practice in this state;

3.4.2 Obtain and maintain, and require its employees, to obtain and maintain, any and all required licensed, certificates, qualifications or certificates of need, and give MultiCare Dental immediate notice of the lapse, termination, cancellation, limitation, qualification or suspension of the same;

3.4.3 Allow its name to be used in connection with MultiCare Dental activities;  
and

3.4.4 Comply with all OMAP Rules, MultiCare Dental Rules, and other applicable state and federal laws and regulations.

3.5 Participating Provider will cooperate with and participate in MultiCare Dental's Quality and Management Review Program.

1.7 "Dental Director" means the Dental Director of MultiCare Dental or his or her designee.

1.8 "Dentally Appropriate" means dental services which are required for prevention, diagnosis or treatment for oral disease or injury and which are: (a) consistent with the symptoms of a dental condition or treatment of a dental condition; (b) appropriate with regard to standards of good dental practice and generally recognized by the dental scientific community as effective; (c) not solely for the convenience of the Member or a provider of the dental service; and (d) the most effective of the alternative levels of dental service which can be safely provided the Member in Provider's judgment.

1.9 "Medical Card" means the identification card issued by OMAP upon determination of eligibility, specifying the managed care plan or practitioner with which the recipient is enrolled.

1.10 "Member" means a person properly receiving benefits under one of the Dental Care Organizations (DCO) administered by OMAP, and who is enrolled with MultiCare Dental, as his or her DCO and resides in the Service Area.

1.11 "OMAP" means the State of Oregon, acting by and through its Department of Human Resources, Office of Medical Assistance Programs.

1.12 "OMAP Agreement" means the Provider Services Agreement dated February 1, 1994, between OMAP and MultiCare Dental as amended from time to time.

1.13 "OMAP Rules" means the administrative rules duly promulgated by OMAP under OAR Chapter 410.

1.14 "Participating Provider" means a health care professional, facility or supplier who has contracted with MultiCare Dental to provide specified Covered Services to Members. MultiCare Dental will publish and maintain a list of Participating Providers. A Participating Provider is a provider so long as this Agreement is in effect.

1.15 "Service Area" means the geographic area identified on Exhibit A., Multnomah County.

1.16 "Dental Care Organization (DCO)" means a Prepared Health Plan that provides dental services including routine dental care, dental case management, and emergency dental services as Capitated Services under the Oregon Health Plan.

## 2 Engagement.

2.1 MultiCare Dental hereby engages Participating Provider as an independent contractor to provide or arrange for the provision of Covered Services to Members at any office or facility of Participating Provider located within the Service Area.

## BACKGROUND

MultiCare Dental is authorized to provide managed dental care services for Oregon Medicaid recipients. This Agreement sets forth the terms under which Participating Provider will subcontract to provide certain primary care dental services.

## AGREEMENT

1 Definitions. Whenever used in this Agreement, the following terms will have the meanings set forth below:

1.1 "Payment" means the amount MultiCare Dental pays providers for delivery of covered dental services. The payment rate is set forth in Exhibit A.

1.2 "MultiCare Dental Rules" means the rules, policies, procedures, and guidelines adopted by MultiCare Dental.

1.3 "Covered Services" means those Medically Appropriate dental services specified in the Dental/Denturist Services under the Oregon Health Plan Medicaid Demonstration Project Billing and Procedure Guide, which includes: (a) diagnostic services; (b) treatment services, that is included in or supports the condition/treatment pairs, specific to dental care, on the Prioritized List of Health Services reported to the Oregon Legislative Assembly by the Health Services Commission, to the extent such condition/treatment pairs are funded by the Legislative Assembly (at the time this Agreement is signed, the Legislative Assembly has funded the condition/treatment pairs included in lines 1 through 565 of the Prioritized List of Health Services). The term "Covered Services" may be expanded, limited, or otherwise changed pursuant to the OMAP Agreement and OMAP Rules.

1.4 "Emergency Services" means Covered Services that are needed immediately or appear to be needed immediately because of an injury or sudden illness. Covered Services provided by an appropriate source other than a Participating Provider are considered Emergency Services if the time required to reach a Participating Provider would have meant risk of permanent damage to the Member's health. These services are considered to be Emergency Services as long as transfer of the Member to a Participating Provider is precluded because of risk to the Member's health or because transfer would be unreasonable, given the distance involved in the transfer and the nature of the medical condition.

1.5 "Enrollment Year" means a 12-month period beginning the first day of the month of enrollment of a Member and, for any subsequent year(s) of continuous enrollment that same day in each such year(s). The Enrollment Year of a Member who re-enrolls within one calendar month of disenrollment will be counted as if there were no break in enrollment.

1.6 "Fee-for-Service Payment" means a fee-for-service payment based on the CONTRACTOR's fee-for-service rate schedule for any Covered Services that are provided to a Member.

CO-94-001

**MULTICARE DENTAL**  
**Consulting Dentist Contract**  
Contract Number 201844

THIS CONTRACT is between MULTNOMAH COUNTY acting by and through its Health Department, hereinafter called COUNTY, and the State of Oregon acting by and through the State Board of Higher Education on behalf of OREGON HEALTH SCIENCES UNIVERSITY SCHOOL OF DENTISTRY, hereinafter called CONTRACTOR.

THE PARTIES AGREE:

CONTRACTOR will provide the following services:

1. SERVICES

- a. Provide dental specialty care in the areas of oral surgery, oral pathology, endodontics, and periodontics and related services to those clients referred to CONTRACTOR by COUNTY.
- b. Provide advice and recommendations when appropriate on clinical management of clients referred to CONTRACTOR.
- c. Submit timely reports to COUNTY on clients referred to CONTRACTOR.

2. COMPENSATION

- a. CONTRACTOR will submit dental claims on standard American Dental Association (ADA) accepted J512 or OMAP 501D Forms, using ADA approved Current Dental Terminology (CDT-1) codes. Claims must be submitted within 180 days of date of service.
- b. COUNTY will reimburse CONTRACTOR on a fee-for-service basis, based upon the CONTRACTOR'S usual fee on day of service for specific referral services authorized by COUNTY and provided within the authorized time period.

3. TERM

The CONTRACTOR'S services will begin on February 1, 1994, and terminate with 30 days written notice by either party.

4. CONTRACT DOCUMENTS

This Contract consists of this Contract document, attached Exhibits, and the attached Conditions of Personal Contract, dated December 1, 1993.

MEETING DATE: March 3, 1994

AGENDA NO: UC-1

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

SUBJECT: Proclamation recognizing Ray Evans for his service to the Arts

BOARD BRIEFING Date Requested: \_\_\_\_\_

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

REGULAR MEETING: Date Requested: March 3, 1994

Amount of Time Needed: 5 min.

DEPARTMENT: Non-Departmental DIVISION: District 3

CONTACT: Tanya Collier TELEPHONE #: 248-5217

BLDG/ROOM #: 106/1500

PERSON(S) MAKING PRESENTATION: Commissioner Collier

**ACTION REQUESTED:**

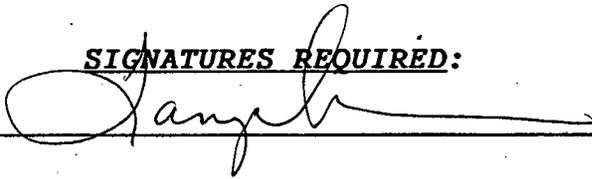
INFORMATIONAL ONLY     POLICY DIRECTION     APPROVAL     OTHER

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

In the matter of Proclaiming Recognition for a Lifetime of Achievement in the Arts by Ray Evans

BOARD OF  
COUNTY COMMISSIONERS  
1994 MAR - 2 AM 9:41  
MULTNOMAH COUNTY  
OREGON

**SIGNATURES REQUIRED:**

ELECTED OFFICIAL: 

OR

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

**ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES**

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

0516C163 *Original of Proclamation 94-42 sent to Tanya Collier*

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

In the Matter of Proclaiming Recognition )  
for a Lifetime of Achievements in the Arts )  
by Ray Evans )

PROCLAMATION  
94-43

WHEREAS, the Board of County Commissioners for Multnomah County recognize Ray Evans for his life-long service to the Arts.

WHEREAS, the works by Mr. Evans have enriched the lives of Musical Theater patrons for the past six decades.

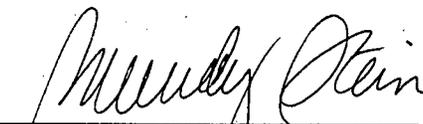
WHEREAS, Mr. Evans will be honored in Portland with a production of his works entitled "Your Hit Parade Revisited" on March 3, 4, & 5, 1994.

WHEREAS, Mr. Evans' professional associates include Jay Livingston, Henry Mancini, Percy Faith, Mitzi Gaynor, Joel Grey, Cyd Charisse and Polly Bergen.

WHEREAS, Mr. Evans has earned both national and international recognition for works that include "Button and Bows", "Mona Lisa", "Home Cookin'", "Silver Bells", "Tammy", "A Place in the Sun", and "Never Let Me Go".

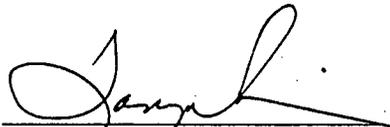
THEREFORE BE IT FURTHER RESOLVED, that the Multnomah County Board of Commissioners recognize Ray Evans for his commitment to the Arts by declaring March 3, 4, & 5, 1994 Ray Evan weekend.

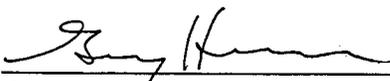
Approved this 3rd day of March, 1994.

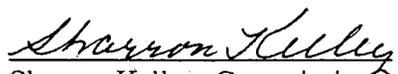
  
Beverly Stein, Chair of the Board

  
Dan Saltzman, Commissioner



  
Tanya Collier, Commissioner

  
Gary Hansen, Commissioner

  
Sharron Kelley, Commissioner

MEETING DATE: MAR 03 1994

AGENDA NO: UC-d

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

**SUBJECT:** Purchase of Real Property for Department of Community Corrections  
Gresham Area Office.

**BOARD BRIEFING**      Date Requested: \_\_\_\_\_

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

**REGULAR MEETING:**      Date Requested: March 3, 1994

Amount of Time Needed: 10 minutes

**DEPARTMENT:** Environmental Services      **DIVISION:** Facilities & Property Management

**CONTACT:** Bob Oberst      **TELEPHONE #:** 248-3322  
**BLDG/ROOM #:** 421/3rd

**PERSON(S) MAKING PRESENTATION:** Bob Oberst

**ACTION REQUESTED:**

INFORMATIONAL ONLY       POLICY DIRECTION       APPROVAL       OTHER

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

See Supplement to Agenda Placement Form

**SIGNATURES REQUIRED:**

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

OR

**DEPARTMENT MANAGER:** Robert Oberst Betsy Williams By Fede

**ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES**

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

0516C/63 Continued to 3-10-94.

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Robert Oberst, Facilities & Property Management

TODAY'S DATE: March 1, 1994

REQUESTED PLACEMENT: March 3, 1994 (unanimous consent)

RE: Order Approving Purchase of Real Property for Department of Community Corrections Gresham Area Probation Services Field Office

- I. Recommendation/Action Requested: Approval by Board of Commissioners of PURCHASE AND SALE AGREEMENT pursuant to which County will purchase land and a building located at 495 NE Beech Street in Gresham, Oregon for use as the Gresham area probation services field office.
- II. Background/Analysis: See copy of February 14, 1994 MEMORANDUM from Tamara Holden to Board of County Commissioners regarding this subject (copy of MEMORANDUM attached).
- III. Financial Impact: See copy of February 14, 1994 MEMORANDUM from Tamara Holden to Board of County Commissioners regarding this subject.
- IV. Legal Issues: None.
- V. Controversial Issues: See copy of February 14, 1994 MEMORANDUM from Tamara Holden to Board of County Commissioners regarding this subject.
- VI. Link to Current County Policies: See copy of February 14, 1994 MEMORANDUM from Tamara Holden to Board of County Commissioners regarding this subject.
- VII. Citizen Participation: See copy of February 14, 1994 MEMORANDUM from Tamara Holden to Board of County Commissioners regarding this subject.
- VIII. Other Government Participation: See copy of February 14, 1994 MEMORANDUM from Tamara Holden to Board of County Commissioners regarding this subject.



MULTNOMAH COUNTY DEPARTMENT  
OF  
COMMUNITY CORRECTIONS

M E M O R A N D U M

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TO: Board of County Commissioners  
FROM: Tamara Holden, Director *Tamara*  
DATE: February 14, 1994  
REQUESTED PLACEMENT DATE: February 24, 1994  
RE: Proposed Site for East  
Parole/Probation Office

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I. Recommendation/Action Requested: It is recommended that we proceed with negotiations on the purchase of a building located at 495 NE Beech in Gresham, for the East County Office of Parole and Probation. This site is logistically suitable and the location is compatible with our focus on integration of services.

II. Background/Analysis: Department of Community Corrections met with Facilities & Property Management in April 1993 regarding location of the East County District Office of Parole and Probation.

Boundaries of the district were identified for Facilities and Property Management. Requirements were analyzed for a suitable facility to house the operation; it was concluded that a 4,500 to 6,000 square feet of usable floor space with ten to twenty parking spaces and good public transit access are needed. Certain neighborhood environments were identified as unsuited to the operation. Budget constraints were discussed in order to determine limits on facility cost.

The site search, directed primarily to lease, was commenced April 1993 and included: direct search of the

area by Department of Community Corrections and Facilities Management personnel; and, a letter advising of the search which described the requirements of the facility sought was sent to twenty-one commercial real estate firms operating in the area and the City of Portland, Property Manager.

Sites especially investigated included two former Fire District #10 buildings, eleven retail sites, one former medical clinic and four commercial properties. Most of the sites were either determined by the owners to be unavailable for the intended use or were rejected because of excessive cost of space, insufficient size or inappropriate location.

Two available sites were identified as potentially suitable for the facility: (1) a build-to-suit of 3,900 square feet combined with an existing building of 3,500 square feet for lease for a term of ten years at a present rental of approximately \$89,437 per year plus operating expenses of approximately \$17,056 per year, for a total present cost of approximately \$106,493 per year; (2) an existing 4,400 square foot building available at a sale price of \$325,000.00.

Facilities and Property Management recommends purchase of the second site because of the good condition of the building, its suitability for use in its present condition, lower annual space cost and equity value.

Department of Community Corrections concurs with this recommendation. This building is suitable for our operations as planned for East County, and will also accommodate integration of services. The building has good access to public transportation, and is close in proximity to other services including Multnomah County Health.

III. Financial Impact: The proposed property is in good condition, and would require very little remodeling except for enlarging a restroom door to accommodate ADA standards. Building operations and maintenance for this building would be between \$12,000 and \$15,000 annually and is included in the department's budget. The Department's 1993-94 budget includes \$120,000 for a facility in the Gresham location. The Department's 1994-95 budget for this space is also \$120,000.

If the Board decides to purchase the property, Finance recommends that the full price be paid at closing, on or about May 1, 1994, and that the \$120,000 budgeted in

Community Corrections budget be expended along with an advance of \$205,000 from the Capital Improvement Fund monies to purchase the property. Community Corrections would reimburse the Capital Improvement Fund \$120,000 on July 1, 1994 and the remaining balance of \$85,000 plus \$4,766 of interest charges (at 4%) on July 1, 1996. In effect, this is a 2 month internal loan of \$205,000 and a 14 month internal loan of \$85,000 and would save the County approximately \$8,000 in issue costs and \$95,000 in interest costs by not issuing Certificates of Participation (assuming a 10 year issue). This would also allow the Department to use the annual lease savings of \$30,000 in FY1995-96 and the lease savings of \$120,000 thereafter for other high need areas.

This proposed method to finance the purchase of the property is being presented to the Facilities Client Committee, formerly the Capital Improvement Plan Committee, on February 23, 1994 and their recommendation will be presented to the Board.

IV. Legal Issues: None known.

V. Controversial Issues: Some have questioned the need to offer a parole/probation office in the East County area, since there is a smaller percentage of corrections clients residing there. However, the East County area is growing faster than the rest of the County and we project increased numbers of clients in this area in the future. Additionally, a number of officials in city government as well as business leaders in Gresham support our efforts to locate a probation/parole office in East County as Multnomah County continues the development of partnerships with them. There may be opposition to this office from citizens once we begin our community work prior to finalization of this proposal.

VI. Link to Current County Policies: The Department of Community Corrections is committed to working with other county agencies to develop and maintain a presence in each of the districts located throughout the County. East County District, which includes the area from 162nd to the city of Corbett, encompasses Gresham, Troutdale, Fairview, Corbett, and a number of large, active neighborhoods. Gresham has a population of over 70,000. Some city officials do not believe a large enough commitment from the County exists to serve East County residents. We can build a healthy working relationship between the County and East County cities since location in the community will enable us to meet regularly and maintain open communication.

We will network with other agencies who provide services to our clients, and will be better able to respond to the community when there are questions or concerns.

VII.

Citizen Participation: Kay Foetesch, Public Affairs Officer for the City of Gresham, informed us that there is no formal neighborhood group that represents the area in which the proposed office is located. The Downtown Association (local merchants) is the representative for that area, due to the commercial zoning and lack of homeowners. Downtown Association Development Manager Catherine Comer, has suggested that a "fact sheet" be developed for the membership. The Department also spoke with Sue O'Halloran, immediate past president of that group, and other business leaders in the area who have expressed informally a willingness to consider publicly supporting an office in the location mentioned. The Department of Community Corrections will continue pursuing formalized support from business groups, and adjoining neighborhood associations as we proceed with negotiations for a building.

Lt. Carla Piluso, zone commander for Gresham Police, has offered to send a letter of support to area residents and alert neighborhoods to public meetings through use of Explorers (volunteer adjunct of the Police Department). She is very enthused about the possibility of our department locating in East County.

VIII.

Other Government Participation: The Department of Community Corrections has been searching the East County area for a suitable office location since April, 1993.

Throughout those months, Department staff have been meeting informally with many people to request help in finding a building, and to determine the support for a presence in East County. Mayor Gussie McRobert has expressed her full support of our endeavor and Gresham Police Chief Art Knori is also favorable to the idea of a parole and probation office in East County.

BEFORE THE BOARD OF COMMISSIONERS  
OF MULTNOMAH COUNTY, OREGON

In the Matter of the Acquisition )  
of Real Property for the Department )  
of Community Corrections East County)  
Dist Probation Services Field Office)

O R D E R  
#

Whereas the Multnomah County Department of Community Corrections provides parole and probation services to clients in the East County District in the Gresham area and immediately surrounding areas of Multnomah County; and

Whereas there is presently no district office to serve said clients within the District community and the Department and Board of County Commissioners finds that the clients and community would be better served by the location of an office in said District; and

Whereas a real property suited to the provision of said services has been located and determined to be available at a reasonable price which may be acquired and operated more economically than the lease of office spaces available; and

It appearing that the purchase of the real property situated at 495 N.E.Beech Street in Gresham, Oregon and described in the PURCHASE AND SALE AGREEMENT before the Board this date will benefit Multnomah County and the Board being fully advised in the matter:

It is ORDERED that Multnomah County execute this PURCHASE AND SALE AGREEMENT before the Board this date and any other documents required for completion of this purchase and that the County Chair be, and she is hereby, authorized and directed to execute the same on behalf of Multnomah County.

Dated this \_\_\_ day of March, 1994.

REVIEWED:

LAURENCE KRESSEL, County  
Counsel for Multnomah  
County, Oregon

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Beverly Stein, County Chair

By \_\_\_\_\_

## PURCHASE AND SALE AGREEMENT

THIS AGREEMENT is made this first day of March, 1994 between David A. Solberg and Kathryn F. Solberg (Seller) and Multnomah County, Oregon (Purchaser).

### RECITALS

A. Seller owns certain real property (Property) situated in Multnomah County, Oregon and more particularly described as follows:

Lots 7 and 8 and a portion of Lot 6, Block 14 of the duly recorded plat of ZENITH ADDITION TO THE TOWN OF GRESHAM, situated in Section 10, Township 1 South, Range 3 East of the Willamette Meridan, in the City of Gresham, County of Multnomah and State of Oregon, TOGETHER WITH that part of the vacated alley West of and adjacent to Lots 7 and 8, which inured thereto by Ordinance No. 647 of the City of Gresham, recorded May 4, 1973 in Book 924, Page 1114, said premises being more particularly described as follows:

Beginning at the Northeast corner of said Lot 8; thence South along the East line of said Block 14, a distance of 136.36 feet to a point; thence West, parallel with the South line of said Lot 6, a distance of 96.00 feet to a point; thence North, parallel with the East line of said Lot 6, a distance of 36.36 feet to a point in the North line of said Lot 6; thence West along said North line and its Westerly extension, a distance of 14.00 feet along to the center line of the vacated alley in said Block 14; thence North along said center line, a distance of 100.00 feet to a point in the North line of said Block 14; thence East along said North line a distance of 110.00 feet to the point of beginning.

SUBJECT TO AND TOGETHER WITH a 20.00 foot easement for the purposes of ingress and egress and utility purposes being 10.00 feet in each side of the most Westerly line of the above described tract. TOGETHER WITH an 8.00 foot parking easement lying adjacent to the South of the most Southerly line of the above described tract.

B. Seller desires to sell and Purchaser desires to purchase the Property for the price and upon the terms and conditions recited below.

## TERMS AND CONDITIONS

1. Purchase and Sale: Seller agrees to sell to Purchaser and Purchaser agrees to purchase from Seller the Property for the price and in accordance with the terms and conditions set forth in this Agreement.

2. Purchase Price and Payment: The purchase price for the Property shall be Three Hundred Twenty Five Thousand Dollars (\$325,000.00), payable in full in cash upon closing.

3. Title: Seller shall furnish to Purchaser, within ten days from the date hereof, a preliminary title report covering the Property, to be prepared by Fidelity National Title Company of Oregon (Fidelity); Purchaser shall have ten days from the receipt of said title report to examine the condition of title to the Property and notify Seller of any objections to exceptions to title shown therein. Not later than five days following Seller's receipt of Purchaser's objections, Seller shall notify Purchaser in writing either that Seller will remove the objectionable exceptions, or that Seller is terminating this Contract. If Seller terminates this Contract, the Contract shall be null and void, and neither party shall have or make any claim against the other, and any provision of this Contract to the contrary notwithstanding. Failure to notify Seller of such objections within said time shall be deemed approval by Buyer of any exceptions to which Buyer fails to object.

4. Warranty Deed, Title Insurance and Closing Expenses: Upon closing, the Property shall be conveyed by Seller by statutory warranty deed, free of encumbrances except for the approved exceptions as provided in paragraph 3 above and Seller shall deliver exclusive possession of the Property to Purchaser. Seller, at its expense will furnish to Purchaser a standard form of owner's title insurance policy in the amount of the purchase price insuring title to be vested in Purchaser subject only to the usual printed exceptions and the exceptions authorized to be included in the statutory warranty deed. The sale will be closed in escrow by Fidelity and the escrow fees will be shared equally by Seller and Purchaser.

5. Closing Date: Closing will take place by May 1, 1994. In the event that closing is delayed beyond May 1, 1994 as a result of Seller's inability to close and deliver exclusive possessions of the Property to Purchaser by May 1, 1994, the purchase price shall be reduced by the amount of One Hundred Fifty Dollars (\$150.00) for each day of such delay after May 1, 1994 and prior to June 1, 1994 and shall be further reduced by the amount of Two Hundred Dollars (\$200.00) for each day of such delay after June 1, 1994. If Seller is unable to close and deliver exclusive possession of the Property

to Purchaser by July 1, 1994, Purchaser shall have the right to terminate this Purchase and Sale Agreement upon five (5) days written notice, excluding Saturdays, Sundays and Legal Holiday, to Seller. Prior to the Closing Date, each party will deposit with Fidelity the funds, documents and instruction necessary for closing.

6. Prorations:

(a) **General:** For purposes of calculating prorations, Purchaser shall be deemed to be entitled to the Property, therefore entitled to any income and responsible for the expenses, commencing on the day after the Closing Date and the reference to the Closing Date in this paragraph 6 shall be construed as May 1, 1994 or such other date as closing shall occur as provided in paragraph 5.

(b) **Taxes and Assessments:** Real property taxes and assessments shall be prorated as of the Closing Date.

(c) **Operating Expenses:** All utility service charges for electricity, heat and air conditioning service, other utilities, and other expenses incurred in operating the Property that Seller customarily pays in the ordinary course of operation of the Property shall be prorated on an accrual basis. Seller shall pay all such expenses that accrue prior to the Closing Date. To the extent possible, Seller and Purchaser shall obtain billings and meter readings as of the Closing Date to aid in such prorations.

(d) **Service Contracts:** Amounts payable under service contracts shall be prorated as of the Closing Date on an accrual basis. Seller shall pay all amounts due thereunder which accrue prior to the Closing Date and Purchaser shall pay all amounts accruing from and after the Closing Date; provided, however that Purchaser shall not be deemed to have assumed or required to assume any liability or responsibility for such service contracts.

(e) **Adjustments:** Prorations, if and to the extend known and agreed upon as of the Closing Date, shall be paid by Purchaser to Seller (if the prorations result in a net credit to Seller) or by Seller to Purchaser (if the prorations result in a net credit to Purchaser), by adjusting the cash to be paid by Purchaser at closing. Any such adjustments not determined or not agreed upon as of the Closing Date shall be paid by Purchaser to Seller, or by Seller to Purchaser, as the case may be, in cash as soon as practicable following the closing of escrow.

7. Condition of Property:

(a) No representations as to the condition or repair of the Property have been made by Seller or any agent of Seller except as expressly set forth in this Agreement. No agreement to alter, repair or remove the Property has been made by Seller or by any agent of Seller and except as otherwise herein provided, Purchaser shall take the Property "as is" and in the condition existing at the closing Date, subject to the condition that the Property shall be in substantially the same condition at the Closing Date as at the time of execution of this Agreement, ordinary wear and tear excepted.

(b) Purchaser shall have a period of fifteen (15) days from the date hereof in which to inspect the Property and to object, in writing to Seller, to any condition of the Property unsatisfactory to Purchaser. Seller shall eliminate any such conditions to the satisfaction of Purchaser prior to the Closing Date or, at its election, Seller may terminate this Purchase and Sale Agreement by written notice to Purchaser with fifteen (15) days after receipt of said written objections from Purchaser. Purchaser shall be deemed to have waived any objections to conditions of the Property if it does not notify Seller thereof as herein provided.

8. Casualty or Condemnation: In the event that prior to the closing Date condemnation proceedings are commenced against the Property or any part thereof or if the Property or any part thereof is destroyed or damaged and not restored or agreed to be restored by Seller, then, at Purchaser's option, (i) this Agreement shall terminate and neither party shall have any further rights or obligations hereunder, or (ii) the closing shall proceed as provided pursuant to this Agreement and Purchaser shall receive any and all insurance or condemnation proceeds attributable to casualty or condemnation, which proceeds shall not be credited against Purchaser's obligation to pay the purchase price.

9. Brokers: Purchaser represents to Seller that it has not employed or dealt with any real estate brokers, sales persons or finders in connection with this sale and purchase. Seller will be responsible for the commission due to any real estate brokers, agents or finders employed by Seller.

10. Remedies: There is no earnest money in connection with this Purchase and Sale. In the event of a breach or default by either party, the other party shall be entitled to such remedies for breach of contract as may be available under applicable law.

11. Entire Agreement: This instrument is the entire, final and complete agreement of the parties pertaining to the Sale and Purchase of the Property, and supersedes and replaces all written or oral agreements heretofore made or existing by and between the parties or their representatives insofar as the Property is concerned. Neither party shall be bound by any promises, representations or agreements except as are herein expressly set forth.

12. Notices: Any notice required or permitted under this Agreement shall be in writing and shall be deemed given when actually delivered in person or forty eight (48) hours after having been deposited in the United States mail as certified or registered mail addressed as follows:

**Seller:** David A. Salberg and Kathryn F. Salberg  
c/o Kohler, Meyers, O'Halloran Realtors  
15 N.E. 3rd Street  
Gresham, Oregon 97030

**Purchaser:** Multnomah County Property Management  
2505 S.E. 11th Avenue  
Portland, Oregon 97202

13. Attorney Fees: In the event any controversy or claim arises under this Agreement, the prevailing party shall be entitled to its reasonable costs, disbursements and attorney fees together with all expenses which it may reasonably incur in taking such action, including, but not limited, to costs incurred in searching records, expert witnesses and consulting fees, discovery depositions whether or not introduced into evidence in the trial, hearing or other proceeding and travel expenses in any arbitration, trial or other proceeding, including any proceeding brought to enforce an award of judgement and any and all appeals taken therefrom.

14. Nonwaiver: Failure by either party at any time to require performance by the other party of any of the provisions hereof shall in no way affect the party's rights hereunder to enforce the same, nor shall any waiver by the party of the breach hereof be held to be a waiver of any succeeding breach or a waiver of this nonwaiver clause.

15. Governing Law: This Agreement shall be construed in accordance with and governed by the laws of the State of Oregon.

16. Captions: All captions and paragraph heading used herein are intended solely for convenience of reference and shall in no way limit any of the provisions of this Agreement.

17. Binding Effect: The covenants, conditions and terms of this Agreement shall extend to and be binding upon and inure to the benefit of the successors and assigns of the parties hereto.

18. Fire Protection: The property described in this instrument may not be within a fire protection district protecting structures. The property is subject to land use laws and regulations, which, in farm or forest zones, may not authorize construction or siting of a residence and which limit lawsuits against farming or forest practices as defined in ORS 30.930 in all zones. 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 existence of fire protection for structures.

19. Agreement as Offer: The execution of this Agreement by the first party to do so constitutes an offer to purchase or sell the Property and the subsequent execution of the Agreement with changes to the Agreement constitutes a counteroffer to purchase or to sell the Property. Unless within ten (10) days from the date of execution or last initialing of this Agreement by the party making an offer or counteroffer, this Agreement is executed by the other party and a fully-executed copy is delivered to and accepted by the Escrow Agent, the offer of this Agreement will be null and void and withdrawn.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

SELLER:



By \_\_\_\_\_

PURCHASER:

Multnomah County, Oregon

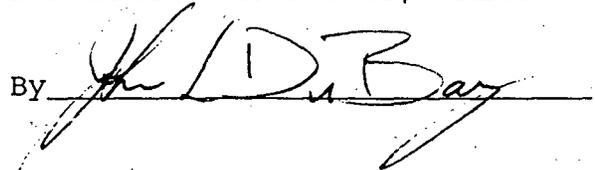
By \_\_\_\_\_

Beverly Stein, County Chair

REVIEWED:

LAURENCE KRESSEL, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_



To *Carrie Parkerson*  
Company  
Location *Board Clerk*  
Fax # *5262* Telephone #

From *Bob Oberst*  
Company  
Location  
Fax #  
Dept. Charge  
Telephone # *3851*  
Original Disposition:  Destroy  Return  Call for pickup

*Copies of the ATF and Order regarding DCC property purchase for March 3 Agenda. I will have the approved copies with Supplement memo to you by tomorrow noon. THANKS*

MEETING DATE: \_\_\_\_\_

AGENDA NO: \_\_\_\_\_

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

**SUBJECT:** Purchase of Real Property for Department of Community Corrections  
Gresham Area Office.

**BOARD BRIEFING** Date Requested: \_\_\_\_\_

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

**REGULAR MEETING:** Date Requested: March 3, 1994

Amount of Time Needed: 10 minutes

**DEPARTMENT:** Environmental Services **DIVISION:** Facilities & Property Management

**CONTACT:** Bob Oberst **TELEPHONE #:** 248-3322  
**BLDG/ROOM #:** 421/3rd

**PERSON(S) MAKING PRESENTATION:** Bob Oberst

**ACTION REQUESTED:**

INFORMATIONAL ONLY  POLICY DIRECTION  APPROVAL  OTHER

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

See Supplement to Agenda Placement Form

**SIGNATURES REQUIRED:**

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

OR

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

**ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES**

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

BEFORE THE BOARD OF COMMISSIONERS  
OF MULTNOMAH COUNTY, OREGON

In the Matter of the Acquisition )  
of Real Property for the Department )  
of Community Corrections East County)  
Dist Probation Services Field Office)

O R D E R  
#

Whereas the Multnomah County Department of Community Corrections provides parole and probation services to clients in the East County District in the Gresham area and immediately surrounding areas of Multnomah County; and

Whereas there is presently no district office to serve said clients within the District community and the Department and Board of County Commissioners finds that the clients and community would be better served by the location of an office in said District; and

Whereas a real property suited to the provision of said services has been located and determined to be available at a reasonable price which may be acquired and operated more economically than the lease of office spaces available; and

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It is ORDERED that Multnomah County execute this PURCHASE AND SALE AGREEMENT before the Board this date and any other documents required for completion of this purchase and that the County Chair be, and she is hereby, authorized and directed to execute the same on behalf of Multnomah County.

Dated this \_\_\_ day of March, 1994.

REVIEWED:

LAURENCE KRESSEL, County  
Counsel for Multnomah  
County, Oregon

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Beverly Stein, County Chair

By \_\_\_\_\_

PLEASE PRINT LEGIBLY!

MEETING DATE 3-3-94

NAME Jamie Schrneer

ADDRESS 5110 SE 36<sup>th</sup> Ave

STREET Port Ave 97202

CITY ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # R-1

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

SUBMIT TO BOARD CLERK

*Lead Proc.*

**PLEASE PRINT LEGIBLY!**

**MEETING DATE** 3/3/94

**NAME** Nancy L Cowden

**ADDRESS** 817 SE 30<sup>th</sup> Ave

**STREET**

Portland, OR

**CITY**

97214

**ZIP CODE**

**I WISH TO SPEAK ON AGENDA ITEM #** R-1 -

**SUPPORT**

**OPPOSE**

**SUBMIT TO BOARD CLERK**

*Presentation*

MEETING DATE: MAR 03 1994

AGENDA NO: R-1

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

**SUBJECT:** IN THE MATTER OF RECOGNIZING THE CONTRIBUTIONS AND COMMUNITY SERVICE OF THE COLUMBIA RIVER GIRL SCOUT COUNCIL.

**BOARD BRIEFING** Date Requested: \_\_\_\_\_

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

**REGULAR MEETING:** Date Requested: March 3, 1994

Amount of Time Needed: 5 Minutes

**DEPARTMENT:** Non-Departmental **DIVISION:** Chair's Office

**CONTACT:** Delma Farrell **TELEPHONE #:** 248-3953  
**BLDG/ROOM #:** 106/1410

**PERSON(S) MAKING PRESENTATION:** Members of the Columbia River Girl Scout Council

**ACTION REQUESTED:**

INFORMATIONAL ONLY     POLICY DIRECTION     APPROVAL     OTHER

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

BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
1994 FEB 24 AM 11:33

**SIGNATURES REQUIRED:**

**ELECTED OFFICIAL:** Beverly Steen (MR)

**OR**

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

**ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES**

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

*Original of Proclamation 94-42 Sent to Delma Farrell on 3-4-94*

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON

In the matter of Recognizing the )  
Contributions and Community ) PROCLAMATION  
Service of the Columbia River ) 94-42  
Girl Scout Council )

WHEREAS, the Columbia River Girl Scout Council delivers quality program activities to over 18,500 registered Girl Scout members in Northwest Oregon and Southwest Washington; and

WHEREAS, the Girl Scouts discuss and investigate social issues pertaining to women and children; and

WHEREAS, the Girl Scouts build and strengthen the self-esteem of their members by helping and encouraging them to take action for their beliefs; and

WHEREAS, the Girl Scouts work to address community issues and involve the citizens and businesses of that community in their efforts; and

WHEREAS, during the month of March, Girl Scouts raise funds through their annual cookie sales.

NOW, THEREFORE BE IT PROCLAIMED, that The Board of County Commissioners PROCLAIMS March, 1994, as GIRL SCOUT RECOGNITION MONTH.



Adopted this third day of March, 1994

BY Beverly Stein  
Beverly Stein, Chair  
Multnomah County, Oregon

BUDGET MODIFICATION NO.

Doc #7

(For Clerk's Use) Meeting Date MAR 03 1994

Agenda No. R-2

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR February 2

(Date)

DEPARTMENT Community Corrections

DIVISION East District

CONTACT Teresa Carroll

TELEPHONE 248-3423

\*-NAME(S) OF PERSON MAKING PRESENTATION TO BOARD

Tamara Holden, Director DCC

SUGGESTED

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

Transfers \$120,000 from rentals to buildings for the purchase of property for Parole/Probation Office and integrated services in East County District.

(Estimated Time Needed on the Agenda)

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

Personnel changes are shown in detail on the attached sheet

Funds for rental of space is currently located in Materials and Services category. These funds must be transferred to Capital Outlay for the purchase of property.

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

4. CONTINGENCY STATUS (to be completed by Budget & Planning)

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

After this modification \$ \_\_\_\_\_

Originated By	Date	Department Director	Date
		<u>M. Tamara Holden</u>	<u>2/16/94</u>
Plan/Budget Analyst	Date	Employee Services	Date
<u>Theresa Carroll</u>	<u>2/15/94</u>		
Board Approval	Date		

*Continued to 3-10-94.*





MULTNOMAH COUNTY DEPARTMENT  
OF  
COMMUNITY CORRECTIONS

M E M O R A N D U M

---

TO: Board of County Commissioners  
FROM: Tamara Holden, Director *Tamara*  
DATE: February 14, 1994  
REQUESTED PLACEMENT DATE: February 24, 1994  
RE: Proposed Site for East  
Parole/Probation Office

---

I. Recommendation/Action Requested: It is recommended that we proceed with negotiations on the purchase of a building located at 495 NE Beech in Gresham, for the East County Office of Parole and Probation. This site is logistically suitable and the location is compatible with our focus on integration of services.

II. Background/Analysis: Department of Community Corrections met with Facilities & Property Management in April 1993 regarding location of the East County District Office of Parole and Probation.

Boundaries of the district were identified for Facilities and Property Management. Requirements were analyzed for a suitable facility to house the operation; it was concluded that a 4,500 to 6,000 square feet of usable floor space with ten to twenty parking spaces and good public transit access are needed. Certain neighborhood environments were identified as unsuited to the operation. Budget constraints were discussed in order to determine limits on facility cost.

The site search, directed primarily to lease, was commenced April 1993 and included: direct search of the

area by Department of Community Corrections and Facilities Management personnel; and, a letter advising of the search which described the requirements of the facility sought was sent to twenty-one commercial real estate firms operating in the area and the City of Portland, Property Manager.

Sites especially investigated included two former Fire District #10 buildings, eleven retail sites, one former medical clinic and four commercial properties. Most of the sites were either determined by the owners to be unavailable for the intended use or were rejected because of excessive cost of space, insufficient size or inappropriate location.

Two available sites were identified as potentially suitable for the facility: (1) a build-to-suit of 3,900 square feet combined with an existing building of 3,500 square feet for lease for a term of ten years at a present rental of approximately \$89,437 per year plus operating expenses of approximately \$17,056 per year, for a total present cost of approximately \$106,493 per year; (2) an existing 4,400 square foot building available at a sale price of \$325,000.00.

Facilities and Property Management recommends purchase of the second site because of the good condition of the building, its suitability for use in its present condition, lower annual space cost and equity value.

Department of Community Corrections concurs with this recommendation. This building is suitable for our operations as planned for East County, and will also accommodate integration of services. The building has good access to public transportation, and is close in proximity to other services including Multnomah County Health.

III. Financial Impact: The proposed property is in good condition, and would require very little remodeling except for enlarging a restroom door to accommodate ADA standards. Building operations and maintenance for this building would be between \$12,000 and \$15,000 annually and is included in the department's budget. The Department's 1993-94 budget includes \$120,000 for a facility in the Gresham location. The Department's 1994-95 budget for this space is also \$120,000.

If the Board decides to purchase the property, Finance recommends that the full price be paid at closing, on or about May 1, 1994, and that the \$120,000 budgeted in

Community Corrections budget be expended along with an advance of \$205,000 from the Capital Improvement Fund monies to purchase the property. Community Corrections would reimburse the Capital Improvement Fund \$120,000 on July 1, 1994 and the remaining balance of \$85,000 plus \$4,766 of interest charges (at 4%) on July 1, 1996. In effect, this is a 2 month internal loan of \$205,000 and a 14 month internal loan of \$85,000 and would save the County approximately \$8,000 in issue costs and \$95,000 in interest costs by not issuing Certificates of Participation (assuming a 10 year issue). This would also allow the Department to use the annual lease savings of \$30,000 in FY1995-96 and the lease savings of \$120,000 thereafter for other high need areas.

This proposed method to finance the purchase of the property is being presented to the Facilities Client Committee, formerly the Capital Improvement Plan Committee, on February 23, 1994 and their recommendation will be presented to the Board.

IV. Legal Issues: None known.

V. Controversial Issues: Some have questioned the need to offer a parole/probation office in the East County area, since there is a smaller percentage of corrections clients residing there. However, the East County area is growing faster than the rest of the County and we project increased numbers of clients in this area in the future. Additionally, a number of officials in city government as well as business leaders in Gresham support our efforts to locate a probation/parole office in East County as Multnomah County continues the development of partnerships with them. There may be opposition to this office from citizens once we begin our community work prior to finalization of this proposal.

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We will network with other agencies who provide services to our clients, and will be better able to respond to the community when there are questions or concerns.

VII.

Citizen Participation: Kay Foetesch, Public Affairs Officer for the City of Gresham, informed us that there is no formal neighborhood group that represents the area in which the proposed office is located. The Downtown Association (local merchants) is the representative for that area, due to the commercial zoning and lack of homeowners. Downtown Association Development Manager Catherine Comer, has suggested that a "fact sheet" be developed for the membership. The Department also spoke with Sue O'Halloran, immediate past president of that group, and other business leaders in the area who have expressed informally a willingness to consider publicly supporting an office in the location mentioned. The Department of Community Corrections will continue pursuing formalized support from business groups, and adjoining neighborhood associations as we proceed with negotiations for a building.

Lt. Carla Piluso, zone commander for Gresham Police, has offered to send a letter of support to area residents and alert neighborhoods to public meetings through use of Explorers (volunteer adjunct of the Police Department). She is very enthused about the possibility of our department locating in East County.

VIII.

Other Government Participation: The Department of Community Corrections has been searching the East County area for a suitable office location since April, 1993.

Throughout those months, Department staff have been meeting informally with many people to request help in finding a building, and to determine the support for a presence in East County. Mayor Gussie McRobert has expressed her full support of our endeavor and Gresham Police Chief Art Knori is also favorable to the idea of a parole and probation office in East County.

# **PUBLIC NOTICE**

## **MULTNOMAH COUNTY ANNOUNCES AN INFORMATIONAL MEETING**

To discuss the proposed location of an East County Parole and Probation office in Gresham. Multnomah County is committed to providing integrated services within East County and to working in partnership with East County organizations.



**GRESHAM CITY HALL  
1333 N.W. Eastman Parkway  
March 2, 1994  
7:00pm - 8:30pm**

Multnomah County Commissioner, Sharron Kelley, and Department of Community Corrections Director, Tamara Holden, will be present.

For more information, call Teresa Carroll at 248-3701

MEETING DATE: \_\_\_\_\_

AGENDA NO: \_\_\_\_\_

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

SUBJECT: DCC #7 Budget Modification - Purchase Office Site in East County

REGULAR MEETING: Date Requested: March 3, 1994

Amount of Time Needed: 15 minutes

BOARD BRIEFING: Date Requested: \_\_\_\_\_

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

DEPARTMENT: Community Corrections DIVISION: \_\_\_\_\_

CONTACT: Teresa Carroll TELEPHONE #: 3701  
BLDG/ROOM #: 161/600

PERSON(S) MAKING PRESENTATION: M. Tamara Holden, Teresa Carroll, Bob Oberst

**ACTION REQUESTED:**

INFORMATIONAL ONLY     POLICY DIRECTION     APPROVAL     OTHER

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

Approve budget modification DCC #7 for purchase of building located at 495 NE Beech in Gresham, for the East County Office of Parole and Probation.

BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
1994 FEB 24 AM 11:49

**SIGNATURES REQUIRED:**

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

OR  
DEPARTMENT MANAGER: M. Tamara Holden

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

MEETING DATE: MAR 03 1994

AGENDA NO: R-3

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

**SUBJECT:** Briefing on the Contracting Task Force Report

**BOARD BRIEFING**      **Date Requested:** Thursday, March 3, 1994 9:45 a.m. Time Certain

**Amount of Time Needed:** 1 hour

**REGULAR MEETING:** **Date Requested:** \_\_\_\_\_

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

**DEPARTMENT:** Non-Departmental      **DIVISION:** Commissioner Kelley

**CONTACT:** Carolyn Marks Bax      **TELEPHONE #:** x2738

**BLDG/ROOM #:** 106/1500

**PERSON(S) MAKING PRESENTATION:** Members of the Contracting Task Force

**ACTION REQUESTED:**

**INFORMATIONAL ONLY**     **POLICY DIRECTION**     **APPROVAL**     **OTHER**

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

NA

BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
1994 FEB 23 PM 12:41

**SIGNATURES REQUIRED:**

**ELECTED OFFICIAL:** Sharon Kelley

OR

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

**ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES**

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

0516C/63

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF MULTNOMAH COUNTY

In the Matter of a Establishing ) RESOLUTION  
a Policy for Evaluation of ) 90-45  
Multnomah County Programs )

WHEREAS, the Board of County Commissioners believes that a more consistent focus on evaluation will encourage and empower county staff and private providers to use their creative talents to improve the delivery of services to county residents,

WHEREAS, the Board desires good evaluative information to assist important policy decisions,

WHEREAS, the Board believes that a consistent policy on evaluation will provide guidance to the Departments in developing evaluation frameworks,

WHEREAS, the Board believes that good evaluative information will increase the public's involvement, understanding and support for how the County uses taxes,

WHEREAS, the Board believes by adopting this policy and developing an implementation plan, Multnomah County can play a leadership role with the state and federal governments in devising better methods for evaluating the success of programs funded with tax dollars,

THEREFORE BE IT RESOLVED, the Board of County Commissioners directs the Chair to develop administrative procedures concerning evaluation. Such procedures will include the following framework:

- a. Program Goals (and measurable objectives, if applicable)
- b. Contract Compliance
- c. Process Evaluation. Ongoing measures of program quality. Methodology (e.g. site review, peer review)
- d. Outcome Evaluation. Program Effectiveness. Goals and measurable objectives (where applicable).

In developing and implementing these procedures, County staff should be guided by the policies and themes detailed in Attachment A.

THEREFORE BE IT FURTHER RESOLVED, the Board of County Commissioners directs the Chair report to the Board by July 1, 1990, with an implementation plan for county wide evaluation.

ADOPTED THIS 29th DAY OF MARCH, 1990.

(SEAL)

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

By

Gladys McCoy  
Gladys McCoy, Chair

REVIEWED

Laurence Kressel, County Counsel

## BOARD EVALUATION POLICY

### ATTACHMENT A

In developing and implementing evaluation procedures, County staff should be guided by the following policies and themes:

- Outcome evaluation. Move beyond relying just on compliance monitoring to outcome evaluation. This evaluation process does not imply publishable evaluations, but encourages people from the county and community agencies to share their insights, criticisms, suggestions openly and continually in a joint effort to improve services to people.
- Continual program improvement. Acknowledge that successful programs often evolve over time. County staff and providers should be willing to acknowledge outcomes which fall short of goals and change programs as necessary. Progress, not perfection.
- Relevant data collection. Insure that recordkeeping requirements are all geared towards information that is essential to evaluate contract performance. Review current measures and determine how we can reduce the paperwork burden for county employees and contractors.
- Cooperation. Stress cooperation and improve quality of services delivered, rather than punitive, fault finding approach.
- Involvement. Use the insights and observations of on-line employees, clients, and informed community members in assessing success of programs. A more informal and more inclusive ongoing evaluation process may be a tool to encourage employee growth and to avoid fiscal crises that may be embarrassing and destructive to both the county and the contractor.
- Collaborative planning. Institute collaborative planning with providers and community to help clearly define desired outcomes.
- Board Involvement. Report to the Board regularly on evaluation projects. The Board should define what information they need to make good policy decisions.
- Tough decisions. Balance flexibility with the professional and political willingness to terminate contracts for repeated non-compliance or non-performance. Provide political support for proper management discretion exercised within a fair, open process.

- Uniqueness of Community Agencies. Contracting out for services implies a business relationship based on respect and clearly defined expectations. Community agencies can provide unique perceptions on needs of communities, ways of delivering services, and methods of evaluation. Community agencies can assist the County in devising culturally competent programming.

- Flexibility. Allow some flexibility in program design and using money as dictated by unique community needs.

- Advocacy with State. Advocate to the state in advancing these principles in situations where overly rigid state requirements limit effectiveness.

- Responsiveness of county rules. Reexamine County RFP requirements in light of these themes.

**PUBLIC/PRIVATE PARTNERSHIPS:  
HUMAN SERVICES CONTRACTING**

**A Report to the Board  
of Multnomah County Commissioners  
by the  
Commission's Task Force on Contracting**

**December, 1993**

## **Task Force Participants**

### **COMMUNITY/PROVIDER AGENCIES**

**Bob Donough  
Tri-County Youth Services Consortium**

**Gerald McFadden  
Volunteers of America**

**Marilyn Miller  
Portland IMPACT**

### **DEPARTMENT OF COMMUNITY CORRECTIONS**

**Cary Harkaway**

### **DEPARTMENT OF HEALTH**

**Herman Brame  
Tom Fronk**

### **DEPARTMENT OF SOCIAL SERVICES**

**David Bogucki**

### **HOUSING AND COMMUNITY SERVICES DIVISION**

**Rey Espana  
Cilla Murray**

### **AGING SERVICES DIVISION**

**Kathy Gillette  
June Schumann**

## Task Force Participants Continued

### JUVENILE JUSTICE DIVISION

Jana McLellan  
Lorenzo Poe  
Chris White

### MENTAL HEALTH, YOUTH & FAMILY SERVICES DIVISION

Susan Clark  
Catherine Shinney  
Kathy Tinkle  
Nancy Wilton

### PURCHASING, CONTRACTS & CENTRAL STORES

Franna Hathaway  
Jerry Walker  
Lillie Walker

### Task Force STAFF

Bill Farver  
Carolyn Marks Bax  
Kathy Millard

This is a consensus report and all participants do not necessarily agree with all recommendations.

## BACKGROUND

On August 20, 1992 the Board of County Commissioners adopted Resolution 92-151 to establish a Task Force to review policies and procedures for awarding, monitoring and evaluating human service contracts. Multnomah County contracts for human services in the Departments of Health and Community Corrections, and the Mental Health, Youth and Family Services, Aging Services, Juvenile Justice, and Housing and Community Services Divisions.

The County has received a number of requests for examination of various aspects of the contracting process. Both County staff and providers have expressed concerns over the lack of uniform processes and priorities, noting inconsistencies in contracting procedures such as RFQs and RFPs. Lack of coordination among divisions and departments has resulted in duplication of effort for both County staff and providers. Several sources indicated that philosophical disparity across departments regarding provider participation in planning and funding allocation, and inadequate integration of evaluation into the contracting process signify the need for a more uniform commitment to partnership between the County and its contractors.

In an April 1992 report, a citizen Task Force reviewing the issues within the Mental and Emotional Disabilities System, recommended that:

"a consistent method that reduces duplication of efforts must be developed for awarding, monitoring, and evaluating service contracts within the MED system and across other County divisions.

Presently, processes for awarding and monitoring contracts can differ within the County. These methods differ further from those of other jurisdictions and other funding sources. Ultimately, this results in cumbersome reporting for community subcontractor provider agencies. Reduced duplication would enable community subcontractor providers to devote greater attention to direct service delivery.

Efforts to reduce this duplication have begun on a program wide basis and should be integrated into the efforts of a proposed county-wide contract review Task Force."

Initially, the Contracting Task Force was charged with taking a comprehensive look at the contracting process and making recommendations for a more efficient, uniform County-wide process. However, increased service needs for Multnomah County residents coupled with the passage of Measure 5, accelerated the Board of County Commissioners pursuit of greater cost efficiencies, program accountability, and integration of evaluation and planning. The Board implemented several major policy changes that have significant impact on the contracting system that the Task Force was asked to study.

Specifically, in December 1992 the Board adopted Resolution 93-4 establishing program budgeting as County policy. Among other things, program budgeting requires each program to identify goals and measurement standards for achieving these goals. Six months later the Board adopted Resolution 93-232 requiring that all services provided directly or through contract will have specific goals, objectives and performance measures for FY 94-95.

An acknowledgment of the complexity of establishing goals, objectives and performance measurements is included in Resolution 93-232. Shifting the priority of the contracting process to outcomes and performance measures calls for a significant transition. Recognizing that the directives in these resolutions impacted the scope of their assignment, the Task Force completed their review of current processes and made recommendations intended to facilitate the transition to program budgeting and performance based contracting.

The Task Force realizes that these recommendations are only the first step. As procedures are clarified, department and division managers will need to appoint the appropriate people to work with the Chair's office to develop an implementation strategy.

As the Contracting Task Force progressed with their task it became apparent that changing one piece of the puzzle, such as standardizing information within the RFP, would not have the desired outcome unless changes were made to make the system uniform for all human service contracting and to eliminate duplication of effort for both County employees and providers. The context for developing these recommendations highlighted greater emphasis on monitoring and evaluation; increased integration of evaluation and planning; and strong partnerships among the County, providers and the community.

### PURPOSE

The Contracting Task Force was established to "review policies and procedures for awarding, monitoring and evaluating service contracts." While Resolution 92-151 (see Appendix A) offered a broad set of workplan parameters, the Task Force members agreed to focus their work on:

- assessing how the contracting process currently works across divisions and departments;
- identifying problems and barriers to a better system;
- developing basic contracting principles; and
- developing specific county-wide policy and procedural recommendations based upon these principles.

### TASK FORCE PROCESS

Task Force members agreed at their initial meeting that decisions would be made by consensus whenever possible. Given the many months that the Task Force met to develop the following recommendations it is worthwhile to note that consensus was not reached by compromise that diluted results into vagaries that everyone could tolerate. Consensus was reached not by compromising but rather by revisiting issues in light of each participant's perspectives, going back to the drawing board frequently, balancing the need for flexibility with accountability, and concentrating on how to best get services to people.

In general the Task Force schedule consisted of two meetings per month. During October and November 1992 each department or program representative gave a presentation on how their office currently operates the contracting process. Providers outlined their issues and concerns.

After substantial discussion of the County's current contracting processes, the Task Force established three subcommittees to make draft recommendations to the full Task Force in the following areas:

- Partnership and Planning;
- Audits and Monitoring/Evaluation; and
- RFQ/RFP/NOI Review.

Suggested outlines for subcommittee discussion and recommendations were developed from earlier Task Force presentations and discussions. Members self-selected subcommittee assignments.

As the subcommittees began their work there was a gradual change in Task Force participation. Several members were unable to continue their commitment, and there were personnel changes in the County and in represented provider agencies. The Task Force requested assistance from Mental Health, Youth and Family Services Division staff with substantial auditing and monitoring experience and expertise.

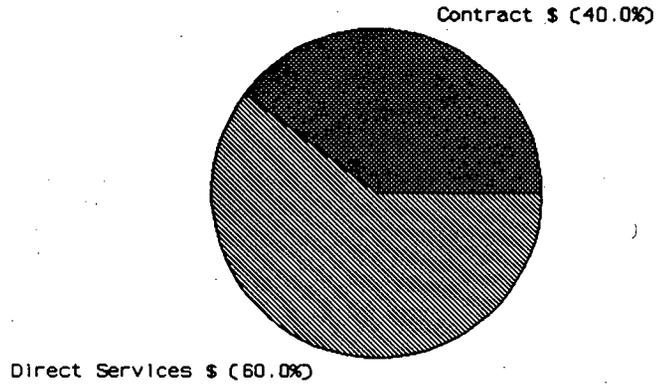
As Task Force participation evolved, some recommendations were revisited in light of new proposals and perspectives. In the long run this process produced recommendations that promote uniformity and consistency, with respect for flexibility across program areas and the need for greater accountability.

## OVERVIEW OF COUNTY CONTRACTING FOR HUMAN SERVICES

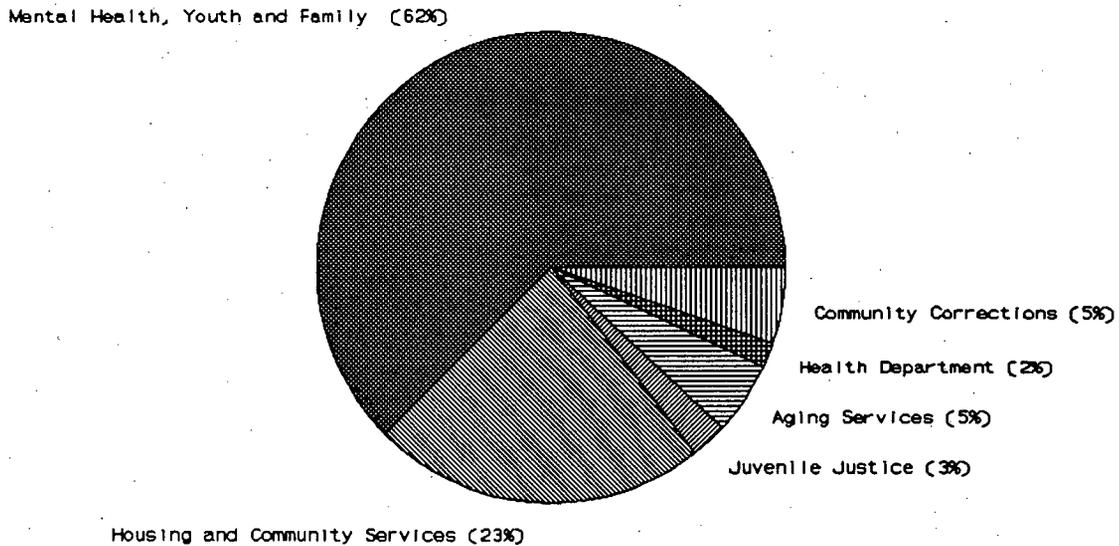
Multnomah County contracts with a variety of individuals, for-profit organizations, and non-profit community agencies for the provision of human services. Of a total County human services budget of \$174.3 million annually, \$69.7 million (40%) is contract services.

Two divisions, the Mental Health, Youth and Family Division and the Housing and Community Services Division, account for 85% of contracted human services dollars. These two divisions have recently been merged into the Children and Family Services Division.

EXPENDITURES FOR HUMAN SERVICES  
For Direct and Contracted Services



TOTAL VALUE OF HUMAN SERVICES CONTRACTS  
by Division/Department



### Human Services Contracting by Department/Division

	Mental Health Youth & Family	Housing & Comm. Services	Juvenile Justice	Aging Services	Health Depart- ment	Community Corrections
How Services are Provided	Contracting ex- cept for child and adolescent mental health field ser- vices and DD case management	All contracting	Direct service by County staff ex- cept for some contracting for community ser- vices	Direct service provision for Title 19 services; contracting for community ser- vices.	Direct service by County staff; contracting for testing services & some community services (esp. teen parent pro- grams)	Direct service for probation & pa- role, case manage- ment and sanc- tions; contracting for treatment, and client & program evaluation
Approx. number of Contracts	265	125-150	65	25	150-200	25
Total \$ value of contracts	\$43.5 million	\$16 million	\$1.9 million	\$3.5 million	\$1.3 million	\$3.5 million
Total Budget	\$54.4 million	\$19 million	\$12 million	14 million	53.2 million	\$21.7 million

## GENERAL CONCLUSIONS

The great variance in contracting policies and procedures among County divisions and departments is the central conclusion of the Task Force review of the County's contracting system. This lack of consistency contributes to a variety of problems and inefficiencies in County administered human services.

In part, this lack of uniformity is the result of the differing emphasis placed on contracting by each division and department. The Mental Health, Youth and Family Services Division and the Housing and Community Services Division contract for all or most of the services they administer. In contrast, services administered by the Juvenile Justice Division, the Aging Services Division and the Health Department are primarily delivered directly by County employees. The Department of Community Corrections provides supervision, case management and sanctions directly, but contracts for most treatment services. (Although the Mental Health, Youth and Family Services Division and the Housing and Community Services Division have been recently consolidated, this report will discuss them separately because their policies and procedures regarding contracting have been different in the past.)

Regulatory constraints and the number of contracts administered by a division or department are also significant factors in the development of different contracting policies and procedures. For example, the Mental Health, Youth and Family Services Division not only administers a large number of contracts, it also has a significant responsibility for assuring compliance with regulations for the use of state and federal funds (e.g. Title XIX). This combination of responsibilities has caused the Division to take a leadership role in developing the Request for Qualifications (RFQ) process to streamline the contracting process. The need to monitor for regulatory compliance has forced the Division place a greater emphasis on contract monitoring than program evaluation. Other divisions and departments (e.g. Community Corrections) have been able give a greater focus to evaluation because they administer a smaller number of contracts and confront fewer regulatory issues.

While some of these differences must continue to exist, the Task Force believes that a great deal of coordination and standardization can be achieved within the County's contracting process. Coordination and standardization of contracting policies and procedures can help increase the County's ability to provide better services more efficiently. The Task Force recommendations seek to strike a balance between uniformity among the County's divisions and departments, and the flexibility required by differences in services, contractors and regulatory environments.

The Task Force developed recommendations in three areas:

- planning and partnership;
- RFPs, RFQs and NOIs; and
- monitoring and evaluation.

These three areas are part of the iterative process of delivering human services, each necessary to the success of the others. Adequate planning in partnership with professionals and the community forms the basis for a fair and open process for allocating funds. The monitoring and evaluation process is the critical link between program implementation and future planning. Together these three components provide the means by which the County can develop and maintain an effective service delivery system.

The planning and partnership recommendations focus on the need to establish the uniform practice of developing strategic and funding related plans. The purpose of strategic planning is to assess problems, needs, and service gaps; establish desired outcomes; catalogue current responses to problems; assess the effectiveness of existing services; identify strategies for reaching desired outcomes; and recommend evaluation and advocacy strategies. Strategic planning is intended to be pro-active, anticipating problems and needs before they escalate to major unaddressed crises. Strategic plans form the basis for the County's long term approach to solving problems and addressing the needs of its residents.

The purpose of funding related planning is to set priorities for use of available resources. Funding related plans contain specific recommendations about program design and strategies, and are developed in the context of applicable strategic plans and available funds. Funding related planning includes establishing performance measures and outcome objectives that become part of any County contract for human services.

The Task Force recommends that the County establish a single unified Request for Qualifications process to administratively pre-qualify all organizations and agencies wishing to contract with the County for the provision of human services. Currently, only the Mental Health, Youth and Family Services Division administers such a procedure. The RFQ process will save time for contractors and County staff when Request for Proposals (RFP) are issued because responses to administrative questions will not have to be answered and reviewed each time a provider responds to a RFP. The RFQ will also be a tool for assuring that the County is contracting with organizations that have the administrative and fiscal capability to properly manage programs with funds provided by the County.

The Task Force was concerned that the RFQ process might present barriers for some smaller agencies and new organizations. Consequently, agencies will have the opportunity to qualify quarterly, and County staff will coordinate the provision of technical assistance to applicants.

Recommendations for a more uniform RFP process call for RFPs to contain specific information about the services and programs the County wishes to purchase and links these specifications to the results of a funding related planning process. RFPs will include relevant performance measures and outcome objectives from the division or department's performance budget. The recommendations establish guidelines for the preparation of RFPs and review of proposals submitted in response to a RFP. Uniform procedures for the use of a Notice of Intent (NOI) are also included in the recommendations.

Too often, assessments of contractor performance have focused on contract compliance rather than program evaluation. County contracts consistently include program objectives (specific statements regarding the type and amount of services to be provided) and workplans. The actual procedures used to monitor contract compliance varied. The amount and type of information collected from contractors varied greatly.

The Task Force recommends implementation of uniform monitoring and evaluation procedures for human services contracts and direct human services administered by the County. These procedures are designed to promote effective service delivery, accountability and responsible stewardship of public dollars. The recommended policies and procedures will provide information for policy decision making, performance based budgeting, and effective system and program planning.

The goal of monitoring is to determine the extent to which services are being provided as specified in the contract, and assure accountability for the use of public funds. The goal of evaluation is to collect information on program implementation and how the program interacts with other services, organizations and the community (process evaluation), and changes in clients or the community following services (outcome evaluation). The Task Force believes that monitoring and evaluation should be a cooperative process between the County and its contractors. The emphasis should be on a partnership to strengthen service delivery effectiveness. Whenever possible, technical assistance rather than sanctions should be employed to correct problems with contractor performance.

## THE DECISION TO CONTRACT

The Contracting Task Force based their review and recommendations on three guiding principles: partnership, efficiency, and effectiveness. These same three principles encompass the philosophies and factors that influence the divisions when they consider providing services directly or contracting for human services.

In some instances, services are not subject to contracting out. For example, for some entitlement programs the County acts as a "gatekeeper", determining eligibility and allocating funds. In other instances, the funding source may not allow the County to subcontract for service delivery.

In general, the decision to contract should consider the need to provide services with public funds as economically, as efficiently and as effectively as possible. However, these factors need to be examined in the context of specific services, specific communities, political environments and development of a coordinated, integrated and stable service delivery system. When the County contracts for human services, the result should be a partnership that supports public policy goals and government accountability while respecting private agency autonomy and creativity.

The decision whether or not to contract should be included in the planning process. The decision should be based on established criteria. Key considerations for developing these criteria include:

### 1. Accountability

- application of eligibility criteria and insuring that targeted populations are served
- performance and outcome expectations.
- quality control
- fiscal and budgetary control

### 2. System Issues

- continuity of care
- service coordination
- followup for specific consumer groups
- responsiveness to changes in service demands and target populations

3. Expertise
  - availability of experienced, competent staff
  - location and availability of necessary facilities, equipment, etc.
  - ability to reach specific target populations
  - need for innovative approaches
4. Program
  - scope of services and service delivery strategies
  - program stability
  - ongoing program development
5. Legal restrictions
  - funding authority requirements
  - legislative or administrative restraints on the number of government employees
  - specific requirements related to provision of protective and criminal justice services
6. Cost
  - startup costs and timelines
  - cost effectiveness
  - long term costs
  - future funding and cost sharing opportunities
7. Collective bargaining agreements
  - specific provisions related to contracting out, including prohibitions, limitations, notification and exceptions
8. Consumer input
  - input of consumers and target populations on how best to provide services
  - community support for service strategy options

### PERFORMANCE BASED CONTRACTING

The Task Force believes that its general conclusions and specific recommendations are entirely compatible with resolutions passed by the Board of County Commissioners regarding performance based contracting. The Task Force has concluded that virtually all County contracts for human services include performance measures that at a minimum identify the types and number of clients to be served, and the types and amount of service to be provided. Task Force recommendations provide structure for this practice and establish consistent county-wide procedures for developing and evaluating the performance measures that are included in contracts for human services. In summary, Task Force recommendations provide the framework within which the County can efficiently implement performance based contracting for human services.

## SPECIFIC RECOMMENDATIONS

### Principles

The Contracting Task Force adopted three basic principles: partnership, efficiency and effectiveness.

#### **Partnership**

- Planning for the delivery of human services will be an open process that involves community organizations, members of the community, and consumers.
- The County's contracting process will be inclusive (provide for participation by community organizations, members of the community, and consumers) and user-friendly (non-adversarial).
- The County will make information available regarding timelines and cycles for events in the contracting process (e.g. when planning processes will begin and end; how often RFQs will be available).
- Whenever possible, the County will provide technical assistance to providers rather than sanctions. When sanctions are ultimately needed, they will be applied in a fair and consistent manner.

#### **Efficiency**

- There will be consistency of policy and procedure county-wide (across all departments that provide human services).
- The County's contracting process will avoid duplication of effort among and within departments and divisions, and avoid procedures that cause duplication of effort for providers.

#### **Effectiveness**

- In general, the RFQ and RFP process will support broader County objectives - program budgeting, program evaluation with measurable outcomes, and provision of quality services.

### Partnership and Planning

#### **A. Strategic Planning**

1. The purpose of strategic planning is to assess problems, needs, and service gaps; establish desired outcomes; catalogue current responses to problems; assess the effectiveness of existing services; identify strategies for reaching desired outcomes; and recommend evaluation and advocacy strategies.

2. Strategic planning is intended to be pro-active, anticipating problems and needs before they escalate to major unaddressed crises. Strategic plans form the basis for the County's long term approach to solving problems and addressing the needs of its citizens.
3. Whenever possible, strategic planning will include the perspective of local neighborhoods and communities.
4. Strategic plans will be completed at least every five years and assessed, revised and updated as needed to assure relevancy and accuracy.

**B. Funding-related Planning**

1. The purpose of funding related planning is to set priorities for use of available resources. Funding related plans contain specific recommendations about program design and strategies, and are developed in the context of applicable strategic plans and available funds.
2. An established funding plan may be modified when available funds are restricted to a certain use (such as specific grants), with justification provided by County staff.
3. The performance measures and outcome objectives to be included in a division's or department's performance based budget will be determined by the strategic and funding related planning processes.

**C. The County will require strategic and funding related planning in those divisions that provide or administer human services.**

1. Planning processes will be open to all who wish to participate. The County will make special effort to include and notify communities, organizations, current and new providers, consumers, advocates and all individuals who are likely to have a stake in the outcome of the planning process. While a successful planning process will seek to involve and empower many individuals and organizations, it will not be impeded by those who are unavailable or unwilling to participate.
2. County staff are responsible for providing or arranging for facilitation during all county initiated planning processes.
3. Planning processes will encourage the formation of partnerships among providers, clients, advocates, the community, and the County.
4. Planning processes will opportunity for include public input.
5. Planning processes will be conclusive (i.e. they will not drag on interminably with no resolution).
6. The results of strategic and funding related planning processes will be used as a basis for writing RFP's.

7. The County will work with appropriate departments in state government to attain approval for County planning processes to substitute for state/federal planning requirements whenever possible.

#### Request For Qualifications

- A. The County will establish a single uniform Request for Qualifications process to administratively pre-qualify all organizations and agencies wishing to contract with the County for the provision of human services. The attached RFQ document has been developed for this process (see Appendix B).
- B. The overall purpose of the RFQ process will be to establish a list of agencies and organizations that have demonstrated that they have the administrative and legal structure, and fiscal capability to properly manage programs with funds provided by Multnomah County. Pre-qualifying organizations that meet the County's administrative standards saves County and contractor staff time because information about an organization's administrative capacity does not have to be repeatedly submitted and reviewed with every response to a competitive RFP.
- C. The County will establish an Overall Review Committee (ORC) comprised of representatives from the Purchasing Division and all departments and divisions that contract for human services. The Purchasing Division and the ORC will be responsible for conducting the RFQ process, including provision of technical assistance, workshops, outreach, evaluation of submissions in response to the RFQ and development of a RFQ handbook.
- D. Agencies and organizations will have the opportunity to qualify by submitting required materials by regularly scheduled dates established by the County. Initially, RFQ responses may be submitted quarterly. Submission dates and procedures will be reviewed by the ORC annually. All RFQ materials will be evaluated according to the standards established in the RFQ. The ORC may revise and amend RFQ standards.
- E. An RFP may ask additional RFQ type questions as determined by each division or office if a funding source establishes additional administrative requirements for service providers.
- F. The ORC will be responsible for initiating a process for periodic review of RFQ standards.
- G. The ORC will inventory and assure availability of technical assistance to those agencies wishing to complete the RFQ. This will include ascertaining the willingness and ability of presently qualified providers to provide technical assistance to similar organizations.
- H. Departments and divisions will only contract for human services with organizations that have met the RFQ standards unless there are fewer than three providers on the RFQ list that are interested in providing the service and that can meet the program specifications contained in the RFP or NOI. Departments and division's have the option of advertising an RFP to solicit a larger number of responses from providers. If the County contracts with a contractor that has not already passed the County's RFQ, the contractor must pass the RFQ within one year. Current County contractors not on the RFQ list will have one year to pass the RFQ. (Note: These recommendations do not

supersede the County's existing exceptions process as identified in County Administrative Procedure PUR-1.)

#### Notice of Intent

- A. NOIs are used in a variety of situations, commonly when there does not appear to be provider competition for a contract and development of a complete RFP will be unnecessary, when a division wishes to give potential providers advance notice that the County has intentions to contract for delivery of specific services, or to determine the number of interested proposers.
- B. NOIs, when used, will be sent to everyone on the RFQ list. The Notice of Intent may be long or short. Content of the NOI (exclusive of minimum substantive information required) will be left to the division.
- C. At a minimum, each NOI will provide the following substantive information: population to be served, services desired, dollars available, length of project, special minimum qualifications, geographic area to be served, request for written response from interested providers, and the deadline for responses.
- D. NOIs may be advertised to expand notification beyond notice sent to qualified providers (e.g. if no response is received from agencies on the list of qualified bidders).

#### Request for Proposals

- A. Whenever possible, Request for Proposals will specify:
  - the problem being addressed;
  - services to be provided;
  - population to be served;
  - geographic area to be served;
  - program designs desired;
  - expected outcomes;
  - program evaluation strategies to be employed (including data collection requirements);
  - the anticipated number of contracts to be established;
  - the time period for the initial contract and possibility of renewal before another regularly scheduled RFP;
  - the amount of funding available for each of the desired programs;
  - the service capacity this funding may have supported in the past; and
  - the proposal review process, including oral interview (if used) and proposal review criteria.

When any of these areas is not addressed, the RFP will explain why the area has been omitted or why the area has been left up to the discretion of the proposer. When the County desires proposers to develop program designs (as opposed to having the designs included in the RFP), the County will provide rationale for the request. Example: Multnomah County wishes to fund a demonstration project that will result in outcomes a, b, and c. Organizations are asked to submit proposals for a demonstration project that will result in these outcomes.

- B. RFPs will contain clear evaluation criteria for scoring proposals. The list of factors to be rated must include qualitative expectations for each factor that are linked directly to the total possible score that factor can receive.
- C. County RFP preparers will be required to submit checklist cover sheets with RFPs to Purchasing. The checklist will verify that RFP includes required information/sections.
- D. Department or division staff are responsible for selecting and convening a team of individuals with no conflicts of interest to review proposals. These individuals must have expertise in the area covered by the RFP. Ideally, the review team will include members of the group that developed the plan on which the RFP is based.
- E. Each proposer's entire RFP response will be made available to the evaluation team. No extraneous information will be forwarded to the evaluation team (e.g., information provided by the proposer that was not requested in the RFP; additional information provided by County staff).
- F. The evaluation team may request clarification, but may not seek additional information from the proposer.
- G. Following review of written responses, oral interviews or site visits may be scheduled with the highest rated proposers. Oral interviews may be used only if the RFP provides for their use. The RFP will state the weighting of scores received on the written proposal and the oral interviews/site visits.
- H. Following its review of the information provided in the proposals and oral interview, the evaluation team will make its recommendations regarding contract awards. The recommendations must be based on evaluation criteria specified in the RFP.
- I. To encourage consistency among departments and divisions, written guidelines will be developed for the preparation of RFPs and training will be made available for employees who produce RFPs. Peer support and assistance will be utilized. County Administrative Procedure PUR-1 will be revised to reflect these written guidelines.
- J. With assistance from the County Purchasing Division, Divisions and Departments will provide RFP evaluation teams with training on Multnomah County's RFP review procedures for written proposals and oral interviews/site visits.

### Advertising

Multnomah County will advertise RFQ opportunities in the Oregonian in addition to the Daily Journal of Commerce. Consistent with previously described recommendations (see RFQ, section H.), RFP and NOI opportunities for human services may be advertised in the Oregonian at the discretion of the Division or Department. (The Oregonian is easily accessible to all provider agencies, whereas many small agencies do not subscribe to Daily Journal of Commerce and do not have convenient, regular access to it.) Divisions and Departments are also encouraged to advertise in publications that target different cultural and ethnic communities.

## Monitoring and Evaluation

### A. Program Monitoring and Evaluation

1. The central purpose of monitoring and evaluation is to assist contractors and the service system as a whole to provide more effective services, support the achievement of outcomes and to assure accountability for the use of public funds.
2. The goal of monitoring is to determine the extent to which services are being provided and funds being expended as specified in the contract. For monitoring to be effective, contracts will have specific workplan and program objectives.
3. The goal of evaluation is to collect information on program implementation and how the program interacts with other services, organizations and the community (process evaluation), and changes in clients or the community following services (outcome evaluation).
4. Monitoring and evaluation will be a cooperative process between the County and its contractors. The emphasis will be on a partnership to strengthen service delivery effectiveness. Whenever possible, technical assistance rather than sanctions will be employed to correct problems with contractor performance.
5. Divisions and Departments will have monitoring and evaluation plans for human services delivered directly or by contract. The plans will include but are not limited to: how data will be collected on services provided, those who receive services and the outcomes reached; how the data will be analyzed; how program quality will be monitored; how program activities will be documented; who will conduct the monitoring and evaluation; and how the monitoring and evaluation results will be used. Evaluation plans will establish the process for determining the extent to which performance measures and outcome objectives have been met. A monitoring and evaluation plan will be referenced or included in each contract.
6. Contract monitoring will include site visits to provide context for the assessment of contract performance. Site visits may also review the fiscal records that relate directly to the contract being monitored. (Review of the agency's overall fiscal systems will be part of the administrative review associated with the RFQ process.) Annual site visits are preferred.
7. County staff who conduct contract monitoring will receive training arranged by departments and divisions on how to conduct site visits and how to interpret the information obtained from site visits. Standards for how site visits are to be conducted will be developed and provided to County monitoring staff.
8. Outcome evaluation will occur in the context of the overall system of services. In particular, contract payments will not be withheld solely for failure to reach outcomes due to factors beyond the control of their programs. Nevertheless, contracts may not be continued if desired outcomes are not being reached.

10. To avoid duplication and maximize efficient use of resources, County departments and divisions will coordinate their monitoring and evaluation efforts.
11. The County will apply the monitoring and evaluation procedures to the programs it provides directly. These procedures will be similar to those used for contracted services.
12. Monitoring and evaluation results will be used in future program and service system planning.

**B. Administrative Review**

1. A uniform administrative review process for human services contractors will be instituted by all County departments and divisions to monitor compliance with the County's RFQ criteria.
2. The purpose of the administrative review is to determine the continuing soundness of the organization. The information requested as part of the County's RFQ process will constitute the areas to be reviewed. The administrative review will not include areas covered by a contractor's routine independent audit. Divisions and Departments may conduct monitoring review of specific contract requirements at the same time that the administrative review is conducted, including monitoring for compliance with regulatory conditions contained in a contract.
3. The administrative site review will not be any more frequent than every other year unless warranted by administrative changes by a contractor or deficiencies in the results of a review of a specific contractor.
4. County staff will devise and maintain a process for sharing the administrative review of organizations that contract with more than one department or division.
5. Contractors that on the basis of an administrative review do not meet the standards contained in the RFQ will have six months to demonstrate that they are in compliance before they are dropped from the qualified agency list.
6. Organizations that contract with the County and that do not fail the County's administrative review process will not have to re-qualify under the RFQ process. Organizations on the RFQ list that do not contract with the County will be required to re-qualify under the RFQ procedure every two (2) years.
7. Training will be provided to County staff who conduct administrative reviews to assure consistency.
8. A system to coordinate the County's administrative review process and centralize collection and review of annual contractor audits and insurance certifications will be developed by the ORC.

## Corrective Action

- A. To address problems with contractor performance, the County staff will develop progressive corrective action plans. These plans may include the following steps:
- The provision of technical assistance;
  - Written corrective action plans;
  - Contract adjustments (e.g. reduced funding levels; workplan adjustments);
  - Temporary suspension of contracts, including withholding funds; and
  - Contract termination.
- B. Whenever possible, the development of progressive correction action plans will be a joint process between County staff and the contractor.

## OTHER ISSUES

### Individual Professionals as Contractors

Individual professionals who provide direct human services are subject to RFQ/NOI/RFP rules and procedures only when they contract with a department or division for more than the Class I threshold (see for-profit contractors below). Contracts for professional services that are not human services (e.g. planning services; evaluation services) and vendors are not subject to these RFQ/NOI/RFP rules and procedures established for direct human service contracting.

### For-profit Contractors

More study is needed to adapt the RFQ/NOI/RFP rules and procedures for for-profit entities. At a minimum the Task Force believes that the standards for for-profit entities should be no less than those for non-profit entities, although some adjustments may need to be made to take into account different organizational structure (e.g., RFQ required materials).

### Implementation Responsibility and Staffing Impact

The Task Force believes that these recommendations have staffing implications for the County. The Chair's office, with the active involvement of County divisions and departments that contract for human services, should conduct a thorough assessment of these needs and establish 1) clear implementation responsibility for all recommendations, and 2) how staff resources can best be configured to implement the recommendations. For example, the Task Force believes that the coordination of the RFQ process by the ORC will require dedicated staff support. Whether this centralized process can be staffed by shifting resources or with new resources must be determined. In general, the Task Force supports implementation of its recommendations within existing resources whenever possible.

## EVALUATION

This section will discuss concepts and terminology related to human services program evaluation as they are used in this report.

*Contract monitoring* is the most rudimentary form of evaluation. The purpose of contract monitoring is to establish the extent to which the contractor is meeting the performance measures contained in the contract. Monitoring may involve only an examination of reports and data submitted by the contractor, or it may include site visits.

*Process evaluation* takes a more in-depth look at the program that is supported by a County contract. The purpose of process evaluation is to document how the program is operating and develop specific suggestions for improving program operation. A process evaluation determines the extent to which the program is operating as originally designed. The evaluator seeks to understand the rationale for any program design changes that were made, and determine the extent to which the changes were justified. The process evaluation investigates a variety of factors related to program operation; attempting to answer questions such as:

- Is the program reaching the target population or target area it was designed to reach?
- Are program resources being used most effectively and efficiently?
- How does the program coordinate its services with referral sources and other providers?
- Does the program have the support of the community it serves and other professionals?
- How do the program's clients rate program services?

Process evaluation includes an in-depth examination of client, service and referral data collected by the program. Site visits are typically part of the process evaluation. During the site visit the evaluator may review program files, observe services (when appropriate), interview agency direct service and managerial staff, and meet with clients. Financial information related to the expenditure of contract funds for the program may also be reviewed. When appropriate, the evaluator may also meet with key referral sources and other providers in the same system of services as the program being evaluated. Information related to administrative capacity is normally evaluated only when it sheds light on the program's ability to meet the performance measures contained in the contract.

*Outcome evaluation* documents changes (if any) in the lives of clients or the community following program services. The collection of pre-post data for comparison purposes is frequently part of an outcome evaluation. Followup with clients at some time after they have completed program services is a common, though somewhat more expensive, outcome evaluation technique. Some key questions for outcome evaluators are:

- The program usually has some broadly stated goals; are they being achieved?
- Can program results be explained by some other alternative process that does not include program services?
- Is the program having some effects that were not intended?

Outcome evaluation does not establish a causal relationship between program services and observed outcomes. Formal research designs that compare outcomes for those who participate in services with

a control group who do not receive the same services is the only rigorous way to establish that observed changes are the result of program services. While these designs yield the most reliable information when implemented properly, they are generally expensive and present some ethical difficulties.

Unfortunately, outcome evaluation alone rarely presents a clear picture of program success. When examined independently, outcome evaluation data often paint a picture of success with some clients; failure and inconclusive results with others. Consequently, outcome evaluation is difficult to conduct without also conducting some level of process evaluation. To be truly useful to planners, policy makers and program staff, outcome data must be analyzed with respect to client demographics, client social history and service provided. Information gathered during site visits must also be linked to outcome data. This analysis will enable the evaluator to provide insight into questions such as:

- What mix of services and clients is correlated to the best results?
- Is the program observing the best results only with the "easiest" clients?
- How can available funds be used most effectively to address a particular problem?
- How do less quantifiable factors such as staff attitude and community support relate to program success?

## **APPENDICES**

**Appendix A: Resolution 92-151**

**Appendix B: Request for Qualifications Document**

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF MULTNOMAH COUNTY

In the Matter of Establishing a Task ) RESOLUTION  
Force to Review Policies and Procedures ) 92-151  
for Awarding, Monitoring and Evaluating )  
Service Contracts )

WHEREAS, the County currently does considerable contracting for services in the Departments of Health, Community Corrections, and Social Services. Within Social Services, services are contracted in the Divisions of Aging Services, Juvenile Justice, Housing and Community Services, and Social Services (including programs in mental and emotional disabilities, developmental disabilities, child and adolescent mental health, alcohol and drug, and the youth program office), and

WHEREAS, the passage of Measure 5 has forced state and local governments to look for greater cost efficiencies and program accountability, and

WHEREAS, the 1991 Peat Marwick Audit Report suggested that the County "formally review and revise as appropriate all subcontractor review procedures to integrate the requirements of OMB A-133, or other relevant compliance requirements, if any, in order to avoid County inefficiency due to duplication or procedures already performed by the subcontractors' independent auditors". While the recommendation arose from a review of contract compliance work in Social Services, implementation of the recommendation may have implications throughout the County, and

WHEREAS, the Mental and Emotional Disabilities System Review Task Force, a citizen group reviewing issues within the MED system, issued a Report in April, 1992, recommending that:

"a consistent method that reduces duplication of efforts must be developed for awarding, monitoring, and evaluating service contracts within the MED system and across other County divisions.

Presently, processes for awarding and monitoring contracts can differ within the County. These methods differ further from those of other jurisdictions and other funding sources. Ultimately, this results in cumbersome reporting for community subcontractor provider agencies. Reduced duplication would enable community subcontractor providers to devote greater attention to direct service delivery.

Efforts to reduce this duplication have begun on a program wide basis and should be integrated into the efforts of a proposed countywide contract review task force."

NOW, THEREFORE BE IT RESOLVED, that:

I. Establishment of Task Force on Contracting

A. The Board of County Commissioners hereby establishes a Task Force on Policies and Procedures for Awarding, Monitoring, and Evaluating Service Contracts.

B. The Task Force shall consist of 15 representatives from the following areas:

County program staff from Departments and Divisions doing significant contracting of services (total of 7)

Department of Health (1)

Department of Community Corrections (1)

Department of Social Services (1)

Juvenile Justice Division (1)

Aging Services Division (1)

Housing and Community Services Division (1)

Social Services Division (1)

Purchasing, Contracts Administration (2)

Community Based Service Providers (4)

Citizens/Consumers from Current Advisory Committees (2)

C. Members of the Task Force shall not receive compensation. The Task Force shall be staffed by Board Staff. County Counsel, Finance, and Budget shall provide assistance as needed. The Task Force shall form subcommittees as needed and will seek input, as appropriate, from state agencies, community foundations or funds/federations, and other governmental bodies.

II. Task Force Report

A. The Task Force shall complete the following workplan:

1. Recommend goals/criteria for why the county may choose to contract for services
2. Describe the current policies and processes for awarding contracts for service. Identify potential areas for discussion.
3. Determine what is required by County, State and federal statutes and regulations. Determine how flexible or willing to change County, state and federal funding sources are in their requirements.
4. Analyze how well the current contracting process meets the recommended goals/criteria.
5. Identify barriers to achieving a more efficient and effective contracting system

6. Define problem areas and suggest alternatives to different elements of the current contracting process. Elements of the contracting process include:
  - a. needs assessment
  - b. program planning
  - c. organizational issues
  - d. qualifying contractors
  - e. developing requests for proposals
  - f. funding and reporting restrictions of the funder
  - g. letting bids
  - h. awarding contracts
  - i. monitoring the financial and programmatic aspects of the contract
  - j. evaluation
  - k. contract renewal
7. Evaluate alternatives based on:
  - a. improved services to clients
  - b. cost savings
  - c. adequacy of financial and programmatic reporting
  - d. ability to generate evaluative information
  - e. reduction in reporting time and paperwork for the governmental units and contractors
  - f. accountability
  - g. access to public funds
  - h. stability of service system
  - i. cultural diversity
  - j. legal constraints
  - k. non duplication
  - l. other criteria as suggested by the Task Force
8. Recommend additional study as needed, especially involving interjurisdictional cooperation.

III. Due Date for Report

1. The Task Force shall report to the Board of Commissioners by March 1, 1993. If appropriate, the Board would welcome a preliminary report by November 1, 1992, recommending items for the County's legislative agenda.
2. The Task Force shall terminate following the issuance of a final report, unless the Board gives an additional charge.

ADOPTED THIS 20th DAY OF AUGUST, 1992

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

By

Gladys McCoy  
Gladys McCoy, Chair



Laurence Kressel, County Counsel  
By H. H. Lazenby, Jr.

2427 2-4 7-20-92

**MULTNOMAH COUNTY MENTAL HEALTH, YOUTH &  
FAMILY SERVICES DIVISION**

**REQUEST FOR ADMINISTRATIVE QUALIFICATIONS**  
*September, 1993*

**RFQ # 3P2201**

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## SECTION I

**OVERVIEW:** Multnomah County Mental Health, Youth & Family Services Division (MHYFSD) uses a Request for Qualifications (RFQ) process to pre-screen potential contractors. The process determines which organizations meet minimum qualifications in the following areas:

- \* Power to contract
- \* Insurance requirements
- \* Organizational structure
- \* Advisory/Oversight functions
- \* Fiscal stability

**NO FUNDS ARE AWARDED THROUGH THIS RFQ.** All applicants who successfully pass a Division Administrative RFQ are Qualified Vendors for a period of five years. These vendors are thereby eligible to compete for any program funds announced during the five years through Requests for Proposals (RFP) to provide specific services.

In summary, this RFQ assesses an organization's administrative viability and does not result in contract awards; an RFP assesses an organization's ability to deliver specific services and may result in funded contracts.

The advantages of having separate RFQ and RFP processes are as follows:

1. Organizations must be assessed on their administrative qualifications only once every five years, no matter how many service RFPs they respond to.
2. The Division is able to contract for services made possible by new money more quickly.
3. Separating the parts of the procurement process and repeatedly offering the RFQ provides ongoing opportunities for new service providers to become qualified.

### **CYCLES:**

**RFQ:** This Division conducts an RFQ process annually. Status as a qualified vendor is good for five years. (Note: If a contract has not been awarded to an organization on the List of Qualified Vendors in two years, the Division may request an update to the original RFQ application). If an organization does not qualify, it may choose to participate in subsequent RFQs until it does qualify.

**RFP:** Existing services are opened to competition through RFPs at least once every five years. Each service has its own five-year cycle, so different services are RFP'd each year. An RFP is also used when there is new money made available for new services. Notice of RFP is sent only to qualified vendors (those who have passed an RFQ).

Current subcontract providers may clarify their RFQ status by calling Jeff Baer at Multnomah County Purchasing (248-5111) or the Division Planner, Nancy Wilton (248-3691 xt. 2797).

**WHO SHOULD APPLY:** Because only those organizations on a current List of Qualified Vendors resulting from a MHYFSD Administrative RFQ will be eligible to compete for service contracts in the future, any organization that currently contracts with the Division or intends to contract with the Division in future fiscal years, and is not already pre-qualified should apply in this RFQ process.

Providers who submitted applications in the past and did not qualify must reapply. The reapplication must be submitted in its entirety, completely addressing each separate item.

Government agencies have a separate application process. Government agencies that currently contract with the Division or intend to contract with the Division in future fiscal years, and are not already qualified, should contact the Division Planner, Nancy Wilton at 248-3691 xt. 2797 to discuss the application process.

Providers receiving only Title XIX or DUII Diversion reimbursement are not required to qualify under this process.

**MINIMUM REQUIREMENTS:**

- \* Organizations must be registered legal entities and have been in business for at least one year.
- \* Responses to the RFQ must be sponsored by a single organization. No joint responses will be accepted for this RFQ.
- \* Services must be provided to Multnomah County residents.
- \* Organizations must meet State and County insurance requirements.

**APPLICATION INSTRUCTIONS:**

1. Applicants must submit a completed **Organization Identification and Transmittal Form** plus all required documentation to be considered.
2. Applications must be clearly typewritten, single spaced, on a 8.5" x 11" paper and typed on only one side of the paper.
3. Responses must restate the question or use the same numbering and lettering sequence as in the RFQ. Responses and supporting documentation must be in the same sequence as the RFQ.
4. Begin each section ("Power to Contract", "Insurance", "Organizational Capacity", "Accountability", and "Fiscal") on a new page. Each section will be reviewed by separate evaluation panels.
5. Organizations must submit the **original application and three (3) complete copies.**

**EVALUATION PROCEDURES:** Section A (Power to Contract), Section B (Insurance), Section C (Organizational Capacity) and Section D (Accountability) will be rated on a pass/fail basis. Each section will be rated on the presence or absence of required documentation which will be determined by County staff. Organizations must pass each section to qualify.

Section E (Fiscal Capability) will be rated on a point basis (zero to the maximum of 35 points). Organizations must receive a minimum of 22 points to pass this section. The fiscal evaluation panel will be comprised of at least three objective individuals who are knowledgeable about fiscal operations. No more than one third of the evaluation panel will be Division staff. Each evaluator will independently score each application and the scores of each committee member will then be averaged. Organizations must receive at least the minimum score from this section to qualify.

**TIMELINES:** Applicants must submit an original and three (3) complete copies of the application to:

Multnomah County Purchasing, Contracts and Central Stores  
2505 SE 11th Avenue  
Portland, OR 97202

**APPLICATIONS MUST BE RECEIVED NO LATER THAN 4:00 P.M. ON OCTOBER 25, 1993.  
LATE APPLICATIONS WILL NOT BE ACCEPTED.**

**FRIDAY, OCTOBER 1, 1993**  
**8:00 A.M.- 4:30 P.M.**

Beginning Friday, October 1, copies of the RFQ are available from:

Purchasing, Contracts and Central Stores  
2505 SE 11th Avenue  
Portland, OR 97202  
(503) 248-5111

Copies will be mailed upon request.

**WEDNESDAY, OCT. 13, 1993**  
**9:00 a.m.**

Optional RFQ Informational Workshop held at:

Emanuel Hospital & Health Center  
2801 N. Gantenbein  
Lorenzen Center, Rooms 1700 A&B  
Portland, Oregon

**MONDAY, OCT. 25, 1993**  
**No later than 4:00 p.m.**

Applications are due to:

Purchasing, Contracts and Central Stores  
2505 SE 11th Avenue  
Portland, OR 97202

**LATE APPLICATIONS WILL NOT BE ACCEPTED**

**OCT. 29 - NOVEMBER 5**

Applications evaluated

**ON OR AFTER WED. NOV. 10**

Notice of qualification status issued by Purchasing, Contracts and Central Stores

An application may be withdrawn by written request if the request is received by Purchasing, Contracts and Central Stores prior to the scheduled closing date for applications. Changes in a filed application can also be made by submitting the change in writing to Purchasing, Contracts and Central Stores prior to the scheduled closing date for applications.

**ASSISTANCE:** To assist organizations in completing the RFQ application, a checklist is attached which identified key points of the RFQ. In addition, organizations responding to the RFQ may obtain clarification of the content in two ways:

1. **Optional Workshop:** An optional workshop will be held October 13, 1993 at 9:00 at Emanuel Hospital and Health Center (2801 N. Gantenbein, Lorenzen Center, Rooms 1700 A&B). The workshop is designed to clarify what information is requested for the RFQ.

*Qualified sign language interpreters for persons with impaired hearing and qualified bilingual for persons with limited English proficiency are available upon 48-hour advance request by calling the Division Planner, Nancy Wilton at 248-3691 xt. 2797.*

2. **Clarification:** Any applicant requiring clarification of the information or protesting any provision herein, must submit specific comments in writing to:

Jeff Baer  
Multnomah County Purchasing, Contracts and Central Stores  
2505 SE 11th Avenue  
Portland, OR 97202  
(503) 248-5111  
Fax: (503) 248-3252

The deadline for submitting such questions or comments is October 18, 1993. If, in Purchasing, Contracts and Central Store's opinion, additional information or interpretation is necessary, such information will be supplied in the form of an Addendum which will be mailed to all individuals, firms and corporations having received this RFQ and such Addendum shall have the same binding effects as though contained in the main body of the RFQ. Oral instructions or information concerning the specifications of the project given out by County managers, employees, or agents to prospective applicants shall not bind Multnomah County. All addenda shall be issued by the Purchasing, Contracts and Central Stores Director no later than five (5) days prior to proposal deadline.

**NOTIFICATION OF VENDORS:** After all applications have been evaluated, organizations will be notified of their status in writing, mailed on or after November 10, 1993 by Multnomah County Purchasing, Contracts, and Central Stores.

**REJECTION OF APPLICATIONS:** Multnomah County reserves the right to reject any or all responses to this Request for Qualifications.

**COST OF PREPARATION OF RESPONSE:** Costs incurred by any organization in the preparation of the response to this Request for Qualifications are the responsibility of the responding organization and will not be reimbursed by the County.

**APPEALS:** The following procedure applies to organizations that wish to appeal a disqualification of application.

Applicants shall submit the appeal in writing to the Purchasing, Contracts and Central Stores Director within five (5) working days of postmarked Notice of Award or disqualification.

Address appeal to: Purchasing, Contracts and Central Stores Director  
Multnomah County Purchasing, Contracts and Central Stores  
2505 SE 11th Avenue  
Portland, OR 97202

Appeal must describe specific citation of law, rule, regulation, or practice upon which protest is based. The judgment used in scoring by individual evaluators is not grounds for appeal.

**OMB CIRCULAR A-133:** "If contractor is determined by the County to be a sub-recipient of federal funds passed through the County, the contractor will submit an annual federal compliance audit in conformity with the OMB Circular A-133, which applies the Federal Single Audit Act of 1984, Public Law 98-502, to non-profit organizations."

**RECYCLABLE PRODUCTS:** Proposers shall use recyclable products to the maximum extent economically feasible in the performance of the contract work set forth in this document.

**AMERICANS WITH DISABILITIES ACT:** Proposer agrees to comply with all applicable requirements of federal and state civil rights law and rehabilitation statutes.

**MWESB PARTICIPATION:** Multnomah County strongly encourages the participation of Minority, Women, and Emerging Small Business in all County projects, programs and services.

**NONDISCRIMINATION IN EMPLOYMENT:** The successful respondent's attention is directed to the provisions of Oregon Revised Statutes, Chapter 659, prohibiting discrimination in employment.

**CONFLICT STATEMENT:** In the event an organization receives a contract in excess of \$1,000, a **Conflict Statement** (see attached page 16) must be signed and completed.

## SECTION II:

**CONTENT OF RFQ:** In response to this RFQ, each organization must provide all the requested documentation. All applications submitted must pass the power to Contract (Section A), Insurance (Section B), Organizational Capacity (Section C), Accountability (Section D), and receive at least the minimum points in Fiscal (Section E) to qualify, based on an average score of the evaluators.

- A. **POWER TO CONTRACT:** This section will be rated on a pass/fail basis. Please provide a copy of the appropriate information requested. An applicant must pass this section to qualify.

*Purpose: To establish that the organization is registered to do business in the State of Oregon.*

- \* **Corporations:** Organization's current registration from the Secretary of State, Corporations Division (copies can be requested by writing to the above office, Commerce Building, 158 12th Street NE, Salem, OR 97310-0210, 1-503-378-4166). Organizations in the process of obtaining a registration must submit a copy of the application and an explanation indicating progress to date of that process. The registration must be in place upon award of the County contract.

*Additionally,* for private non-profits, provide a copy of the applicant's 501.C.3 designation letter. For organizations who are in the process of obtaining a 501.C.3 tax exempt status or changing to a 501.C.3 status, you must submit a copy of the application and an explanation indicating progress to date. The 501.C.3 status must be in place upon award of County contract.

- \* **Businesses:** Organization's current Assumed Business Name Registration from the Secretary of State, Corporations Division (copies can be requested by writing to the above office, Commerce Building, 158 12th Street NE, Salem, Oregon 97310-0210, 1-503-378-4166).

- \* **Individual doing business under own name:** A company whose name contains the "real and true name" of the owner, the first name or first initial coupled with surname, is prohibited from registering with the Corporation Division to do business in Oregon, although doing business under a real and true name is in itself legal. An individual cannot use words that imply the existence of other owners such as company or associate. Applicants must sign the form on page 15 verifying that the company name contains the "real and true" name of its owner.

- B. **INSURANCE:** This section will be rated on a pass/fail basis. An applicant must pass this section to qualify. Please provide a copy of the following (Note: Organizations must respond to items 1, 2, and 3 or item 4, whichever is applicable).

*Purpose: To establish that each organization meets the State and County insurance requirements.*

1. Comprehensive Liability Insurance:
  - a. Certificate of comprehensive liability insurance policy, issued by a company authorized to transact business in the State or Oregon, with minimum limits of \$50,000 to any claimant for any number of claims for damage to or destruction of property, including consequential damages, arising out of a single accident or

occurrence, \$200,000 for injury to any one person, and \$500,000 for total injuries and/or damages arising out of a single accident or occurrence (Oregon Revised Statutes 30.270);

OR

- b. Declaration that organization is self-insured for public liability and property damage for a minimum of the amounts listed in B.1.a. above.
2. Evidence of current Workers' Compensation insurance coverage for all non-exempt workers, employees, and subcontractors either as a carrier insured employer or a self-insured employer as provided in Chapter 656 or ORS.
3. A copy of Certificate of Fidelity bonding coverage with a minimum coverage of \$10,000 and a list of all staff positions covered under this policy or a copy of Employee Dishonesty Coverage with minimum limits of \$50,000 for loss in any one "occurrence" (Oregon Administrative Rule 309-13-020 (7) Expenses).

OR

4. Statement from insurance agency that organization can acquire insurance coverage for minimum identified in B.1.a., B.2. and B.3. above if a contract is subsequently awarded through an upcoming program RFP.

C. **ORGANIZATIONAL CAPACITY:** An organization must have the capacity to manage and provide appropriate accountability and internal management controls to monitor administrative contract requirements. This section will be rated on a pass/fail basis. Please provide the following:

1. Name, title and job description of the executive director for the applicant organization.  
*Purpose: To establish that someone is in charge.*
2. Name, title and job description of Portland area administrator if applicant organization headquarters are not in Portland metropolitan area.  
*Purpose: To establish that someone is in charge locally.*
3. A current organizational chart that indicates lines of authority for all organization programs in the Portland metropolitan area.  
*Purpose: Indicator that the organization has clear supervisory and administrative relationships.*
4. Copy of the Table of Contents for the organization's personnel policies.  
*Purpose: Indicator that the organization has a codified process for managing personnel.*
5. Copy of non-discrimination policy stating that the organization will not discriminate against any individual with respect to employment or provision of services based on that individuals race, color, religion, sex, national origin, age, sexual orientation or handicap.  
*Purpose: To establish that the organizations's non-discrimination policy is at least*

*equivalent to the county's policy.*

6. Copy of organization's policies and procedures for employee performance appraisal.

*Purpose: Indicator that the organization has a process for monitoring employee performance.*

7. Copy of the organization's policies and procedures for staff training and development.

*Purpose: Indicator that the organization invests in improving staff capacity.*

8. Copy of the organization's grievance procedures.

*Purpose: Indicator that employees have a process through which they can raise and resolve problems.*

9. Name(s) and title(s) of the employee(s) responsible for meeting administrative contract requirements (e.g. insurance, non-discrimination, property management) and overseeing contract corrective action.

*Purpose: To establish that someone is responsible for oversight of administrative contract requirements.*

10. A statement that the organization is willing and able to comply with the following should it be awarded a contract:

- \* Executive Orders 11246 and 11375
- \* Title VI of the Civil Rights Act of 1964
- \* Section 504 of the Rehabilitation Act of 1973
- \* Americans with Disabilities Act

*Purpose: To establish that the organization will meet the minimum contract requirements required by federal laws and regulations.*

- D. **ACCOUNTABILITY:** All applicants should have either a volunteer Board of Directors independent of management personnel, or another appropriate governing structure. This body provides overall accountability for the organization's services through routine review of the organization's operations. This section will be rated on a pass/fail system. Please provide the following:

**FOR ORGANIZATIONS NOT REQUIRED TO HAVE A BOARD OF DIRECTORS OR THE BOARD IS COMPOSED OF THE OWNERS OF THE ORGANIZATIONS, PLEASE ANSWER QUESTION 2 ONLY**

1. a. List of the organization's current Board of Directors with officers identified (Agency Board must have at least six members).

*Purpose: To establish that the organization has a governing board.*

- b. The length of time a Board member can serve (Board must have 20% minimum turnover per year).

*Purpose: Indicator that Board terms are limited and Board turnover is orderly,*

*allowing for both consistency and new perspectives.*

c. Dates of Board meetings in the last year at which there has been a quorum of the Board present (minimum of 4 meetings).

*Purpose: Indicator that the Board is involved in organization affairs.*

d. Summary of ethnicity, consumer, community, professional or other relevant/required representation of the Board as defined in the mission and/or by-laws.

*Purpose: Indicator that the Board is appropriately diverse, as defined in the mission/by-laws with respect to ethnicity, culture, and occupation.*

e. A statement that the Board evaluates the performance of the Executive Director at least annually and evaluation dates of the last three years.

*Purpose: Indicator that the Board provides oversight to the organization's Executive Director.*

f. A copy of the current Board member job description.

*Purpose: Indicator that the Board understands its role in organization management.*

**FOR ORGANIZATIONS NOT REQUIRED TO HAVE A BOARD OF DIRECTORS OR THE BOARD IS COMPRISED OF THE OWNERS OF THE ORGANIZATION, PLEASE ANSWER THE FOLLOWING:**

2. a. Please provide a statement describing how your organization does the following:

- \* Internal decision-making
- \* Administrative and program planning
- \* Budget approval
- \* Policy setting and review

*Purpose: Indicator that there are proper checks and balances in the operation and administration of the organization.*

b. Please provide a list of the organization's current owners.

*Purpose: To establish the ownership of the organization.*

These responses will be rated on a pass/fail basis.

E. **FISCAL CAPABILITY:** Each organization must show evidence of a fiscal management system which complies with generally accepted accounting principles and governmental regulations.

The following questions attempt to determine whether such a system is sufficient to assure sound fiscal accountability, and has the ability to comply with regulations pertaining to the utilization and maintenance of records, books, accounts and other documents.

If the requested information listed below does not apply, please note "Not Applicable" with full

explanation of why and if possible, an explanation of the alternative procedure within your agency that fulfills the same function.

The maximum score for this section is 35 points. Organizations must receive a minimum of 22 points to pass this section.

1. 7 POINTS TOTAL: Please describe your organization's accounting system:

- a. 1 Point: What is your organization's method of accounting? Does it conform to accounting standards for your organization (e.g. accrual method for private entities, modified accrual for governmental agencies)?

Also acceptable is a statement from an independent auditor that the method of accounting used (e.g. cash) does not differ materially from that required by industry accounting standards.

- b. 1 Point: What basis of accounting does your organization use? (e.g. fund, financial, etc.)
- c. 2 Points: Please submit copy of general ledger chart of accounts, showing numbering system for separate cost centers.
- d. 1 Point: Narrative explanation of how the chart of accounts is structured and organized.
- e. 1 Point: Please submit a copy of your organization's most recent balance sheet.
- f. 1 Point: Please submit a copy of your organization's most recent income/expense statement.

*Purpose: To provide assurance that the accounting system is appropriate to the size, nature and needs of the organization and complies with Generally Accepted Accounting Principles (GAAP).*

*Rating Criteria: Is the question addressed completely and appropriately? Do all elements in the organization's response to Question 1 (i.e. accounting method and basis, chart of accounts, balance sheet and income statement) conform to GAAP? Are the elements appropriate to the size, nature and needs of the organization?*

2. 12 POINTS TOTAL: Please submit copies of written policies & procedures or descriptions for:

- a. 3 Points: Fiscal Management: \* budgeting  
\* cash flow management  
\* cost containment  
\* revenue maximization  
\* updating written procedures

- b. 3 Points: Accountability: \* lines of authority and responsibility  
\* reporting functions

- c. 3 Points: Internal Control:   \* separation of cash handling duties  
                                                  \* safeguarding of negotiables  
                                                  \* procedures for expenditure approval

- d. 3 Points: Contract and grant accounting and reporting:

\* Describe procedures for identifying and segregating direct service program expenses relating to specific grants or contracts.

\* If your organization has a federally-approved indirect rate, describe the rate and methods of calculation. If your organization does not have a federally-approved indirect cost rate, describe your allocation methods of overhead and administrative costs to cost centers.

*Purpose: To provide assurance that the organization has systematic, documented methods, policies and procedures for all aspects of fiscal management that are appropriate to the size, nature and needs of the organization and comply with Generally Accepted Accounting Principles (GAAP).*

*Rating Criteria: Is the question addressed completely and appropriately? Does the organization's response include all requested written policies and procedures? Are these policies and procedures appropriate, complete and comprehensible? Are they in accordance with GAAP?*

3. 4 POINTS TOTAL: Fiscal Personnel:

- a. 2 Points: Please submit a job description showing responsibilities and qualifications required of the fiscal oversight position.

- b. 2 Points: Please submit a current professional resume of person(s) with fiscal oversight responsibilities.

*Purpose: To provide assurance that the organization has competent, qualified fiscal leadership.*

*Rating Criteria: Is the question addressed completely and appropriately? Does the job description contain minimum qualifications appropriate to the size, nature and needs of the organization? Does the person in the fiscal oversight position meet these minimum qualifications?*

4. 4 POINTS TOTAL: Reports to Governing Body or Proprietor

- a. 2 Points: Please provide copies of the most recent financial reports which were reviewed by the Board of Directors, proprietor, or other governing body.

- b. 2 Points: Please submit a narrative explanation of these reports, including the frequency with which they are prepared (must be at least quarterly).

*Purpose: To provide assurance that the organization's Board of Directors or other governing body receives timely and appropriate fiscal information.*

*Rating Criteria: Is the question addressed completely and appropriately? Do the reports*

*provide a complete summary overview of the organization's fiscal activities without inappropriate amount of detail? Do the reports include key balance sheet and income statement indicators? Is there a comparison of actual to budget? Are the reports provided on a timely basis (at least quarterly)? Is the explanation complete and comprehensible?*

5. **4 POINTS:** Please submit your current year budget.

Budget should include separate columns for all cost center line item budgets, totalling across to a column for total organization budget. All columns should itemize individual revenue and expense line items.

If your organization doesn't have separate cost centers, please explain why not and how your system could include them if necessary.

*Purpose: To provide assurance that the organization performs basic key fiscal management activities.*

*Rating Criteria: Is the question addressed completely and appropriately? Is the budget well-organized and comprehensible? Does it contain appropriate level of detail for the size and nature of the organization? Does it contain separate columns for cost centers as well as for the total organization? Are the revenue and expense line items appropriate in nature and content?*

6. **4 POINTS:** Please submit the most recent external audit or financial review performed by an independent certified auditor. Please include the management letter and report on internal control, if they exist.

**OR**

**2 POINTS:** If an external audit is not performed, you may submit a copy of the most recent federal tax return for the organization.

Audit or tax return must be for a period ending no earlier than eighteen months prior to the RFQ due date.

*Purpose: To provide assurance that the organization meets regular outside scrutiny by professional auditors or government entities.*

*Rating Criteria: Is the question addressed completely and appropriately? Are there excessive gains, losses, payables or other indicators? If an audit is provided, do the auditors express an unqualified opinion? Are there any questionable disclosures in the notes to the financial statements?*



***INDIVIDUALS DOING BUSINESS UNDER OWN NAME***

The applicant represents that the company name contains the "real and true" name of its owner, as defined in ORS 648.005, to mean the first name or first initial of the individual coupled with the surname. The applicant represents that other words are not used that imply the existence of other owners.

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<b>Signature</b>	<b>Date</b>
<b>Owner of the Business</b>	

---

**Type name**

# Conflict Statement

for all contracts in excess of \$1,000  
NOTE: FAILURE TO DISCLOSE POTENTIAL CONFLICTS  
OF INTEREST MAY RESULT IN CONTRACT CANCELLATION.  
(Complete Part A or Part B)

## Part A

I certify that no owner, investor or employee of this organization has a familial or financial relationship, as defined below, with any County employee(s) or official(s) who have responsibility for processing, awarding, funding, or monitoring this contract.

**Familial relationships** include spouse, children, stepchildren, parents, grandparents, grandchildren, brothers, sisters, fathers-in-law, mothers-in-law, sister-in-law, or brothers-in-law.

**Financial relationships** include involvement of persons in the same partnership, joint venture, company, corporation, association, or any other organization or group of persons which could result in a monetary benefit to the enterprise or persons involved.

Signed \_\_\_\_\_ Date \_\_\_\_\_

## Part B

I certify that the following is a complete list of familial and financial relationships, as defined above, between any owners, investors, or employees of my organizations and any County employees or officials with responsibility for processing, awarding, funding, or monitoring this contract.

<u>Name of related owner, investor, or employee</u>	<u>nature of relationship</u>	<u>Name of County employee or official</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Signed \_\_\_\_\_ Date \_\_\_\_\_

**FAILURE TO COMPLETE THIS FORM SHALL BE CAUSE FOR REJECTION**

## ***MHYFSD ADMINISTRATIVE RFQ CHECKLIST***

This checklist identifies key items to include and can be used as an aid to complete the RFQ application. This is only intended as a checklist for organizations to help ensure all items are submitted:

- \_\_\_ RFQ to Purchasing by 4:00 p.m. October 25, 1993
- \_\_\_ Signed **Organization Identification and Transmittal Form** (attached to application). Failure to complete this form shall be cause for rejection.
- \_\_\_ Original plus three (3) complete copies of application submitted
- \_\_\_ Application is typed single space on one side of 8.5" x 11" paper
- \_\_\_ Application follows sequence of RFQ and all responses and supporting documentation are identified to correspond with RFQ questions.
- \_\_\_ Each section (Power to Contract, Insurance, etc.) begins on a new page

### **CONTENTS OF RFQ:**

#### ***POWER TO CONTRACT:***

- \_\_\_ Copy of current State of Oregon Business/Corporation registration
- \_\_\_ If private/non-profit organization, a copy of the organization's 501.C.3 letter
- \_\_\_ If business, a copy of the organization's Assumed Business Name registration
- \_\_\_ If individual doing business under own name, signed form on page 15

#### ***INSURANCE:***

- \_\_\_ Standard comprehensive liability insurance OR declaration that agency is self-insured **AND**
- \_\_\_ Evidence of current Workers' Compensation insurance coverage **AND**
- \_\_\_ Copy of Certificate of Fidelity bond OR copy of Employee Dishonesty coverage
- \_\_\_ **OR**
- \_\_\_ Letter from insurance agency of ability to obtain coverage

#### ***ORGANIZATIONAL CAPACITY:***

- \_\_\_ Name, title and job description of the executive director

- \_\_\_ If organization's headquarters are not in the Portland metropolitan area, provide the name, title and job description of Portland area administrator
- \_\_\_ A current organizational chart that indicates lines of authority for all organization programs in Portland metro area
- \_\_\_ A copy of the Table of Contents for the organization's personnel policies
- \_\_\_ Copy of non-discrimination policy which states the organization will not discriminate against any individual with respect to employment or provision of services based on that individuals race, color, religion, sex, national origin, age, sexual orientation or handicap:
- \_\_\_ Copy of organization's policies & procedures for:
  - \* employee performance appraisal
  - \* staff training and development
  - \* grievance procedures
- \_\_\_ Name(s) and title(s) of the employee(s) responsible for meeting administrative contract requirements (e.g. insurance, non-discrimination, property management) and overseeing contract corrective action.
- \_\_\_ Statement that the organization is willing and able to comply with the following should it be awarded a contract:
  - \* Executive Orders 11246 & 11375
  - \* Title VI of the Civil Rights Act of 1964
  - \* Section 504 of the Rehabilitation Act of 1973
  - \* Americans with Disabilities Act

**ACCOUNTABILITY:**

**For organizations with Board of Directors:**

- \_\_\_ List of current Board of Directors with officers identified
- \_\_\_ Length of time a Board member can serve
- \_\_\_ Dates of Board meetings in the last year at which there has been a quorum of the Board present (minimum of 4 meetings)
- \_\_\_ Summary of ethnicity, consumer, community, professional or other relevant/required representation of the Board as defined in the mission and/or by-laws
- \_\_\_ A statement that the Board evaluates the performance of the Executive Director at least annually and evaluation dates of the last three years.
- \_\_\_ A copy of the current Board member job description.

For organizations without Boards:

\_\_\_\_\_ Provide a statement describing how organization does the following:

- \* Internal organization decision-making
- \* Administrative and program planning
- \* Budget approval
- \* Policy setting and review

\_\_\_\_\_ Provide list of organization's current owners

**FISCAL:**

\_\_\_\_\_ Description of organization's accounting system:

- \* Accounting method?
- \* Basis of accounting (e.g. fund, financial, etc.)?
- \* Copy of general ledger chart of accounts which shows numbering system for separate cost centers.
- \* Narrative explanation of how the chart of accounts is structured and organized.
- \* Copy of most recent balance sheet
- \* Copy of most recent income/expense statement

\_\_\_\_\_ Provide copies of written policies & procedures or descriptions for:

- \* Fiscal management
- \* Accountability
- \* Internal control
- \* Contract and grant accounting and reporting

\_\_\_\_\_ Fiscal Personnel:

- \* Job description showing responsibilities and qualifications required of fiscal oversight position
- \* Current professional resume(s) of person(s) with fiscal oversight responsibilities

\_\_\_\_\_ Copies of most recent financial reports reviewed by Board of Directors, proprietor, or other governing body, and submit a narrative explanation of these reports including the frequency with which they are prepared (must be at least quarterly).

\_\_\_\_\_ Submit your current year budget

\_\_\_\_\_ Submit the most recent external audit or financial review performed by an independent certified auditor. Please include the management letter and report on internal control, if they exist. (If an external audit is not performed, you may submit a copy of the most recent federal tax return for the organization).

MEETING DATE: MAR 03 1994

AGENDA NO: R-4

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

**SUBJECT:** Resolution accepting the report from the Contracting Task Force: Public/private Partnerships in Human Services Contracting.

**BOARD BRIEFING** Date Requested: \_\_\_\_\_

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

**REGULAR MEETING:** Date Requested: March 3, 1994

Amount of Time Needed: 5 minutes

**DEPARTMENT:** Non-Departmental **DIVISION:** Commissioner Kelley

**CONTACT:** Carolyn Marks Bax **TELEPHONE #:** x2738

**BLDG/ROOM #:** 106/1500

**PERSON(S) MAKING PRESENTATION:** \_\_\_\_\_

**ACTION REQUESTED:**

INFORMATIONAL ONLY     POLICY DIRECTION     APPROVAL     OTHER

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

Multnomah County contracts for a significant portion of the human services it provides. The Contracting Task Force was established to review the contracting system and make recommendations for improving the system, by making it more efficient and effective. The task force has completed its charge, incorporating related policy changes for program based budgeting and performance based human services delivery system.

**SIGNATURES REQUIRED:**

**ELECTED OFFICIAL:** *Shannon Kelley*

OR

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

MULTNOMAH COUNTY  
OREGON  
BOARD OF  
COUNTY COMMISSIONERS  
1994 FEB 23 PM 12:41

**ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES**

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

0516C/63 *Copy of Resolution 94-44 Sent to Carolyn Marks Bax on 3-4-94.*

BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM BRIEFING  
STAFF REPORT SUPPLEMENT

TO: BOARD OF COUNTY COMMISSIONERS

FROM: CAROLYN MARKS BAX

TODAY'S DATE: FEBRUARY 22, 1994

REQUESTED PLACEMENT DATE: MARCH 3, 1994

RE: Resolution in the matter of Accepting the report from the Contracting Task Force: Public/Private Partnerships in Human Service Contracting.

---

I. Recommendation/Action Requested:

Accept Report

II. Background/Analysis:

On August 20, 1992 the Board of County Commissioners established a task force to review policies and procedures for awarding, monitoring and evaluating human service contracts. During the course of the task force process, the Board implemented several major policy changes that had significant impact on the contracting system. Resolution 93-4 established program budgeting as County policy and Resolution 93-232 required that all services provided directly or through contract will have specific goals, objective and performance measures for FY 94-95. Recommendations in this report support the County's transition to a performance based service delivery system.

After assessing the current system, it was apparent that increased uniformity and coordination in contracting procedures would enable both County staff and provider agencies to focus more on outcomes and evaluation. Recommendations for standardizing human service contracting procedures county-wide are intended to satisfy the need to eliminate duplication and increase uniformity while respecting the flexibility required by differences in services, contractors and regulatory environments.

III. Financial Impact:

There will be no financial impact in accepting this report. Many recommendations are intended to eliminate duplication of effort, but not necessarily reduce FTE. Rather, recommendations are intended to result in both county staff and provider agencies being better able to orient more time toward evaluation, as necessitated by performance based service delivery.

IV. Legal Issues:

If the Board supports recommended changes in RFQ/RFP/NOI procedures and wishes to implement them as county-wide practice, Board action will be required to amend current administrative procedures related to purchasing.

V. Controversial Issues:

None

VI. Link to Current County Policies:

See section II.

VII. Citizen Participation:

Not applicable. However, community-based provider agencies were represented on the task force.

VIII. Other Government Participation:

Not applicable. However, the task force briefly discussed procedures of jurisdictions in the metro area.

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

In the matter of Accepting the )  
report from the Contracting Task )  
Force: Public/Private Partnerships)  
in Human Services Contracting )

RESOLUTION  
94-44

WHEREAS, the BOARD OF COUNTY COMMISSIONERS established the Contracting Task Force to review policies and procedures for awarding, monitoring and evaluating human service contracts; and

WHEREAS, the Contracting Task Force assessed how the contracting process currently works across divisions and departments, identified barriers to a better system, developed basic contracting principles, and developed specific county-wide policy and procedural recommendations based upon these principles; and

WHEREAS, the Contracting Task Force has produced a report with recommendations that seek to balance the need for enhanced coordination and standardization with the flexibility required by differences in services, contractors and regulatory environments;

NOW, THEREFORE, BE IT RESOLVED that the BOARD OF COUNTY COMMISSIONERS wishes to express its appreciation to the task force, and accepts the Multnomah County Task Force's report.

ADOPTED this 3rd day of March, 1994.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

BY *Beverly Stein*  
Beverly Stein, Chair



REVIEWED:

*Laurence Kressel*  
Laurence Kressel  
County Counsel  
for Multnomah County, Oregon

MEETING DATE: March 3, 1994

AGENDA NO: R-5

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

11:00 A.M. TIME CERTAIN

**SUBJECT:** Hearing - Appeal of Greg Durham regarding Adult Care Home License

**BOARD BRIEFING**      **Date Requested:** \_\_\_\_\_

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

**REGULAR MEETING:**      **Date Requested:** March 3, 1994

**Amount of Time Needed:** 45 Minutes

**DEPARTMENT:** Non-Departmental      **DIVISION:** Chair's Office

**CONTACT:** Larry Kressel or Clerk's Office      **TELEPHONE #:** 248-3138/248-3277  
**BLDG/ROOM #:** 106/1530

**PERSON(S) MAKING PRESENTATION:** Larry Kressel, County Counsel  
Pete Kasting, Deputy City Attorney

**ACTION REQUESTED:**

INFORMATIONAL ONLY       POLICY DIRECTION       APPROVAL       OTHER

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

Hearing in the Matter of an Appeal of Greg Durham from Hearings Officer Decision Revoking Appellant's Adult Care Home License.

BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
1994 FEB 22 PM 2:01

**SIGNATURES REQUIRED:**

**ELECTED OFFICIAL:** Beverly Stein

**OR**

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

**ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES**

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



CITY OF  
**PORTLAND, OREGON**  
OFFICE OF CITY ATTORNEY

Jeffrey L. Rogers, City Attorney  
1220 S.W. 5th Avenue  
Portland, Oregon 97204  
(503) 823-4047

February 9, 1994

INTEROFFICE MEMORANDUM

TO: Board of County Commissioners  
FROM: Peter Kasting *PK*  
Senior Deputy City Attorney  
SUBJ: Appeal of Greg Durham from Hearings Officer Decision  
Revoking Appellant's Adult Care Home License

BOARD OF  
COUNTY COMMISSIONERS  
1994 FEB -9 PM 2:10  
MULTNOMAH COUNTY  
OREGON

At its meeting on February 17, 1994, the Board needs to decide whether it wants to (1) hold a hearing to accept evidence and argument on the appeal or (2) decide this appeal on the record. MCC section 8.90.090 (J) and section 890-90-450 of the Administrative Rules for Licensure of Adult Care Homes give the Board discretion to follow either course.

The meeting on the 17th is not intended to address the merits of the appeal. It is only to decide whether the Board wants to receive additional evidence and argument in this matter.

A copy of the hearings officer's decision is attached for your reference. I have also attached the appellant's exceptions to the hearing's officer's decision and the Department of Social Service's response to the exceptions.<sup>1</sup>

I will be attending the meeting on the 17th. Mr. Durham and Mr. Lazenby are likely to attend also. If the Board wants to hear from them on why a hearing should or should not be scheduled (and on that question only), I would suggest giving each side two minutes to make a statement.

c: Greg Durham  
Chip Lazenby  
Stephen Balog

<sup>1</sup>The appellant's exceptions do not clearly identify how the appellant believes the hearings officer erred. Section 890-090-420 of the administrative rules provides that "A written exception shall set forth reasons for the exception and specific objections to the findings, conclusions, corrective actions, and/or sanctions contained in the order." The appellant in this case does not appear to have complied with this rule.



CITY OF  
**PORTLAND, OREGON**

HEARINGS OFFICE

1120 S.W. 5th Avenue, Room 1017  
Portland, Oregon 97204-1960  
Elizabeth A. Normand, Land Use Hearings Officer  
(503) 823-7719  
William W. Shatzer, Code Hearings Officer  
(503) 823-7307  
FAX (503) 823-5370

**HEARINGS OFFICER'S ORDER**

APPEAL OF GREG DURHAM

HEARING NO. 134022

DATE OF HEARING: December 16 and 17, 1993

APPEARANCES:

Mr. Greg Durham, appellant, personally and by his attorney, Mr. Jeffrey S. Bennett

Mr. H. H. Lazenby, Jr., Deputy County Counsel

HEARINGS OFFICER: Mr. William W. Shatzer

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

This is an appeal from a determination by the Director of the Multnomah County Adult Care Program revoking the Adult Care Home License of the appellant, Mr. Durham. The Director determined that the license holders had violated the provisions of MCAR 890-020-120 (c) by having more than five residents in the home and had violated a condition of the license by admitting non-DD and non-DSO residents to the home.

The factual issues in this proceeding are not difficult to resolve. By the appellant's own admission, he admitted a sixth resident to his adult care home without first obtaining an appropriate waiver or approval of the Multnomah County Adult Care Program and maintained that additional resident in his adult care home for a period of 61 days in violation of MCAR 890-020-1209 (c).

While appellant claims he was somehow pressured or misled by social workers for Multnomah County into accepting this additional resident, it is clear that these County employees were uninformed or misinformed as to the actual number of residents in the home at the time they requested Mr. Durham to accept the new resident. Mr. Durham, conversely, knew exactly how many residents he had. Clearly he had the obligation to either refuse to admit this sixth resident or to seek appropriate waivers or approvals from the Adult Care Program to accept the additional resident. He did neither and, instead, accepted the sixth resident in violation of MCAR 890-020-120(c).

Similarly, the appellant concedes that he had three elderly residents in his home despite the "DD and DSO only" restriction on his adult care license. While there was some dispute at hearing as to the exact meaning of these terms, it appears clear from the evidence that the appellant was well aware that this restriction was intended to preclude elderly residents in the home<sup>1</sup>.

While there was much discussion at hearing about whether or not the appellant's co-owner, Ms. Clemence, remains a resident of the home, it is clear that, whatever the intention of the Manager, Ms. Clemence's residency in the home was not made a condition of the license. Accordingly, even if Ms. Clemence is not residing in the home, this would not constitute a violation of any of the conditions of the license nor of the applicable administrative rules. In any case, I note that Ms. Clemence's residency or non-residency in the home was not a basis for the Manager's determination to revoke the license (exhibits 4 and 5).

As the two violations are clearly established, there is adequate factual basis under the Rules to support the Manager's determination to revoke the appellant's license. After review of the evidence, it appears the Manager's determination was appropriate as well. While this review of the Manager's determination is not limited to merely a review for abuse of discretion, the Manager's experience and expertise are entitled to due weight. Moreover, while it does not appear that the appellant's violations directly endangered or harmed any to the residents, it does appear that the violations were serious, substantial, and intentional. Moreover, it does appear that appellant was less than forthright with the Manager and his staff and made a conscious effort to conceal these violations. Taken together, these factors make revocation an appropriate sanction.

The Manager's determination should be modified to change the effective date of the revocation to allow the opportunity for the orderly relocation of the current residents.

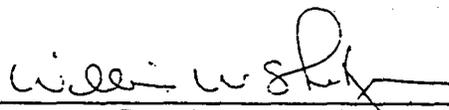
#### ORDER AND DETERMINATION:

The determination of the Manager of the Multnomah County Adult Care Home Program dated October 1, 1993, revoking the appellant's Adult Care Home license is MODIFIED to change the effective date for removing the residents from the home from November 3, 1993, to February 1, 1994. Except as so modified, the determination is AFFIRMED.

This order and determination has been mailed to the parties on December 28, 1993, and shall become final on January 18, 1994, unless written exceptions are filed with the Board of County Commissioners prior to such date.

Dated: \_\_\_\_\_

12/28/93

  
Code Hearings Officer

WWS:db

<sup>1</sup> Apparently either the appellant or his co-owner made at least four requests to County officials for special permission to admit elderly applicants. All of these requests were denied, but the fact they were made demonstrates that the appellant was aware that the "DD and DSO only" restriction precluded elderly residents.

1-13-94

To The Clerk of The Multnomah County  
Board of County Commissioners;

We, Greg Durlam & Betty Clemence,  
DBA Caring Hearts Adult Foster Care,  
would like this letter to be our notice  
that we would like to appeal hearings  
Officer Stotzer's decision to revoke our  
license to provide foster care, hearing

no: 134022. Thank you.

Sincerely,

Greg Durlam

5027 NE 19<sup>th</sup> Ave.  
Portland, OR 97211  
503-284-7694

cc: Steve Batoca  
CHIP LAZENBY

HEARD OF  
COUNTY COMMISSIONERS  
1994 JAN 14 AM 9:52  
MULTNOMAH COUNTY  
OREGON



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF SOCIAL SERVICES  
AGING SERVICES DIVISION (503) 248-3646  
ADULT CARE HOME PROGRAM (503) 248-3000  
421 S.W. 5TH. ROOM 405  
PORTLAND, OREGON 97204-2221

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

## MEMORANDUM

TO: Clerk of the Board of County Commissioners  
FROM: Stephen P. Balog, Manager *SB*  
Adult Care Home Program  
DATE: February 1, 1994  
SUBJECT: Appeal of Mr. Greg Durham

1994 FEB - 2 AM 10:05  
MULTNOMAH COUNTY  
OREGON  
BOARD OF  
COUNTY COMMISSIONERS

This written rebuttal to the appeal of Greg Durham is filed pursuant to MCAR 890-090-430.

The agency has reviewed the appeal and determined that the appeal seeks review of the entire ruling of the Hearings Officer. (Copy attached).

After two days of testimony, the Hearings Officer determined that there were violations of the Adult Care Home Rules which were "serious, substantial and intentional". Mr. Durham clearly violated the Rules by taking more than 5 residents into his home. During the hearing he admitted doing so. This is a clear and significant violation of Care Home Rules. The Hearings Officer specifically found that Durham intentionally violated this rule by ignoring his "obligation to either refuse to admit this sixth resident or to seek appropriate waivers or approvals from the Adult Care Home Program...He did neither and, instead, accepted the sixth resident in violation of the rules".

Durham also violated the rules by taking residents outside the restrictions placed on types of residents that he was authorized to care for as a condition of being licensed. In this violation he accepted elderly residents knowing that his license specifically barred him from serving such clients. In fact, Durham had requested exception that would allow him to serve elderly and those requests were denied. He proceeded to accept the residents anyway.

In addition to these violations of the rules, it was clear from the evidence introduced at the hearing that Durham took steps to conceal these violations from the Adult Care Home Program. The Hearings Officer's conclusion that Durham was "less than

forthright with the Manager and his staff" is charitably understated.

The agency believes that revocation of this license was an appropriate sanction and concurs with the reasoning of the Hearings Officer. There is little factual dispute in the record concerning the violations or Mr. Durham's duplicitous behavior. The decision of this office, which was sustained by the Hearings Officer, should be upheld.

- c. H.H. Lazenby, County Counsel
- Jeff Bennett, Attorney at Law
- William Shatzer, Hearings Officer
- Greg Durham



CITY OF  
**PORTLAND, OREGON**  
OFFICE OF CITY ATTORNEY

Jeffrey L. Rogers, City Attorney  
1220 S.W. 5th Avenue  
Portland, Oregon 97204  
(503) 823-4047

February 9, 1994

INTEROFFICE MEMORANDUM

TO: Board of County Commissioners

FROM: Peter Kasting  
Senior Deputy City Attorney

SUBJ: Appeal of Greg Durham from Hearings Officer Decision  
Revoking Appellant's Adult Care Home License

BOARD OF  
COUNTY COMMISSIONERS  
1994 FEB -9 PM 2 10  
MULTNOMAH COUNTY  
OREGON

At its meeting on February 17, 1994, the Board needs to decide whether it wants to (1) hold a hearing to accept evidence and argument on the appeal or (2) decide this appeal on the record. MCC section 8.90.090 (J) and section 890-90-450 of the Administrative Rules for Licensure of Adult Care Homes give the Board discretion to follow either course.

The meeting on the 17th is not intended to address the merits of the appeal. It is only to decide whether the Board wants to receive additional evidence and argument in this matter.

A copy of the hearings officer's decision is attached for your reference. I have also attached the appellant's exceptions to the hearing's officer's decision and the Department of Social Service's response to the exceptions.<sup>1</sup>

I will be attending the meeting on the 17th. Mr. Durham and Mr. Lazenby are likely to attend also. If the Board wants to hear from them on why a hearing should or should not be scheduled (and on that question only), I would suggest giving each side two minutes to make a statement.

c: Greg Durham  
Chip Lazenby  
Stephen Balog

<sup>1</sup>The appellant's exceptions do not clearly identify how the appellant believes the hearings officer erred. Section 890-090-420 of the administrative rules provides that "A written exception shall set forth reasons for the exception and specific objections to the findings, conclusions, corrective actions, and/or sanctions contained in the order." The appellant in this case does not appear to have complied with this rule.

CAREY & MARKS  
ATTORNEYS AT LAW

GORDON T. CAREY JR., P.C.  
STEVEN G. MARKS, P.C.\*

\*ALSO LICENSED IN ALASKA

520 S.W. YAMHILL  
414 PACIFIC BUILDING  
PORTLAND, OR 97204-1383

TELEPHONE: 503-222-1415  
FACSIMILE: 503-222-1923

February 16, 1994

Multnomah County Board of  
County Commissioners  
Office of the Board Clerk  
Suite 1510 Portland Building  
1120 S.W. Fifth Avenue  
Portland, Oregon 97204

BOARD OF  
COUNTY COMMISSIONERS  
1994 FEB 16 PM 4:14  
MULTNOMAH COUNTY  
OREGON

Re: Appeal of Gregory Durham Regarding Revocation of Adult  
Care Home License (Agenda Item R-2 for February 17, 1994)

To the Board of County Commissioners:

Gregory Durham respectfully requests the Board of County Commissioners hold a hearing to accept evidence and argument on his appeal regarding revocation of his Adult Care Home License. Mr. Durham believes that a hearing is necessary to establish the following points:

1. There is a dire need for adult care home facilities in Northeast Portland, and that need is currently not being fulfilled;
2. This revocation proceeding has never alleged harm, or inadequate care, to residents of Mr. Durham's adult care home facility. Quite the contrary is true. Attachment 1 to this letter contains letters written from county case workers (2) attesting to the excellent level of care provided at the facility. The other letters in attachment 1 are from former residents and relatives of residents of the facility, all attesting to the excellent care received at the facility;
3. The county alleges two violations as the basis for revocation:
  - A. The first violation is that six residents were in the home at one time, rather than the maximum of five. However, attachment 2 to this letter is an entry prepared by Multnomah County staff which proves that Mr. Durham told county case workers the facility was full, and they insisted that Mr. Durham accept a sixth resident. He did so as an accommodation and to fill an urgent need;

Multnomah County Board  
of County Commissioners  
February 16, 1994  
Page 2

- B. The county seeks revocation because Mr. Durham accepted three elderly residents. Attachment 3 is another entry prepared by Multnomah County staff where the county admits that it listed Mr. Durham's facility as an elderly facility (see 9/7/93 entry) and county workers continued to refer elderly residents to Mr. Durham, who accepted them.

Given these circumstances, we suggest that a full hearing be held to determine if revocation of Mr. Durham's license is in the public interest.

Respectfully Submitted,

CAREY & MARKS



Steven G. Marks  
Of Counsel to Gregory Durham

cc: Peter A. Kasting  
Portland City Attorneys' Office



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF HUMAN RESOURCES  
AGING SERVICES DIVISION  
NORTHEAST BRANCH  
5325 N.E. M.L. KING BLVD.  
P.O. BOX 11366  
PORTLAND, OREGON 97211-0366  
(503) 248-5470

BOARD OF COUNTY COMMISSIONERS  
GLADYS McCOY • CHAIR OF THE BOARD  
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER  
GARY HANSEN • DISTRICT 2 COMMISSIONER  
RICK BAUMAN • DISTRICT 3 COMMISSIONER  
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

Greg Durham  
5027 NE 19th ave  
Portland, OR 97211

October 8, 1993

Dear Greg:

I want to thank you on behalf of the agency, for the time and effort you have extended to ward our residents. I especially appreciate your following through with Alvin Olshaps medical appointments to find out if he can have hip replacement surgery. This issue has been unresolved since January of this year. Hopefully, we should have an answer one way or another in the next few days.

Thanks again,

Jim Linnery



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF HUMAN RESOURCES  
AGING SERVICES DIVISION  
NORTHEAST BRANCH  
5325 N.E. M.L. KING BLVD.  
P.O. BOX 11366  
PORTLAND, OREGON 97211-0366  
(503) 248-5470

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

December 12, 1993

Greg Durham  
5027 NE 19th Avenue  
Portland, OR 97211

Dear Greg:

Since July 14, 1993 I have placed three elderly men in your adult foster care home. I believe that your home provided excellent hands on care for each of these clients, and would have no reason not to place anyone in your facility in the future if adult housing approves.

Yours truly,

Jim Surrency, Case Manager II  
NE Aging Services

To Whom It May Concern:

RE: GREG DURHAM CARE PROVIDER

I have had occasion to visit the Caring Heart's AFH owned and operated by Mr. Greg Durham. My observation on those visits was that the care provider keeps a pleasant, clean, and caring environment for the residence in his home. He is very attentive to their needs and not only provides the daily routine needs of each individual but provides psychosocial needs as well.

The provider keeps extensive records and goes the extra mile in improving each persons standard of living in a way that is not offensive to the individual.

Due to the limited amount and quality of Adult Foster Homes in the North/Northeast area, this home is an invaluable resource.

October 13, 1993

Greg Durham  
Caring Hearts Adult Foster Care  
5027 N.E. 19th Avenue  
Portland, Oregon 97211

Dear Greg:

As the parents and family of William Bonds, one of your residents, we wish to commend your facility for the care given William (Bill).

Bill is very happy in your home and in our frequent visits to him, we have found you to be taking very good care of him mentally and physically. We sincerely appreciate what you do for Bill.

Very truly yours,

*Ainslie Bonds*  
*Verna Bonds*

Ainslie & Verna Bonds  
and Family

William R. Bonds  
5027 NE 19th Ave.  
Portland, OR 97211-5605

October 13, 1993

Department of Social Services  
Adult Care Home Program  
421 SW Fifth Ave, Room 405  
Portland, OR 97204-2221

Attention : Mr. Stephen P. Balog

Dear Sir:

I am writing to ~~pro~~ protest your decision to revoke the foster care home license of Mr. Greg Durham at 5027 NE 19th Ave., Portland. You state in your letter that is is upsetting for elderly residents to have to move; ~~xxxx~~ well it is extremely upsetting for me to contemplate a move too. Especially since the other foster care homes my relatives checked on in this part of town were totally inadequate to my needs. I am finally starting to get settled in here. My health is starting to stabilize; my dialysis is going fine; my blood sugars are OK; I've got my provider and his employees trained and you want me to move and do it all over again.

My sisters and father and mother are satisfied with this place (it's a palace compared to the other places in north and northeast portland) and I am too. Please dont make m leave.

Sincerely:

*William R. Bonds*

William R. Bonds  
284-7694

Dear Sir:

OCT 14

This is a nice house, it is kept very clean the rooms are kept clean. The meals are good and the room the manager does a good job keeping things organized. The grounds are kept clean, I like staying here.

Ronald Fiddament

To Whom It May Concern;

I am very concerned about the possibility of "Caring Hearts" losing their license.

I am quite knowledgeable about Foster Care Homes because my sister-in-law and friends of mine were in homes in Eugene and I have visited friends here in Astoria who are foster care homes.

I was very impressed with the home like atmosphere of Caring Hearts. We visited 4 or 5 times while our Cousin was at "Caring Hearts". The patients enjoyed the use of the home other than their own rooms. They could watch T.V., converse with the care-givers or other patients, enjoy coffee at the dining room table etc. It has a real home like feeling.

Medications were administered according to doctor's orders and the food was prepared and served according to a preplanned menu.

I would suggest that you look closely at all aspects of "Caring Hearts" Foster Home before you make a final decision. We need more foster homes managed by caring people like the care-givers of "Caring Hearts".

Sincerely,  
Irene E. Brockhoff  
Rt 2, Box 574

10/11/12

Sevl

I Live overy He a man  
he a cook he does  
the food is overy good  
he dove. theng for us

Richard a gate

3/31/93 We received an anonymous letter saying:

1. even though Greg wrote us a plan for him never being alone with the residents he has no such plan--he's just good at playing a game, saying he will hire nurses or other people.
2. Greg plans to do all the cooking, cleaning and care providing of the residents himself.
3. Betty has many mental problems, allows Greg to use her and manage her money.
4. Greg made Betty leave when he wanted another girlfriend, then he let Betty move back in so she would be in the home when ACHP staff came by.
5. Greg has a criminal record of drug conviction and raping a young woman in his care.

4/6/93 Adm. conf. with Steve and Greg regarding Greg's criminal record and sexual exploitation of a woman in his care.

4/24/93 Greg and Betty take in first over-65 resident, Vernon Cook.

5/17/93 Betty called Eileen asking if they can take elderly or women. Eileen said no, wait a year.

6/93 Eileen learned that Jill Nave, case manager, had placed an elderly man (Vernon Cook) in the home. Eileen called Greg and told him he could have no elderly residents.

6/30/93 Eileen told Greg not to accept elderly residents. Jill Nave had already placed one in his home. Eileen told him not to accept anymore.

7/14/93 Greg takes in 2nd over-65 resident, Joe Carter.

7/15/93 Raymond Fox, DSO, is placed in the home.

7/27/93 Greg called Eileen to request an exception for a Class III resident--denied.

7/30/93 Greg takes in 3rd over 65 resident, Alvin Olsback.

8/6/93 Richard Yates (DD) is placed in the home by his father. There are now 6 residents. DD case manager Valarie Stoney has no idea there are 6 residents. She has no other DD residents in the home.

8/19/93 Raymond Fox's case manager, Terry Andrews, finds out that Raymond does not want to be in Greg's home anymore and does not even want DSO services at all. Raymond had left the home sometime earlier to visit a friend and never came back.

8/20/93 Alexis Cauble calls Greg. Greg says he has no vacancy. Terry Andrews grabs the phone and tells Greg she learned that Raymond Fox is not coming back so now he does have a vacancy. Terry has no idea that there are already five other residents in the home. So Greg takes in Ron Fiddament, again making it 6

residents in his home.

8/26/93 Ron Fiddament leaves home for 1 or 2 days, in jail, comes back again.

9/1/93 Greg called Eileen about a problem with his 67 year old resident (Joe Carter) who was alcoholic. Eileen again told him not to take elderly residents, it was a violation of the conditions on his license.

9/3/97 Kathy Millan visited the home. She found:

1. Greg and Betty were there.
2. There were 6 residents.
3. Greg said Alexis Coble referred the sixth resident to the home knowing it was full. Greg's progress notes for the sixth resident show Greg told Alexis he had a vacancy.
4. Kathy checked with Alexis, she said she was told one resident was permanently gone.
5. Greg later accepted back the resident who had moved out.
6. Greg and Betty admitted knowing it was wrong to have six residents.
7. Greg appeared to be lying.

9/7/93 Eileen noted that our registry reflects Greg's AFH as a SDSD home for elderly. The registry actually just says Greg has a SDSD contract which is needed to receive payment for either elderly or DSO residents.

9/10/93 Adm. Conf. with Steve, Eileen, Kathy, Greg and Betty.

1. Greg admitted his 3 elderly residents came to his AFH on the following dates:

Vernon Cook 4/24/93  
Joe Carter 7/14/93  
Alvin Olsback 7/30/93

2. Greg said that a resident left the AFH to spend the night with a friend and did not return for a few weeks, and in the meantime another resident came to the AFH. Greg first noticed he had six residents when he had no place to sit at breakfast.
3. Betty and Greg said Kathy and Eileen told them they could take in elderly residents. (It is true Kathy and Eileen told them this at the initial P.I.)
4. Betty and Greg said they thought the license had a typo when it said DD/DSO only.
5. Betty and Greg blamed Cheryl Morgan for referring six residents to them.
6. Greg said he called Eileen twice for exceptions for elderly. Eileen denied the exceptions. So then he called Heather for the exceptions.
7. Greg said his elderly residents could run up and down stairs.

10/1/93 Steve sent Greg and Betty a certified letter revoking their license.

10/13/93 Joan called Greg. He said he had received a notice from the post office of a certified letter. Joan told him to go pick it



CITY OF  
**PORTLAND, OREGON**

OFFICE OF CITY ATTORNEY

Jeffrey L. Rogers, City Attorney  
1220 S.W. 5th Avenue  
Portland, Oregon 97204  
(503) 823-4047

February 17, 1994

Chip Lazenby  
Office of County Counsel  
1120 S.W. 5th Avenue  
Portland, OR 97204

Steven Marks  
Carey & Marks  
520 S.W. Yamhill  
414 Pacific Building  
Portland, OR 97204-1383

Re: Appeal of Greg Durham from Hearings Officer Decision  
Revoking Appellant's Adult Care Home License

Dear Mr. Lazenby and Mr. Marks:

This letter is to confirm the procedure to be used in the Board of County Commissioner's review of this appeal. As discussed at this morning's Board of County Commissioner's meeting:

1. The hearing on this appeal is scheduled for March 3, 1994, at 11:00 time certain.
2. Each side will be given 15 minutes to present argument and evidence. The appellant will go first. Each side may also submit written materials. (For all written submissions you should provide a copy for each member of the Board, for the Clerk of the Board, for opposing counsel, and for me.)
3. At the close of the hearing the record will be held open until 5:00 p.m. on Thursday, March 10, 1994. During the time the record is held open either side may submit written rebuttal to the arguments and evidence presented during the hearing. Materials submitted during this time must be limited to rebuttal only. Provide copies as described above.
4. The Board will review the written materials and place this matter on the agenda for discussion and a tentative vote. I will suggest to the Clerk of the Board that this be scheduled for March 17. This will not be a hearing, so the parties will not be allowed to address the Board. After the Board votes on the appeal I will prepare an Order reflecting the Board's decision. The Order will be placed on the

BOARD OF  
COUNTY COMMISSIONERS  
1994 FEB 22 AM 9:36  
MULTNOMAH COUNTY  
OREGON

agenda for adoption at a subsequent Board meeting. Again, no opportunity for argument is provided at this point.

5. As provided for in the administrative rules, review of the final order of the Board may be taken solely by writ of review.
6. To provide a fair hearing for both sides, this should be treated as a quasi-judicial proceeding. You should not engage in ex parte contacts with members of the Board, and should instruct your clients to avoid ex parte contacts regarding this matter. At the beginning of the hearing I will ask the commissioners to disclose any ex parte contacts they have had.
7. The contents of the record made before the Hearings Officer will be made a part of the Board's record. You do not need to resubmit that evidence.

Please let me know if you have any questions or would like to discuss this matter further.

Sincerely,



Peter A. Kasting  
Senior Deputy City Attorney

c: Carrie Parkerson, Clerk of the Board



CITY OF  
**PORTLAND, OREGON**  
OFFICE OF CITY ATTORNEY

Jeffrey L. Rogers, City Attorney  
1220 S.W. 5th Avenue  
Portland, Oregon 97204  
(503) 823-4047

February 18, 1994

Steven Marks  
Carey & Marks  
520 S.W. Yamhill  
414 Pacific Building  
Portland, OR 97204-1383

Chip Lazenby  
Office of County Counsel  
1120 S.W. 5th Avenue  
Portland, OR 97204

Re: Mr. Marks' letter of 2/17/94 Regarding Issues at Appeal Hearing

Dear Mr. Marks and Mr. Lazenby:

I have reviewed Mr. Marks' letter of 2/17/94. Mr. Marks contends that "\* \* \* [O]ral argument ought to be limited to a discussion of the facts supporting the two alleged violations, and the appropriate sanction for those violations, taking into account our perception of the public interest." I assume the reference to "our perception of the public interest" includes the perception of the agency as well as the perception of the appellant.

It seems to me the appellant's misconduct, especially if directly related to the operation of adult care homes, would be relevant to the Board's determination of what sanctions (if any) best serve the public interest. Likewise, laudable conduct by the appellant would be relevant for the same reason.

The period for written rebuttal following the hearing will provide an opportunity for either side to contest the accuracy of, or weight that should be attached to, evidence submitted by the other side. I assume the agency will take care not to libel the appellant, and the appellant will take care not to commit unsworn falsification (see ORS 162.085).

Incidentally, I do not think it is necessary for Mr. Lazenby to file a response to the appellant's 2/16/94 letter. Since the

BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
1994 FEB 28 PM 2 31

Mr. Marks and Mr. Lazenby  
February 18, 1994  
Page 2

Board of County Commissioners has scheduled a hearing in this matter, both sides can present their arguments at that time.

Sincerely,



Peter A. Kasting  
Senior Deputy City Attorney

c: Carrie Parkerson, Clerk of the Board

MEETING DATE: FEB 17 1994

AGENDA NO: R-2

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

SUBJECT: CONSIDERATION OF SETTING A HEARING DATE ON APPEAL OF GREG DURHAM

BOARD BRIEFING Date Requested: \_\_\_\_\_

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

REGULAR MEETING: Date Requested: 2/17/94

Amount of Time Needed: 15 minutes

DEPARTMENT: Nondepartmental DIVISION: County Chair's Office

CONTACT: Chip Lazenby TELEPHONE #: X-3138  
BLDG/ROOM #: 106/1410

PERSON(S) MAKING PRESENTATION: Pete Kasting, Larry Kressel

**ACTION REQUESTED:**

INFORMATIONAL ONLY  POLICY DIRECTION  APPROVAL  OTHER

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

In the Matter of Consideration of Setting a Hearing Date

1994 FEB 10 AM 8:18  
MULTNOMAH COUNTY  
OREGON  
CLERK OF COUNTY COMMISSION

**SIGNATURES REQUIRED:**

ELECTED OFFICIAL: *Dorothy Stein*

OR

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

**ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES**

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

0516C/63 Hearing Set for 3-3-94, 15 Min Per Side. 11:00 AM TC

M E M O R A N D U M

TO: Pete Kasting, City Attorney's Office  
FROM: Laurence Kressel (106/1530) *LK*  
County Counsel  
DATE: February 3, 1994  
SUBJECT: Durham Appeal to BCC (Adult Foster Care License Case)

---

Thanks for agreeing to serve as counsel to the BCC in this appeal.

As we discussed, I enclose copies of the relevant code and administrative rule provisions on adult foster care. Also enclosed are (1) appellant's notice of appeal (he was supposed to file "exceptions" to the Hearings Officer report, but he filed only the enclosed), (2) the agency's response and (3) an agenda placement form for scheduling the appeal at the BCC.

Deb Bogstad, the Board Clerk (248 3277), expects a call from you to set up a hearing date and to arrange for filing the agenda placement form. She can give you alternative dates that are available.

Thanks again.

cc: Deb Bogstad  
Chip Lazenby

BOARD OF  
COUNTY COMMISSIONERS  
1994 FEB - 3 PM 4: 20  
MULTIOMAH COUNTY  
OREGON



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF SOCIAL SERVICES  
AGING SERVICES DIVISION (503) 248-3646  
ADULT CARE HOME PROGRAM (503) 248-3000  
421 S.W. 5TH, ROOM 405  
PORTLAND, OREGON 97204-2221

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

## MEMORANDUM

TO: Clerk of the Board of County Commissioners  
FROM: Stephen P. Balog, Manager  
Adult Care Home Program *SB*  
DATE: February 1, 1994  
SUBJECT: Appeal of Mr. Greg Durham

1994 FEB - 2 AM 10:05  
MULTNOMAH COUNTY  
OREGON  
BOARD OF  
COUNTY COMMISSIONERS

This written rebuttal to the appeal of Greg Durham is filed pursuant to MCAR 890-090-430.

The agency has reviewed the appeal and determined that the appeal seeks review of the entire ruling of the Hearings Officer. (Copy attached).

After two days of testimony, the Hearings Officer determined that there were violations of the Adult Care Home Rules which were "serious, substantial and intentional". Mr. Durham clearly violated the Rules by taking more than 5 residents into his home. During the hearing he admitted doing so. This is a clear and significant violation of Care Home Rules. The Hearings Officer specifically found that Durham intentionally violated this rule by ignoring his "obligation to either refuse to admit this sixth resident or to seek appropriate waivers or approvals from the Adult Care Home Program...He did neither and, instead, accepted the sixth resident in violation of the rules".

Durham also violated the rules by taking residents outside the restrictions placed on types of residents that he was authorized to care for as a condition of being licensed. In this violation he accepted elderly residents knowing that his license specifically barred him from serving such clients. In fact, Durham had requested exception that would allow him to serve elderly and those requests were denied. He proceeded to accept the residents anyway.

In addition to these violations of the rules, it was clear from the evidence introduced at the hearing that Durham took steps to conceal these violations from the Adult Care Home Program. The Hearings Officer's conclusion that Durham was "less than

forthright with the Manager and his staff" is charitably understated.

The agency believes that revocation of this license was an appropriate sanction and concurs with the reasoning of the Hearings Officer. There is little factual dispute in the record concerning the violations or Mr. Durham's duplicitous behavior. The decision of this office, which was sustained by the Hearings Officer, should be upheld.

c. H.H. Lazenby, County Counsel  
Jeff Bennett, Attorney at Law  
William Shatzer, Hearings Officer  
Greg Durham



CITY OF

**PORTLAND, OREGON**

HEARINGS OFFICE

1120 S.W. 5th Avenue, Room 1017  
Portland, Oregon 97204-1960

Elizabeth A. Normand, Land Use Hearings Officer  
(503) 823-7719

William W. Shatzer, Code Hearings Officer  
(503) 823-7307

FAX (503) 823-5370

RECEIVED

DEC 30 1993

**HEARINGS OFFICER'S ORDER**

ADULT CARE HOME PROGRAM

APPEAL OF GREG DURHAM

HEARING NO. 134022

DATE OF HEARING: December 16 and 17, 1993

**APPEARANCES:**

Mr. Greg Durham, appellant, personally and by his attorney, Mr. Jeffrey S. Bennett

Mr. H. H. Lazenby, Jr., Deputy County Counsel

HEARINGS OFFICER: Mr. William W. Shatzer

**FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

This is an appeal from a determination by the Director of the Multnomah County Adult Care Program revoking the Adult Care Home License of the appellant, Mr. Durham. The Director determined that the license holders had violated the provisions of MCAR 890-020-120 (c) by having more than five residents in the home and had violated a condition of the license by admitting non-DD and non-DSO residents to the home.

The factual issues in this proceeding are not difficult to resolve. By the appellant's own admission, he admitted a sixth resident to his adult care home without first obtaining an appropriate waiver or approval of the Multnomah County Adult Care Program and maintained that additional resident in his adult care home for a period of 61 days in violation of MCAR 890-020-1209 (c).

While appellant claims he was somehow pressured or misled by social workers for Multnomah County into accepting this additional resident, it is clear that these County employees were uninformed or misinformed as to the actual number of residents in the home at the time they requested Mr. Durham to accept the new resident. Mr. Durham, conversely, knew exactly how many residents he had. Clearly he had the obligation to either refuse to admit this sixth resident or to seek appropriate waivers or approvals from the Adult Care Program to accept the additional resident. He did neither and, instead, accepted the sixth resident in violation of MCAR 890-020-120(c).

Similarly, the appellant concedes that he had three elderly residents in his home despite the "DD and DSO only" restriction on his adult care license. While there was some dispute at hearing as to the exact meaning of these terms, it appears clear from the evidence that the appellant was well aware that this restriction was intended to preclude elderly residents in the home<sup>1</sup>.

While there was much discussion at hearing about whether or not the appellant's co-owner, Ms. Clemence, remains a resident of the home, it is clear that, whatever the intention of the Manager, Ms. Clemence's residency in the home was not made a condition of the license. Accordingly, even if Ms. Clemence is not residing in the home, this would not constitute a violation of any of the conditions of the license nor of the applicable administrative rules. In any case, I note that Ms. Clemence's residency or non-residency in the home was not a basis for the Manager's determination to revoke the license (exhibits 4 and 5).

As the two violations are clearly established, there is adequate factual basis under the Rules to support the Manager's determination to revoke the appellant's license. After review of the evidence, it appears the Manager's determination was appropriate as well. While this review of the Manager's determination is not limited to merely a review for abuse of discretion, the Manager's experience and expertise are entitled to due weight. Moreover, while it does not appear that the appellant's violations directly endangered or harmed any to the residents, it does appear that the violations were serious, substantial, and intentional. Moreover, it does appear that appellant was less than forthright with the Manager and his staff and made a conscious effort to conceal these violations. Taken together, these factors make revocation an appropriate sanction.

The Manager's determination should be modified to change the effective date of the revocation to allow the opportunity for the orderly relocation of the current residents.

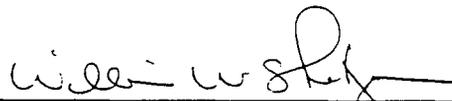
#### ORDER AND DETERMINATION:

The determination of the Manager of the Multnomah County Adult Care Home Program dated October 1, 1993, revoking the appellant's Adult Care Home license is MODIFIED to change the effective date for removing the residents from the home from November 3, 1993, to February 1, 1994. Except as so modified, the determination is AFFIRMED.

This order and determination has been mailed to the parties on December 28, 1993, and shall become final on January 18, 1994, unless written exceptions are filed with the Board of County Commissioners prior to such date.

Dated:

12/28/93

  
Code Hearings Officer

WWS:db

<sup>1</sup> Apparently either the appellant or his co-owner made at least four requests to County officials for special permission to admit elderly applicants. All of these requests were denied, but the fact they were made demonstrates that the appellant was aware that the "DD and DSO only" restriction precluded elderly residents.

FROM: LAZENBY Chip H

TO: BOGSTAD Deborah L

DATE: 01-29-94

TIME: 15:14

CC: KRESSEL Larry

SUBJECT: Greg Durham Appeal

PRIORITY:

ATTACHMENTS:

-----  
The appeal letter I received was dated January 13 and not recieved by this office until January 14. Under Balog's rules we have 20 days to file a rebuttal. I think this gives Balog until February 3 to make a filing. Because I advised and represented Adult Care Home Program during this hearing, Larry has decided to advise the Board on the procedure in this matter. Please contact him to see if this complies with the rules. I plan to have the agency response to you by Tueday February 1.  
=====

MULTNOMAH COUNTY  
OREGON  
BOARD OF  
COUNTY COMMISSIONERS  
1994 FEB -1 AM 10:41

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=====

1-13-94

To The Clerk of The Multnomah County  
Board of County Commissioners;

We, Greg Durlam & Betty Clemence,  
DBA Caring Hearts Adult Foster Care,  
would like this letter to be our notice  
that we would like to appeal Hearings  
Officer Stotzer's decision to revoke our  
license to provide foster care, hearing  
no: 134022. Thankyou.

Sincerely,

Greg Durlam

5027 N.E 19<sup>th</sup> Ave.  
Portland, Or 97211  
503-284-7694

cc: Steve Batoca  
CHIP LAZENBY

BOARD OF  
COUNTY COMMISSIONERS  
1994 JAN 14 AM 9:58  
MULTNOMAH COUNTY  
OREGON



CITY OF  
**PORTLAND, OREGON**

HEARINGS OFFICE

1120 S.W. 5th Avenue, Room 1017  
Portland, Oregon 97204-1960

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**HEARINGS OFFICER'S ORDER**

APPEAL OF GREG DURHAM

HEARING NO. 134022

DATE OF HEARING: December 16 and 17, 1993

APPEARANCES:

Mr. Greg Durham, appellant, personally and by his attorney, Mr. Jeffrey S. Bennett

Mr. H. H. Lazenby, Jr., Deputy County Counsel

HEARINGS OFFICER: Mr. William W. Shatzer

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While appellant claims he was somehow pressured or misled by social workers for Multnomah County into accepting this additional resident, it is clear that these County employees were uninformed or misinformed as to the actual number of residents in the home at the time they requested Mr. Durham to accept the new resident. Mr. Durham, conversely, knew exactly how many residents he had. Clearly he had the obligation to either refuse to admit this sixth resident or to seek appropriate waivers or approvals from the Adult Care Program to accept the additional resident. He did neither and, instead, accepted the sixth resident in violation of MCAR 890-020-120(c).

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While there was much discussion at hearing about whether or not the appellant's co-owner, Ms. Clemence, remains a resident of the home, it is clear that, whatever the intention of the Manager, Ms. Clemence's residency in the home was not made a condition of the license. Accordingly, even if Ms. Clemence is not residing in the home, this would not constitute a violation of any of the conditions of the license nor of the applicable administrative rules. In any case, I note that Ms. Clemence's residency or non-residency in the home was not a basis for the Manager's determination to revoke the license (exhibits 4 and 5).

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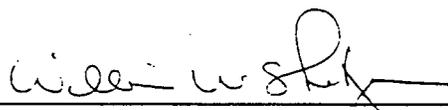
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Dated: \_\_\_\_\_

12/28/93

  
Code Hearings Officer

WWS:db

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## HEALTH

### CHAPTER 8.90. ADULT CARE HOMES\*

#### GENERAL PROVISIONS

- 8.90.005. Title; area of application.
- 8.90.010. Policy and purpose.
- 8.90.015. Definitions.
- 8.90.020. Administration and enforcement; powers and duties of director.
- 8.90.030. Institution of legal proceedings.
- 8.90.040. Licensure required; application form.
- 8.90.050. License.
- 8.90.060. Licensure fee.
- 8.90.070. Licenses not transferable.
- 8.90.080. Revocation, suspension, or denial of licenses.
- 8.90.090. Appeals and hearings; review.
- 8.90.100. Inspections.
- 8.90.110. Complaints.
- 8.90.120. Residents' bill of rights.
- 8.90.125. Civil cause of action.
- 8.90.130. Penalty; additional remedies.
- 8.90.140. Savings clause.
- 8.90.150. Intergovernmental agreements.

#### ADOPTION OF RULES

- 8.90.160. Initiation of rule adoption.
- 8.90.165. Approval of rule form; filing.
- 8.90.170. Contents of notice of intent to adopt.
- 8.90.175. Notice publication.
- 8.90.180. Review and comment period.
- 8.90.185. Rule adoption.
- 8.90.190. Postponement of rule action.
- 8.90.195. Request for public hearing.
- 8.90.200. Public hearing notice contents.
- 8.90.205. Publication of notice of public hearing.
- 8.90.210. Public hearing; action on rule; filing.
- 8.90.215. Appeal to the board of county commissioners.
- 8.90.220. Appeal and review request contents.
- 8.90.225. Commissioner request for review.
- 8.90.230. Date of hearing.
- 8.90.235. Notice of appeal hearing.
- 8.90.240. Conduct of appeal hearing.
- 8.90.245. Temporary rules.
- 8.90.250. Requirements for effective temporary rule.
- 8.90.255. Effective date of temporary rule.
- 8.90.260. Duration of temporary rule.

\*Cross reference—Nursing homes, ch. 6.40.

## GENERAL PROVISIONS

**8.90.005. Title; area of application.**

This chapter shall be known as the Multnomah County Adult Care Homes Licensure Ordinance, may be so pleaded and referred to and shall apply to the unincorporated areas of Multnomah County. [Ord. 387 (1983); Ord. 503 (1986)]

**8.90.010. Policy and purpose.**

(A) The board of county commissioners finds that:

- (1) Approximately 2,000 dependent adults, including the elderly and the mentally and physically disabled, live in unlicensed adult care homes in Multnomah County; and
- (2) The county's program for registration of adult care homes, established in July, 1983, has successfully registered and inspected homes and investigated complaints. However, the effectiveness of this program can be further improved by requiring inspection and approval of all adult care homes prior to operation; and
- (3) State licensure applies to only selected adult care homes.

(B) The board of county commissioners has therefore determined that as a result of the conditions stated above and in the interests of public health, safety, and welfare, there is a need for licensure and inspection of adult care homes and it is desirable to establish chapter 8.90 of title 8 of the Multnomah County Code to address the problem set forth above. It is the intent of this chapter that information gained from licensure and inspection shall be made available to the public to assist in its selection of an adult care home.

[Ord. 387 (1983); Ord. 503 (1986)]

**8.90.015. Definitions.**

As used in this chapter, unless the context requires otherwise:

(A) *Adult care home* means any home or other facility which provides room and board or room and care for compensation to one or more elderly,

handicapped or dependent person(s) over the age of 18 not related to the owner or operator by blood or marriage. Adult care homes include room and board homes where assistance with major life activities is provided. Adult care homes do not include any facility already licensed by a public agency as a residential care facility or a longterm care facility.

(B) *Board* means the provision of meals on a predictable and/or regular basis.

(C) *Care* means the provision of services that assist the resident in personal care activities, such as assistance with bathing, dressing, grooming, eating and/or services that assist the resident in activities of daily living, such as assistance with ambulation, communication, education, employment, laundry, meal preparation, medication supervision, money management, recreation, socialization, transportation.

(D) *Compensation* means payments in cash, in kind or in labor, by or on behalf of a resident to an operator or common fund.

(E) *Dependent person* means any person who has a physical or mental dependency which for the individual constitutes or results in a functional limitation to one or more major life activities.

(F) *Director* means the director of the department of human services of Multnomah County, Oregon, or his or her designee.

(G) *Elderly person* means any person over the age of 60 who is limited in one or more major life activities.

(H) *Handicapped person* means any person who has a physical or mental impairment which for the individual constitutes or results in a functional limitation to one or more major life activities.

(I) *Licensed adult care home* means a facility which has been investigated and approved by the director. This includes an on-site inspection of the facility and approval of the operator and resident manager, if any, upon application and payment of fees.

(J) *Major life activities* means self-care, ambulation, communication, transportation, education, socialization, employment, and the ability to acquire and maintain adequate, safe, and decent shelter.

(K) *Operator* means the owner, lessor, sublessor, manager, or any other person with the right or power of control over the operations or physical structure of an adult care home.

(L) *Owner* means any person with any legal or equitable interest in, and with the right or power of control over the operations or physical structure of an adult care home.

(M) *Person* includes an individual, partnership, corporation, or organization.

(N) *Resident* means any elderly, handicapped or dependent person not related to the owner or operator by blood or marriage who is or was at any relevant time residing in an adult care home.

(O) *Resident manager* means an employee of the operator who lives in the adult care home and is directly responsible for the facility on a day-to-day basis, and who has been approved by the director.

(P) *Room* means the provision of a place to sleep on a predictable and/or regular basis.  
[Ord. 387 (1983); Ord. 392 (1983); Ord. 503 (1986)]

#### **8.90.020. Administration and enforcement; powers and duties of director.**

(A) It shall be the responsibility of the director to administer and enforce this chapter and rules adopted under it. The director shall have the authority to initiate enforcement proceedings. Nothing in the provisions of this chapter, however, shall be construed to create a cause or right of action against Multnomah County, its agents or employees for the failure to enforce any provision of this chapter.

(B) The director shall have the authority to promulgate such rules as may be necessary for the administration and enforcement of this chapter, pursuant to the procedures set forth in MCC 8.90.160 through 8.90.260.

(C) The director shall adopt rules and standards governing adult care homes such as are nec-

essary to protect the health, safety, welfare of the residents, but [which] shall not be inconsistent with the residential nature of the living accommodations.

(D) Variances from requirements of this chapter. The specific requirements of this chapter or rules adopted under it may be varied by the director upon good and sufficient cause shown that this action is in keeping with the intent and purpose of this chapter. When a variance is granted, the director shall provide documentation of the reasons for it.

(E) The director shall have the authority to do the following:

- (1) Administer oaths;
- (2) Audit records in order to assure conformance with this chapter;
- (3) Certify official acts;
- (4) Subpoena and require attendance of witnesses at meetings or hearings to determine compliance with this chapter;
- (5) Require the production of relevant documents;
- (6) Swear witnesses;
- (7) Take testimony of witnesses in person or by deposition; and
- (8) Perform all other acts necessary to enforce the provision of this chapter.

[Ord. 387 (1983); Ord. 503 (1986)]

#### **8.90.030. Institution of legal proceedings.**

Upon recommendation of the director, the county counsel, acting in the name of the county, may bring an action or proceeding in a court of competent jurisdiction to compel compliance with or restrain by injunction any violations of this chapter or the rules adopted under it. Circumstances in which such an action or proceeding may be brought include but are not limited to the following:

- (A) When an adult care home is operated without valid licensure;

- (B) After notice of denial, suspension, or revocation of a license has been given and a reasonable time for placement of individuals by the operator in other facilities has been allowed, but such placement has not been accomplished.

[Ord. 387 (1983); Ord. 503 (1986)]

**8.90.040. Licensure required; application form.**

(A) It is unlawful, and it shall constitute an offense in violation of this chapter, for any person to establish, maintain or conduct in Multnomah County any adult care home without first having been licensed by the director of the department of human services. Owners or operators of adult care homes at the time this chapter becomes effective shall apply for a license no later than March 31, 1986.

(B) Every person desiring to establish, maintain, operate or conduct an adult care home in Multnomah County shall make application for a license upon a form supplied by and addressed to the director. The application shall contain a statement giving clear and specific description of the property or place in or upon which the applicant proposes to maintain or conduct an adult care home; the number of residents which can be taken care of; the number of floors to be occupied; the number of beds on each floor; the name, address, telephone numbers, date of birth, and social security number of the applicant; the name, address, telephone numbers, date of birth and social security number of the resident manager, if other than the applicant, who will be living in the adult care home; the names, addresses and telephone numbers of all owners of the adult care home; and any other information requested by the director.

(C) An owner or operator must live in an adult care home where assistance with major life activities is provided on a 24-hour basis or hire a resident manager in order for the adult care home to be licensed pursuant to this section. If during the period covered by the license a resident manager changes, within 15 days the operator must submit an application for a new resident manager and request a new license.

[Ord. 387 (1983); Ord. 392 (1983); Ord. 503 (1986)]

**8.90.050. License.**

(A) After receipt of the application, and upon payment of the prescribed fee, the director shall cause an investigation to be made and subject to the provisions of MCC 8.90.080, the director shall issue a license to the owner or operator if the adult care home is in compliance with the provisions of this chapter and the rules and standards established by the director. Licenses are effective for one year from the date of issue unless sooner revoked and shall be renewed annually on a date established by the director. The director shall maintain a registry of adult care homes licensed under this chapter.

(B) The owner or operator of the adult care home to whom a license is issued shall post the license in a conspicuous place on the premises.

(C) The license shall state the name of the operator, the name of the resident manager, if any, the address of the licensed adult care home, and the maximum number of residents permitted, and shall state in bold type the telephone number and procedure for making complaints.

[Ord. 387 (1983); Ord. 392 (1983); Ord. 503 (1986)]

**8.90.060. Licensure fee.**

There shall be a licensure fee of \$20.00 per bed per annum up to a maximum of \$100.00 per annum, payable to the department of human services. There shall be a fee of \$10.00 for each change of resident manager.

[Ord. 387 (1983); Ord. 503 (1986)]

**8.90.070. Licenses not transferable.**

No license which has been issued for the operation of an adult care home to any person for a given location shall be valid for use by any other person or at any location other than that for which it is issued.

[Ord. 387 (1983); Ord. 503 (1986)]

**8.90.080. Revocation, suspension, or denial of licenses.**

(A) The director shall have the authority to revoke, suspend, or deny or attach conditions to any license for an adult care home under the following circumstances and such other circumstances as

may be established by rules adopted under this chapter:

- (1) When the certificate was issued upon fraudulent or untrue representation.
- (2) Where there exists a threat to the life, health, safety, or welfare of any resident.
- (3) When there is reliable evidence of abuse, neglect or exploitation of any resident.
- (4) When the owner or operator has failed to comply with the provisions of this chapter; with city and county codes and ordinances; with the rules and standards duly promulgated by the director for an adult care home; or any other state or federal law or rule applicable or relevant to the health or safety of a resident.

(B) Denial, suspension or revocation of a license by the director shall be preceded by a hearing under MCC 8.90.090 if requested by the owner or operator, unless the license is denied, suspended or revoked for the reason of an imminent threat to the life, health, safety, or welfare of a resident, or the reason of abuse, neglect or exploitation of a resident in which case the denial, suspension or revocation shall be effective upon order of the director. Conditions attached to a license shall be effective upon order of the director.

(C) An owner or operator of an adult care home whose license has been revoked, suspended or denied, or who has operated without a license in violation of this chapter, has a duty, when so ordered by the director, to effect orderly and appropriate placement of all residents, and to refund any monies due, within a reasonable period of time from the effective date of the order. The owner or operator shall cooperate with the department of human services, which shall assist the residents and operator in effecting such placement.

(D) Any owner or operator of an adult care home whose license has been revoked, suspended or denied two times within one year, or who has had a total of four denials or revocations in any three-year period, shall be disqualified from applying for a license for a period of two years from the date of the last suspension, denial or revocation. [Ord. 387 (1983); Ord. 392 (1983); Ord. 503 (1986)]

#### 8.90.090. Appeals and hearings; review.

(A) Any owner or operator aggrieved by any decision of the director with regard to its application for licensure, or a violation of this chapter, may request a hearing by filing a written request with the director. The request for a hearing shall be filed within ten days of receipt of written notice of the director's action and shall set forth reasons for the hearing and issues to be heard. The director may prescribe forms for the filing of an appeal.

(B) Upon receipt of a timely request for a hearing, the director shall designate and promptly notify the hearings officer, who shall set a time and place for a hearing. The hearing shall not be scheduled more than 30 days from the date of the receipt of request for hearing. The hearings officer shall give the aggrieved owner or operator who has requested a hearing pursuant to subsection (A) of this section not less than ten days' written notice of the time and place of hearing and shall cause such notice to be posted in a conspicuous place at the adult care home.

(C) Any resident who is to be provided care and who is not covered by the Residential Landlord and Tenant Act, or any person acting in such a resident's behalf, may request a hearing by filing a request with the director following receipt of a notice of involuntary eviction, transfer, or discharge from an owner, operator or payor for the resident. An adult care home owner, operator or employee who receives a request for such a hearing shall immediately notify the director.

(D) Upon receipt of a request for a hearing on an involuntary eviction, transfer or discharge pursuant to subsection (C) of this section, the director shall promptly cause an investigation to be made to determine if a resolution can be achieved without a hearing. If a resolution cannot be achieved, the director shall designate and promptly notify the hearings officer, who shall set a time and place for a hearing. The hearing shall not be scheduled more than 30 days from the date the director receives the request for a hearing. The hearings officer shall give the parties written notice of the time and place of hearing. If the director has determined that immediate transfer is justified by an emergency as specified in rules

adopted under this chapter, then this hearing may occur after such transfer has taken place.

(E) Hearings shall be conducted, by the hearings officer in accordance with the attorney general's Model Rules of Procedure, rule 137.03.005 and 137.03.030 through 137.03.050 (November 17, 1981) unless superseded by rules adopted by the director. The director shall adopt rules and standards concerning involuntary evictions, transfers or discharges involving residents receiving care, including information to be considered, such as the effect of the move on the resident, and standards for decisions in hearings.

(F) "Party" means a person who is a party to the proceeding or hearing and, unless such rights are waived, is entitled to participate in the manner or area(s) specified by the hearings officer according to rule duly promulgated pursuant to MCC 8.90.160 through 8.90.260. Parties include:

- (1) Multnomah County, through the initiating bureau or department;
- (2) The person(s) requesting the hearing and named respondents;
- (3) Residents of the involved adult care home where vacation, closure, demolition, or relocation of residents is a reasonable possible outcome of the proceeding or hearing.

(G) Disclosure of ex parte communications shall be made by the hearings officer, director, or the board of county commissioners in accordance with the attorney general's Model Rules of Procedure, rules 137.03.062 through 137.03.064 (November 17, 1981).

(H) The hearings officer shall issue an order as soon as is practicable but in no event later than 45 days after the termination of the hearing and shall mail a copy of the order to the parties. The order shall include an opinion containing findings of fact and conclusions of law explaining the reason and rationale adopted by the hearing officer in arriving at his or her conclusions.

(I) The hearings officer's order shall become a final order if no written exceptions are filed. The hearings officer shall notify the parties of the date when written exceptions to the order must be filed

to be considered by the board of county commissioners.

(J) Upon receipt of the hearings officer's order and after reviewing the record of the proceedings and written exceptions filed by the parties, the board of county commissioners may accept, modify or reject the order or may remand the matter to the hearings officer. If the hearings officer's order is reviewed by the board, the board shall then issue a final order. Nothing in this section shall prevent the board of county commissioners from conducting a hearing or scheduling oral arguments, if written exceptions are filed pursuant to subsection (I) of this section, before issuing a final order. The board's action shall be taken at a regular meeting of the board and shall be taken in the form of a board order. The final order shall be filed with the clerk of the board and the director and mailed to the parties.

(K) Review of the final order of the board of county commissioners shall be taken solely and exclusively by writ of review in the manner set forth in ORS 34.010 to ORS 34.100. [Ord. 387 (1983); Ord. 392 (1983); Ord. 503 (1986)]

#### **8.90.100. Inspections.**

(A) The director or authorized representative of the director, including but not limited to county, city, and state officials, shall have full authority to and may enter, at any reasonable time, any adult care home licensed pursuant to this chapter or any unlicensed adult care home which the director has cause to believe is operating without a license and inspect the entire premises for the purposes of ascertaining the safe, sanitary and habitable condition thereof and the physical and mental condition of the residents. The director or the director's authorized representative shall have full authority to and may privately interview any resident and inspect any records concerning residents maintained by the adult care home.

(B) In the event that the director or his or her authorized representative is denied access to any adult care home for the purpose of making an inspection in the administration of this chapter, the director or his or her authorized representative shall not inspect without a search warrant or its equivalent.

(C) The director may proceed ex parte to seek a warrant or its equivalent. Application for a search warrant to inspect the premises shall be made to any magistrate authorized to issue a warrant of arrest. The application must be supported by an affidavit filed with the magistrate stating the purpose and extent of the proposed inspection, whether it is a routine or periodic inspection or an inspection instituted by complaint and other specific or general information concerning the premises.

(D) The director or the director's authorized representative shall report observations of or evidence of substandard conditions or poor care to the director and shall report observations or evidence indicating a potential need for protective services including abuse, neglect, or exploitation of a resident to the appropriate agency. The director may make recommendations for corrective action.

[Ord. 387 (1983); Ord. 392 (1983); Ord. 503 (1986)]

#### 8.90.110. Complaints.

(A) Complaints against licensed or unlicensed adult care homes may be filed with the director by any person, whether or not a resident of the home. The director shall investigate and respond promptly to each complaint subject to the resources of the department of human services.

(B) The director shall maintain a file of all complaints and the action taken on the complaint, if any, indexed by the name of the owner or operator and the address of the adult care home. The filed complaint forms shall protect the privacy of both the complainant and the resident.

(C) It is the intent of this chapter that information shall be made available to the public which would assist the public in its selection of an adult care home. To this end, the director may make available the relevant information in the complaint files for inspection and copying by the public. The director may, however, in accordance with the provisions of ORS 410.610 through 410.690 (1981 Replacement Part) or according to rule duly promulgated pursuant to MCC 8.90.160 through 8.90.260, classify certain files as confidential.

(D) No owner or operator of an adult care home shall retaliate against a resident by increasing charges; decreasing services, rights or privileges; or threatening to increase charges or decrease services, rights or privileges; by taking or threatening to take any action to coerce or compel the resident to leave the facility, including bringing or threatening to bring an action for possession; or by abusing or threatening to harass or to abuse a resident in any manner after the resident or any person acting on behalf of the resident has filed a complaint with the director.

(E) No owner or operator of an adult care home shall retaliate against an employee who has filed a complaint with the director.

[Ord. 387 (1983); Ord. 392 (1983); Ord. 503 (1986)]

#### 8.90.120. Residents' bill of rights.

(A) Each owner and operator of an adult care home shall comply with the residents' bill of rights. Each owner and operator shall post in a conspicuous place on the premises the residents' bill of rights, monthly rates and house rules. The director shall provide owners and operators with copies of the residents' bill of rights.

(B) The residents' bill of rights shall read as follows:

##### The Residents' Bill of Rights

To guarantee that each resident is treated with respect and dignity, each resident has the right:

- (1) Not to be denied his or her constitutional and legal rights, including but not limited to the right:
  - (a) To vote;
  - (b) To practice the religion of his or her choice;
  - (c) To freedom of movement;
  - (d) To privacy.
- (2) To a safe and sanitary environment.
- (3) To be free from chemical or physical restraints except as ordered by a physician.
- (4) To talk privately with any doctor, nurse, attorney, family member, caseworker, and/or other person of choice.

- (5) To receive visitors free from arbitrary and unreasonable restrictions, including representatives of community and advocacy organizations.
- (6) To send and receive mail unopened, unless medically contra-indicated and documented by a physician.
- (7) To manage his or her own financial affairs unless a guardian or authorized representative requires in writing that the provider assume this responsibility.
- (8) To keep and use reasonable personal belongings and to have private, secure storage space.
- (9) Not be forced to work against his or her will.
- (10) To be paid for agreed-upon work done.
- (11) If meals are to be provided, to daily adequate and nutritious meals.
- (12) To clean bedding.
- (13) To receive written notice 30 days prior to a rate increase and 30 days prior to eviction.
- (14) To prompt return of security deposits and advance payments of rent.
- (15) To a written statement signed by the owner/operator regarding the services to be provided and the rates, and if requested, countersigned by the resident.
- (16) If care is to be provided, not to be involuntarily evicted, transferred or discharged without opportunity for a hearing, by filing a request with the department of human services as provided for in the adult care home licensure ordinance MCC 8.90.090, to determine if medical reasons, if the welfare of the resident, other residents or the operator, or if nonpayment justifies such action.

[Ord. 387 (1983); Ord. 392 (1983); Ord. 503 (1986)]

#### 8.90.125. Civil cause of action.

A violation of any of the rights set forth in MCC 8.90.120 or the rules adopted in connection with MCC 8.90.120 creates a civil claim by the resi-

dent against the owner or operator of the adult care home. The resident may bring an individual action in an appropriate court for injunctive relief and/or recover actual damages or \$1,000.00 whichever is greater. The court may provide such equitable relief as it deems proper, and may award, in addition to relief provided in this section, reasonable attorney fees, at trial and on appeal, and costs. If the defendant prevails, the court may award reasonable attorney fees at trial and on appeal, and costs if it finds the action to be frivolous.

[Ord. 387 (1983)]

#### 8.90.130. Penalty; additional remedies.

(A) Any person who violates a provision of this chapter or the rules promulgated thereunder may be punished by a fine in an amount to be fixed by the director, not to exceed \$1,000.00 for each violation. In addition, a continuing violation will subject the owner or operator to an action for injunctive relief.

(B) The provisions of this chapter are in addition to and not in lieu of other procedures and remedies provided by law.

[Ord. 387 (1983); Ord. 392 (1983); Ord. 503 (1986)]

#### 8.90.140. Savings clause.

In the event any subsection, subdivision, phrase, clause, sentence or word in this chapter is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not invalidate the remainder of this chapter, but shall be confined to such subsection, subdivision, phrase, clause, sentence or word.

[Ord. 387 (1983)]

#### 8.90.150. Intergovernmental agreements.

The county may enter into agreements with municipal corporations in the county permitting enforcement of this chapter within those municipal corporations. In addition, the county may enter into such agreements with the state as are necessary to permit administration and enforcement of this chapter within Multnomah County.

[Ord. 387 (1983); Ord. 392 (1983)]

## ADOPTION OF RULES

**8.90.160. Initiation of rule adoption.**

The director or any member of the board of county commissioners may propose adoption, amendment or repeal of a rule under this chapter. [Ord. 387 (1983)]

**8.90.165. Approval of rule form; filing.**

The proposed rule shall be approved as to form by the county counsel and filed with the director and the clerk of the board of county commissioners. [Ord. 387 (1983)]

**8.90.170. Contents of notice of intent to adopt.**

Notice of intent to adopt a proposed rule shall contain the following information:

- (A) Description of the proposed action, i.e., adoption, repeal, or amendment.
- (B) A summary of the intent, subject and content of the proposed rule.
- (C) Complete text of the proposed rule where practicable, or the location, time and contact person for obtaining a copy of the complete text of the proposed rule.
- (D) The time limit, location, contact person and format for submitting views and comments on the proposed rule.
- (E) The time limit, location, format and contact person for requesting postponement of the action on the proposed rule.

[Ord. 387 (1983)]

**8.90.175. Notice publication.**

In addition to such notice as may be required by law, notice of intent to adopt a rule shall be made in the following manner:

- (A) Publication in a newspaper of general circulation at least 15 days before the close of the review period.
- (B) Posting in a prominent location in the county courthouse at least 15 days before the close of the review period.

[Ord. 387 (1983)]

**8.90.180. Review and comment period.**

Notice of intent to adopt a proposed rule shall be made after the notice is filed with the clerk of the board of county commissioners. The review period for submitting comments shall be 15 days and shall commence with publication of notice of intent to adopt a proposed rule. [Ord. 387 (1983)]

**8.90.185. Rule adoption.**

If at the close of the review period there have been no requests for a postponement or a public hearing, the director shall, within ten days from the close of the review period, consider the review comments and either adopt or reject the proposed rule or adopt the rule with modifications. If a proposed rule is to be substantially amended as a result of review comments, it must be considered as a newly proposed rule. The adopted rule shall be filed with the director and the clerk of the board of county commissioners within ten days from the close of the review period. [Ord. 387 (1983)]

**8.90.190. Postponement of rule action.**

If within the review period an interested person requests postponement of the intended action, the director, if the grounds are judged to be sufficient, shall postpone the intended action no less than ten days nor more than 60 days to allow the requesting person an opportunity to submit data, views or arguments. A request for postponement must be made in writing to the director and must include a statement of the identity and interest of the requesting person and of the grounds for requesting postponement. [Ord. 387 (1983)]

**8.90.195. Request for public hearing.**

If within the review period ten or more persons, or an association with ten or more members or a corporation requests, in writing, a public hearing on the proposed rule, the director shall announce and conduct a public hearing. [Ord. 387 (1983)]

**8.90.200. Public hearing notice contents.**

Notice for a public hearing on a proposed rule shall contain the following information:

- (A) Description of the proposed action, i. e., adoption, repeal or amendment.
- (B) A summary of the intent, subject and content of the proposed rule.
- (C) The date, time, place and presiding officer of the public hearing and the manner in which interested persons may present their views.
- (D) Complete text of the proposed rule if practicable or the location, time and contact person for obtaining a copy of the complete text of the proposed rule.
- (E) The time limit, location, format and contact person for appealing the decision of the director to the board of county commissioners.

[Ord. 387 (1983)]

**8.90.205. Publication of notice of public hearing.**

The notice of a public hearing shall be published in a newspaper of general circulation within Multnomah County and posted prominently in the county courthouse at least ten days before the hearing. Notice of the public hearing shall also be given by mail to all parties who have submitted comments and to the mailing list of the interested parties.

[Ord. 387 (1983)]

**8.90.210. Public hearing; action on rule; filing.**

The director shall conduct the public hearing. At the close of the hearing the director shall adopt, reject or amend the proposed rule. No further notice is required for continuation of a hearing to a certain date. The director shall file notice of the action taken with regard to the proposed adoption, amendment or repeal of a rule with the clerk of the board of county commissioners within five days of the public hearing. Filing of the notice of action with the clerk of the board of county commissioners initiates a ten-day appeal period. If no appeal is made, the action by the director in re-

gard to the rule shall take effect at the end of the appeal period, unless a later effective date is specified.

[Ord. 387 (1983)]

**8.90.215. Appeal to the board of county commissioners.**

Any interested person may appeal the action of the director on a rule after a public hearing on the matter. Any member of the board of county commissioners may also request review of the action. Appeal must be made in writing and filed with the director within ten days of filing of the notice of action with the clerk of the board of county commissioners. Members of the board of county commissioners must request review within the same time.

[Ord. 387 (1983)]

**8.90.220. Appeal and review request contents.**

The appeal request shall contain the following:

- (A) An identification of the decision or action being appealed, including its date.
- (B) A statement of the identity interest of the person making the appeal.
- (C) The specific grounds for the appeal.

[Ord. 387 (1983)]

**8.90.225. Commissioner request for review.**

A member of the board of county commissioners may initiate review by requesting that the matter be placed on the agenda for the board's next regular meeting.

[Ord. 387 (1983)]

**8.90.230. Date of hearing.**

Upon receipt of an appeal request in conformance with the requirement of MCC 8.90.220, the director shall schedule a hearing by the board of county commissioners at the board's next regular meeting for which the agenda has not closed and the date of which permits ten days to publish notice in a newspaper of general circulation.

[Ord. 387 (1983); Ord. 392 (1983)]

**8.90.235. Notice of appeal hearing.**

The county shall prepare notice for appeal of hearings. The notice shall contain the information described in MCC 8.90.200(D) and (E). Notice shall be published in a newspaper of general circulation in the county and posted prominently in the county courthouse at least ten days prior to the hearing. The county shall also notify by mail persons who have submitted comments on the proposed rule and to the mailing list of interested parties.

[Ord. 387 (1983)]

**8.90.240. Conduct of appeal hearing.**

The appeal hearing shall be conducted as a regular meeting of the board of county commissioners. The board's action shall take the form of a board order.

[Ord. 387 (1983)]

**8.90.245. Temporary rules.**

The director may be confronted with a situation where it is necessary to put a rule into immediate effect in order to protect the public or the interests of particular parties. In that case, and where there is not sufficient time to follow the procedure requirements set forth in MCC 8.90.160 to 8.90.240, the director is authorized to use temporary rules.

[Ord. 387 (1983)]

**8.90.250. Requirements for effective temporary rule.**

The director may proceed without prior notice or hearing that he or she finds practicable, to adopt a rule without the notice otherwise required by this chapter. In that case, the director shall:

- (A) File a certified copy of the rule with the clerk of the board of county commissioners.
- (B) File with the rule the director's finding that failure of the director to act promptly will result in serious prejudice to the public interest or to the interest of the parties concerned. Findings shall be supported by a statement of specific facts and reasons.

- (C) Take appropriate measures to make the temporary rule known to the persons who may be affected by the temporary rule, including publication in a newspaper of general circulation in the county, as promptly after filing the rule as practicable and giving notice of the rule by mail to persons who may be affected by it.

[Ord. 387 (1983)]

**8.90.255. Effective date of temporary rule.**

A temporary rule adopted in compliance with MCC 8.90.250 and this section becomes effective immediately upon filing with the clerk of the board of county commissioners or at a later time which may be designated by the rule itself.

[Ord. 387 (1983)]

**8.90.260. Duration of temporary rule.**

A temporary rule may be effective for a period of not longer than 120 days. No temporary rule may be renewed after it has been in effect 120 days. The director may, however, adopt an identical rule on notice in accordance with the procedures set forth in this chapter.

[Ord. 387 (1983)]