

ANNOTATED MINUTES

Thursday, September 6, 2001 - 9:00 AM
Multnomah Building, First Floor Commissioners Conference Room 112
501 SE Hawthorne Boulevard, Portland

EXECUTIVE SESSION

Chair Diane Linn convened the meeting at 9:05 a.m., with Commissioners Serena Cruz, Lonnie Roberts and Maria Rojo Steffey present, and Vice-Chair Lisa Naito arriving at 9:13 a.m.

- E-1 The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(e) to Deliberate with Persons Designated to Negotiate Real Property Transactions. Only Representatives of the News Media and Designated Staff May Attend. Representatives of the News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Executive Session. Presented by John Thomas and Bobbi Luna.

EXECUTIVE SESSION HELD.

There being no further business, the meeting was adjourned at 9:25 a.m.

Thursday, September 6, 2001 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

Chair Diane Linn convened the meeting at 9:35 a.m., with Vice-Chair Lisa Naito and Commissioners Serena Cruz, Lonnie Roberts and Maria Rojo Steffey present.

CONSENT CALENDAR

***UPON MOTION OF COMMISSIONER ROBERTS,
SECONDED BY COMMISSIONER NAITO, THE
CONSENT CALENDAR (ITEMS C-1 THROUGH C-4)
WAS UNANIMOUSLY APPROVED.***

NON-DEPARTMENTAL

- C-1 Appointment of Donna Scott Munroe to the COMMUNITY HEALTH COUNCIL
- C-2 Appointment of Linda Kaeser to the HOUSING AND COMMUNITY DEVELOPMENT COMMISSION

SHERIFF'S OFFICE

- C-3 Intergovernmental Revenue Agreement 0210032 with Reynolds School District, Providing a Deputy to Perform the Duties of School Resource Officer to the District
- C-4 Budget Modification MCSO 02-02 Appropriating \$48,444 Revenue from Reynolds School District to Pay for a .75 FTE Sheriff's Law Enforcement Deputy to Perform the Duties of School Resource Officer at Reynolds High School

REGULAR AGENDA **PUBLIC COMMENT**

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

NO ONE WISHED TO COMMENT.

DEPARTMENT OF COMMUNITY JUSTICE

- R-1 Acceptance of Award of Federal Bureau of Justice Assistance Local Law Enforcement Block Grant (LLEBG) [Award No. 2001-LB-BX-3170] in the Amount of \$736,738

COMMISSIONER NAITO MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL OF R-1. SHAUN COLDWELL EXPLANATION OF R-1 AND BUDGET MODIFICATIONS R-2 THROUGH R-4. COMMISSIONER NAITO AND CHAIR LINN COMMENTS IN SUPPORT OF AWARD AND BUDGET MODIFICATIONS AND IN APPRECIATION FOR EFFORTS OF COUNTY STAFF, INCLUDING PETER OZANNE OF THE

***LOCAL PUBLIC SAFETY COORDINATING
COUNCIL. AWARD UNANIMOUSLY ACCEPTED.***

- R-2 Budget Modification DCJ 02-02 Appropriating LLEBG Funds in the Amount of \$252,554, Making Other Adjustments to the LLEBG Funds in the Adopted Budget

***UPON MOTION OF COMMISSIONER NAITO,
SECONDED BY COMMISSIONER CRUZ, THE
BUDGET MODIFICATION WAS UNANIMOUSLY
APPROVED.***

DISTRICT ATTORNEY'S OFFICE

- R-3 Budget Modification DA 02-01 Appropriating LLEBG Funds in the Amount of \$76,012

***UPON MOTION OF COMMISSIONER NAITO,
SECONDED BY COMMISSIONER CRUZ, THE
BUDGET MODIFICATION WAS UNANIMOUSLY
APPROVED.***

SHERIFF'S OFFICE

- R-4 Budget Modification MCSO 01-02 Appropriating LLEBG Funds in the Amount of \$160,000

***UPON MOTION OF COMMISSIONER NAITO,
SECONDED BY COMMISSIONER CRUZ, THE
BUDGET MODIFICATION WAS UNANIMOUSLY
APPROVED.***

AGING AND DISABILITY SERVICES DEPARTMENT

- R-5 NOTICE OF INTENT to Respond to a Request for Letters of Intent from Robert Wood Johnson Foundation for Community Partnerships for Older Adults

***COMMISSIONER NAITO MOVED AND
COMMISSIONER CRUZ SECONDED, APPROVAL
OF R-5. REY ESPAÑA EXPLANATION AND
RESPONSE TO QUESTIONS OF COMMISSIONER***

ROJO REGARDING COORDINATION OF PLANNING EFFORTS WITH WASHINGTON COUNTY AND KEEPING HER INFORMED OF AND INVOLVED IN THE PROCESS. COMMISSIONER ROJO REPORTED THAT SHE WILL BE CONDUCTING A SENIOR FORUM AND ROUND TABLE SOON. NOTICE OF INTENT UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

- R-6 First Reading of an Ordinance Making Housekeeping Amendments to Multnomah County Code Chapter 5, Elections, to Clarify and Update Elections Procedures

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER NAITO MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL OF FIRST READING. COUNTY ATTORNEY THOMAS SPONSLER AND ELECTIONS DIRECTOR VICKI ERVIN EXPLANATION AND RESPONSE TO COMMISSIONER NAITO AND CHAIR LINN COMMENTS IN SUPPORT. NO ONE WISHED TO TESTIFY. FIRST READING UNANIMOUSLY APPROVED. SECOND READING THURSDAY, SEPTEMBER 13, 2001.

DEPARTMENT OF HEALTH

- R-7 First Reading of an ORDINANCE Amending Multnomah County Code Chapter 21, Health, by Adding § 21.614 and Amending §§ 21.999 and 21.100 to Impose Civil Penalties for Food Service Violations and Repealing §§ 21.101 and 21.102

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER NAITO MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL OF FIRST READING. ENVIRONMENTAL HEALTH SERVICES MANAGER LILA WICKHAM INTRODUCED ADVISORY BOARD MEMBER ANIL REDDY OF JACK IN THE BOX. MS. WICKHAM AND MR.

REDDY EXPLANATION AND RESPONSE TO BOARD QUESTIONS AND COMMENTS INCLUDING FEE COLLECTIONS, PUBLIC HEALTH AND FOOD SAFETY INSPECTIONS AND TRAINING. STAFF TO RESPOND TO ADDITIONAL QUESTIONS OF COMMISSIONER ROBERTS VIA EMAIL PRIOR TO THE SECOND READING. NO ONE WISHED TO TESTIFY. FIRST READING UNANIMOUSLY APPROVED. SECOND READING THURSDAY, SEPTEMBER 13, 2001.

R-8 NOTICE OF INTENT to Seek Funding for the Juntos Aprendemos en Rigler Together We Learn at Rigler Program

COMMISSIONER CRUZ MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF R-8. JODI DAVITCH AND CHRISTINE TAYLOR EXPLANATION AND COMMENTS IN SUPPORT. IRENA LOBOS AND HELECA AVALOS TESTIMONY IN SUPPORT AND RESPONSE TO BOARD COMMENTS IN APPRECIATION. NOTICE OF INTENT UNANIMOUSLY APPROVED.

CHAIR LINN PROVIDED MENTAL HEALTH UPDATE, ADVISING THE RESULTS OF THE STATE OF OREGON INSPECTION OF WOODLAND PARK HOSPITAL WILL BE SENT TO THE BOARD AS SOON AS IT ARRIVES, AND THAT NO MORE MENTAL HEALTH PATIENTS WILL BE SENT TO THE HOSPITAL UNTIL FURTHER NOTICE.

There being no further business, the regular meeting was adjourned at 10:30 a.m. and the briefing was convened at 10:40 a.m.

Thursday, September 6, 2001 - 10:30 AM
(OR IMMEDIATELY FOLLOWING REGULAR MEETING)
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BOARD BRIEFINGS

- B-1 DSS Justice Sentencing Support Technology in Support of Public Safety.
Presented by Judge Michael Marcus.

**MICHAEL MARCUS PRESENTATION AND
RESPONSE TO BOARD COMMENTS IN SUPPORT.**

- B-2 Priorities 2002 Metropolitan Transportation Improvement Program (MTIP)
100% List. Presented by Lonnie Roberts and Karen Schilling.

**KAREN SCHILLING PRESENTATION AND
RESPONSE TO BOARD QUESTIONS AND
DISCUSSION INCLUDING THE METROPOLITAN
TRANSPORTATION IMPROVEMENT PROGRAM
(MTIP); TPAC/JPACT/METRO COUNCIL DECISION
PROCESS; OPTION 1: EAST BANK/SPRINGWATER
TRAILS CONNECTOR; AND OPTION 2: I-
5/NYBERG OVERCROSSING STRATEGY.
FOLLOWING DISCUSSION, BOARD CONSENSUS
AND POLICY DIRECTION TO THE COUNTY
BOARD JPACT REPRESENTATIVE THAT THE
MULTNOMAH COUNTY BOARD CONTINUES TO
SUPPORT FULL FUNDING FOR THE MORRISON
BRIDGE BIKE/PEDESTRIAN FACILITY PROJECT;
AND THE RIGHT-OF-WAY FUNDING FOR THE
223RD AVENUE RAILROAD OVERCROSSING
PROJECT; AND THAT THE BOARD OPPOSES THE
TPAC RECOMMENDATION TO CUT THE EAST
BANK SPRINGWATER TRAILS CONNECTOR
PROJECT, AND STRONGLY URGES JPACT TO
PROVIDE FULL FUNDING FOR THE EAST
BANK/SPRINGWATER TRAILS CONNECTOR
PROJECT. STAFF TO PROVIDE BOARD WITH A
LIST OF THE JPACT VOTING MEMBERS.**

There being no further business, the meeting was adjourned at 11:50 a.m.

BOARD CLERK FOR MULTNOMAH COUNTY, OREGON

Deborah L. Bogstad



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

BOARD OF COMMISSIONERS

Diane Linn, Chair

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

Email: mult.chair@co.multnomah.or.us

Maria Rojo de Steffey,

Commission Dist. 1

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

Email: district1.@co.multnomah.or.us

Serena Cruz, Commission Dist. 2

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

Email: serena@co.multnomah.or.us

Lisa Naito, Commission Dist. 3

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

Email: lisa.h.naito@co.multnomah.or.us

Lonnie Roberts, Commission Dist. 4

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

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

ANY QUESTIONS? CALL BOARD

CLERK DEB BOGSTAD @ (503) 988-3277

Email: deborah.l.bogstad@co.multnomah.or.us

**INDIVIDUALS WITH DISABILITIES PLEASE
CALL THE BOARD CLERK AT (503) 988-3277,
OR MULTNOMAH COUNTY TDD PHONE
(503) 988-5040, FOR INFORMATION ON
AVAILABLE SERVICES AND ACCESSIBILITY.**

SEPTEMBER 6, 2001

BOARD MEETING

FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:00 a.m. Thursday Executive Session on Real Property Transaction Negotiations
Pg 3	9:30 a.m. Thursday Opportunity for Public Comment on Non-Agenda Matters
Pg 3	9:30 a.m. Thursday Local Law Enforcement Block Grant Award and Budget Modifications
Pg 3	10:00 a.m. Thursday 1st Reading of an Ordinance Amending MCC Chapter 5
Pg 3	10:10 a.m. Thursday 1st Reading of an Ordinance Amending MCC Chapter 21
Pg 4	10:30 a.m. Thursday Board Briefings
Board and Agenda Web Site: http://www.co.multnomah.or.us/cc/index.html	

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

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

Friday, 11:00 PM, Channel 30

Saturday, 10:00 AM, Channel 30

(Saturday Playback for East County Only)

Sunday, 11:00 AM, Channel 30

Produced through Multnomah Community Television

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

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Thursday, September 6, 2001 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:30 AM **NON-DEPARTMENTAL**

- C-1 Appointment of Donna Scott Munroe to the COMMUNITY HEALTH COUNCIL
- C-2 Appointment of Linda Kaeser to the HOUSING AND COMMUNITY DEVELOPMENT COMMISSION

SHERIFF'S OFFICE

- C-3 Intergovernmental Revenue Agreement 0210032 with Reynolds School District, Providing a Deputy to Perform the Duties of School Resource Officer to the District
- C-4 Budget Modification MCSO 02-02 Appropriating \$48,444 Revenue from Reynolds School District to Pay for a .75 FTE Sheriff's Law Enforcement Deputy to Perform the Duties of School Resource Officer at Reynolds High School

REGULAR AGENDA - 9:30 AM
PUBLIC COMMENT - 9:30 AM

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

DEPARTMENT OF COMMUNITY JUSTICE - 9:30 AM

- R-1 Acceptance of Award of Federal Bureau of Justice Assistance Local Law Enforcement Block Grant (LLEBG) [Award No. 2001-LB-BX-3170] in the Amount of \$736,738
- R-2 Budget Modification DCJ 02-02 Appropriating LLEBG Funds in the Amount of \$252,554, Making Other Adjustments to the LLEBG Funds in the Adopted Budget

DISTRICT ATTORNEY'S OFFICE - 9:40 AM

- R-3 Budget Modification DA 02-01 Appropriating LLEBG Funds in the Amount of \$76,012

SHERIFF'S OFFICE - 9:45 AM

- R-4 Budget Modification MCSO 01-02 Appropriating LLEBG Funds in the Amount of \$160,000

AGING AND DISABILITY SERVICES DEPARTMENT - 9:50 AM

- R-5 NOTICE OF INTENT to Respond to a Request for Letters of Intent from Robert Wood Johnson Foundation for Community Partnerships for Older Adults

NON-DEPARTMENTAL - 10:00 AM

- R-6 First Reading of an Ordinance Making Housekeeping Amendments to Multnomah County Code Chapter 5, Elections, to Clarify and Update Elections Procedures

DEPARTMENT OF HEALTH - 10:10 AM

- R-7 First Reading of an ORDINANCE Amending Multnomah County Code Chapter 21, Health, by Adding § 21.614 and Amending §§ 21.999 and

21.100 to Impose Civil Penalties for Food Service Violations and Repealing
§§ 21.101 and 21.102

- R-8 NOTICE OF INTENT to Seek Funding for the Juntos Aprendemos en Rigler
Together We Learn at Rigler Program
-

Thursday, September 6, 2001 - 10:30 AM
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Multnomah Building, First Floor Commissioners Boardroom 100
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BOARD BRIEFINGS

- B-1 DSS Justice Sentencing Support Technology in Support of Public Safety.
Presented by Judge Michael Marcus. 30 MINUTES REQUESTED.
- B-2 Priorities 2002 Metropolitan Transportation Improvement Program (MTIP)
100% List. Presented by Lonnie Roberts and Karen Schilling. 1 HOUR
REQUESTED.

MEETING DATE: September 6, 2001
AGENDA NO: C-1
ESTIMATED START TIME: 9:30 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Appointment to Community Health Council

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: _____
AMOUNT OF TIME NEEDED: Consent Calendar

DEPARTMENT: Non-Departmental DIVISION: Chair's Office
CONTACT: Delma Farrell TELEPHONE #: 503/988-3953
BLDG/ROOM #: 503/600

PERSON(S) MAKING PRESENTATION: N/A

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Appointment of Donna Scott Munroe to the Community Health Council

SIGNATURES REQUIRED:

ELECTED OFFICIAL: Diane M. Linn
(OR)

DEPARTMENT MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us

MAILED BY
COMMUNITY DEVELOPMENT
01 AUG 30 AM 8:25
MULTNOMAH COUNTY
OREGON

MEETING DATE: September 6, 2001
AGENDA NO: C-2
ESTIMATED START TIME: 9:30 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Appointment to Housing and Community Development Commission

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: September 6, 2001
AMOUNT OF TIME NEEDED: Consent Calendar

DEPARTMENT: Non-Departmental DIVISION: Chair's Office
CONTACT: Delma Farrell TELEPHONE #: 503/988-3953
BLDG/ROOM #: 503/600

PERSON(S) MAKING PRESENTATION: N/A

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Appointment of Linda Kaeser to the Housing and Community Development Commission

SIGNATURES REQUIRED:

ELECTED OFFICIAL: Diane M. Linn
(OR)

DEPARTMENT MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us

01 AUG 30 AM 8 25
CLERK OF
COMMISSIONERS
MULTNOMAH COUNTY
OREGON

MEETING DATE: SEP 06 2001
AGENDA NO: C-3
ESTIMATED START TIME: 9:30
LOCATION: BOARDROOM 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Revenue Government Contract for School Resource Officer

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: _____
AMOUNT OF TIME NEEDED: N/A

DEPARTMENT: Sheriff's Office DIVISION: Enforcement
CONTACT: Barbara Simon TELEPHONE #: 503-988-4326
BLDG/ROOM #: 503/350/B. Simon

PERSON(S) MAKING PRESENTATION: _____

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Revenue Agreement for the provision of MCSO deputy to act as School Resource Officer to the Reynolds School District

09/12/01 originals to Dave Beaksma

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)

DEPARTMENT MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us

01 AUG 30 PM 2:17
MULTNOMAH COUNTY
OREGON
BOARD OF
COUNTY COMMISSIONERS



Multnomah County Sheriff's Office

501 SE Hawthorne Blvd. Ste 350. Portland, OR 97214

DAN NOELLE
SHERIFF

Phone: (503) 988-4300

TTY: (503) 988-4500

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM BRIEFING—SUPPLEMENTAL STAFF REPORT

To: Board of County Commissioners
From: Barbara Simon
Today's Date: August 20, 2001
Requested Placement Date: August 30, 2001

I. Recommendation/Action Requested:

Approval of IGA between the Reynolds School District and the Multnomah County Sheriff's Office to provide a School Resource Officer to the District.

II. Background Analysis:

Due to budget constraints, the MCSO was unable to fund a School Resource Officer for the Reynolds School District as it had done in the past. The District felt that the SRO was a valuable asset and agreed to provide funding for a SRO at Reynolds High School. The District agreed to provide office space within Reynolds High School for the SRO and further agreed to compensate MCSO at the rate equal to the daily (8 hour) salary of the deputy performing the functions of the SRO multiplied by the number days in the school year. This rate will be adjusted annually based on changes in the deputy's salary.

II. Financial Impact

Total compensation for the 2001-2002 school year will be \$48,444.

III. Legal Issues:

This IGA has been reviewed by the County Attorney's Office

IV. Controversial Issues

None

V. Link to current County Policies

Good Government

Safe Communities

VI. Citizen Participation

None

VII. Other Government Participation

Reynolds School District

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

Pre-approved Contract Boilerplate (with County Counsel signature) ☐ Attached ☐ Not Attached Contract #: 0210032
Amendment #: _____

CLASS I	CLASS II	CLASS III
<input type="checkbox"/> Professional Services not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Revenue not to exceed \$50,000 (and not awarded by RFP or Exemption) <input checked="" type="checkbox"/> Intergovernmental Agreement (IGA) not to exceed \$50,000 <input type="checkbox"/> Expenditure <input checked="" type="checkbox"/> Revenue <input type="checkbox"/> Architectural & Engineering not to exceed \$10,000 (for tracking purposes only)	<input type="checkbox"/> Professional Services that exceed \$50,000 or awarded by RFP or Exemption (regardless of amount) <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 that exceeds \$50,000 or awarded by RFP or Exemption (regardless of amount)	<input type="checkbox"/> Intergovernmental Agreement (IGA) that exceeds \$50,000 <input type="checkbox"/> Expenditure <input type="checkbox"/> Revenue <div style="text-align: center;"> APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS AGENDA # <u>C-3</u> DATE <u>09-06-01</u> DEB BOGSTAD, BOARD CLERK </div>

Department: Sheriff Division: Enforcement Date: 08-08-01
 Originator: Chief Deputy VanDyke Phone: 988-4308 Bldg/Rm: 503/350
 Contact: Dave Braaksma Phone: 988-4415 Bldg/Rm: 503/350

Description of Contract: Reimbursement for the provision of a School Resource Officer

RENEWAL: ☐ PREVIOUS CONTRACT #(S): _____

RFP/BID: _____ RFP/BID DATE: _____

EXEMPTION _____ EXEMPTION EXPIRATION _____ ORS/AR
 #/DATE: _____ DATE: _____ #:

CONTRACTOR IS: ☐ MBE ☐ WBE ☐ ESB ☐ QRF ☒ N/A ☐ NONE (Check all boxes that apply)

Contractor <u>Reynolds School District</u> Address <u>1204 NE 201st</u> <u>Faiview, OR 97024</u> Attn: <u>Hud Lasher</u> Phone <u>503-661-7200</u> Employer ID# or SS# _____ Effective Date <u>09-01-01</u> Termination Date <u>in perpetuity</u> Original Contract Amount \$ <u>48,444</u> Total Amt of Previous Amendments \$ _____ Amount of Amendment \$ _____ Total Amount of Agreement \$ <u>48,444</u>	Remittance address _____ (If different) _____ Payment Schedule / Terms <input type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Monthly \$ _____ <input type="checkbox"/> Other \$ _____ <input type="checkbox"/> Due on Receipt <input type="checkbox"/> Net 30 <input type="checkbox"/> Other <input type="checkbox"/> Requirements Not to Exceed \$ _____ Encumber <input type="checkbox"/> Yes <input type="checkbox"/> No
--	---

REQUIRED SIGNATURES

Department Manager <u><i>Mal Hedgpeth</i></u>	DATE <u>8/9/01</u>
Purchasing Manager _____	DATE _____
County Counsel <u><i>[Signature]</i></u>	DATE <u>8/27/01</u>
County Chair <u><i>[Signature]</i></u>	DATE <u>9-6-01</u>
Sheriff <u><i>[Signature]</i></u>	DATE <u>8/9/01</u>
Contract Administration _____	DATE _____

(Class I, Class II Contracts only)

LGFS VENDOR CODE						DEPT REFERENCE					
LINE #	FUND	AGENCY	ORG	SUB ORG	ACTIVITY	OBJ/ REV	SUB OBJ	REP CAT	LGFS DESCRIPTION	AMOUNT	INC DEC
01											
02											
03											

Exhibit A, Rev. 3/25/98 DIST: Originator, Accts Payable, Contract Admin - Original If additional space is needed, attach separate page. Write contract # on top of page.

CC: 601660 G/L: 50200

GOVERNMENT CONTRACT (190 AGREEMENT)
Contract # 0210032

This is an Agreement between the Reynolds School District (District) and the Multnomah County Sheriff's Office (MCSO), pursuant to authority granted in ORS Chapter 190.

PURPOSE:

The purpose of this agreement is for MCSO to provide a deputy to perform the duties of School Resource Officer (SRO) to the District.

The parties agree as follows:

1. **TERM** The term of this agreement shall be from September 1, 2001 and will continue until terminated as outlines in section 4 below.
2. **RESPONSIBILITIES OF DISTRICT.**
 - a) The District agrees to provide office space for the SRO within the confines of Reynolds High School.
 - b) The District further agrees to compensate MCSO for the provision of the SRO at the rate equal to the daily (8 hour) salary of the deputy performing the functions of SRO, multiplied by the number days in the school year. This rate will be adjusted annually based on changes in the deputy's salary. Such adjustments shall be submitted in writing by MCSO and are subject to approval by the District.

The compensation for the initial year of this contract is as follows:

Daily salary of SRO	X number of school days	Total Compensation 2001 - 2002 school year
293.60	165	\$48,444

- c) District agrees to pay MCSO within 30 days of billing.

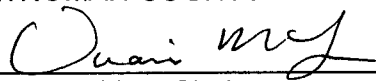
3. **RESPONSIBILITIES OF MCSO.** The MCSO agrees to provide a deputy sheriff to function in the role of SRO. The role of the SRO shall include, but will not be limited to, providing law enforcement services, teaching and counseling the student body in the area of public safety, and establishing programs that promote crime prevention and early intervention. When the SRO is not present, a regular MCSO Deputy may be called to handle an investigation unless it may be handled upon return of the SRO.

4. **TERMINATION** This agreement may be terminated by either party upon 30 days written notice.

5. **INDEMNIFICATION** Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, MCSO shall indemnify, defend and hold harmless District from and against all liability, loss and costs arising out of or resulting from the acts of MCSO, its officers, employees and agents in the performance of this agreement. Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300 District shall indemnify, defend and hold harmless MCSO from and against all liability, loss and costs arising out of or resulting from the acts of District, its officers, employees and agents in the performance of this agreement.

6. **INSURANCE** Each party shall each be responsible for providing worker's compensation insurance as required by law. Neither party shall be required to provide or show proof of any other insurance coverage.
7. **ADHERENCE TO LAW** Each party shall comply with all federal, state and local laws and ordinances applicable to this agreement.
8. **NON-DISCRIMINATION** Each party shall comply with all requirements of federal and state civil rights and rehabilitation statutes and local non-discrimination ordinances.
9. **ACCESS TO RECORDS** Each party shall have access to the books, documents and other records of the other which are related to this agreement for the purpose of examination, copying and audit, unless otherwise limited by law.
10. **SUBCONTRACTS AND ASSIGNMENT** Neither party will subcontract or assign any part of this agreement without the written consent of the other party.
11. **THIS IS THE ENTIRE AGREEMENT** This Agreement constitutes the entire Agreement between the parties. This Agreement may be modified or amended only by the written agreement of the parties.
- IN WITNESS WHEREOF, the parties have caused this agreement to be executed by their duly authorized officers on the last date written below.

MULTNOMAH COUNTY


By: 
Diane M. Linn, Chair

Date: 9.6.01

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS

AGENDA # C-3 DATE 09.06.01
DEB BOGSTAD, BOARD CLERK

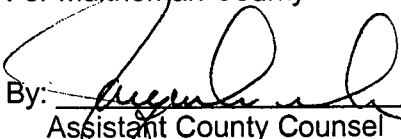
MULTNOMAH COUNTY SHERIFF'S OFFICE

By: 
Dan Noelle, Sheriff

Date: 8/9/01

REVIEWED:

Thomas Sponsler, County Counsel
For Multnomah County

By: 
Assistant County Counsel

REYNOLDS SCHOOL DISTRICT

By: _____

Print name and title

Date: _____

APPROVED AS TO FORM

By: _____
Attorney for the School District

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR:

8/8/2001

(Date)

DEPARTMENT: Multnomah County Sheriff's OfficeDIVISION: N/ACONTACT: Larry AabPHONE: 988-4489

* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD: _____

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

Budget Modification to appropriate \$48,444 of Revenue from the Reynolds School District to pay for .75 FTE Sheriff Enforcement Deputy to perform duties as a School Resource Officer at Reynolds High School.

2. DESCRIPTION OF MODIFICATION: [Explain the changes being made: What budget does it increase / decrease? What do the changes accomplish? Where does the money come from?]

[] PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET

This bud modifications adds \$48,444 in additional revenue to our Enforforcement budget to supply .75 FTE Enforcement Deputy to the Reynolds School District to perform School Resource Officer duties for 165 school days.

3. REVENUE IMPACT: [Explain revenues being changed and reason for the change]

Adds revenue from Reynolds School District

\$48,444

TOTAL \$48,444

4. CONTINGENCY STATUS [To Be Completed by Budget & Planning]

(Specify Fund) Fund Contingency BEFORE THIS MODIFICATION (as of _____): \$ _____
AFTER THIS MODIFICATION: \$ _____

Originated By:

Date:

Department Director:

Date:

Plan / Budget Analyst:

Date:

Employee Services:

Date:

Board Approval:

Date:

BUDGET MODIFICATION: # MCSO 02-02

Page 1 of 2

EXPENDITURES & REVENUES

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

Line No.	Fund Center	Fund Code	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	
			Internal Order	Cost Center	WBS Element						
1	60-50	1000		601660		50200	0	(48,444)	(48,444)		
2	60-50	1000		601660		60000	0	35,807	35,807		Permanent
3	60-50	1000		601660		60130	0	8,994	8,994		Salary relate
4	60-50	1000		601660		60140	0	3,643	3,643		Insurance
5								0			
6								0			
7								0			
8								0			
9								0			
10								0			
11								0			
12								0			
13								0			
14								0			
15								0			
16								0			
17								0			
18								0			
19								0			
20								0			
21								0			
22								0			
23								0			
24								0			
25								0			
26								0			
27								0			
28								0			
29								0			
									0	0	Total - Page
									0	0	GRAND TO

BUDGET MODIFICATION: # 02-02

5. ANNUALIZED PERSONNEL CHANGE

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

						ANNUALIZED			
Fund	JCN	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1000	2025	61627	Deputy Sheriff		0.75	47,743	11,992	4,857	64,593
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
TOTAL ANNUALIZED CHANGES					0.75	47,743	11,992	4,857	64,593

6. CURRENT YEAR PERSONNEL DOLLAR CHANGE

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

						CURRENT YEAR			
Fund	JCN	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1000	2025	61627	Deputy Sheriff		0.75	35,807	8,994	3,642	48,444
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
TOTAL CURRENT FY CHANGES					0.75	35,807	8,994	3,642	48,444



Multnomah County Sheriff's Office

501 SE Hawthorne Blvd. Ste 350, Portland, OR 97214

DAN NOELLE
SHERIFF

Phone: (503) 988-4300

TTY: (503) 988-4500

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM BRIEFING—SUPPLEMENTAL STAFF REPORT

To: Board of County Commissioners
From: Barbara Simon
Today's Date: August 20, 2001
Requested Placement Date: August 30, 2001

I. Recommendation/Action Requested:

Approval of IGA between the Reynolds School District and the Multnomah County Sheriff's Office to provide a School Resource Officer to the District.

II. Background Analysis:

Due to budget constraints, the MCSO was unable to fund a School Resource Officer for the Reynolds School District as it had done in the past. The District felt that the SRO was a valuable asset and agreed to provide funding for a SRO at Reynolds High School. The District agreed to provide office space within Reynolds High School for the SRO and further agreed to compensate MCSO at the rate equal to the daily (8 hour) salary of the deputy performing the functions of the SRO multiplied by the number days in the school year. This rate will be adjusted annually based on changes in the deputy's salary.

II. Financial Impact

Total compensation for the 2001-2002 school year will be \$48,444.

III. Legal Issues:

This IGA has been reviewed by the County Attorney's Office

IV. Controversial Issues

None

V. Link to current County Policies

Good Government

Safe Communities

VI. Citizen Participation

None

VII. Other Government Participation

Reynolds School District

BOARD OF
COUNTY COMMISSIONERS
01 AUG 30 PM 3:26
MULTI-MEDIA COUNTY
OREGON
COURT REPORTERS

BOGSTAD Deborah L

From: COLDWELL Shaun M
Sent: Wednesday, August 29, 2001 10:48 AM
To: BOGSTAD Deborah L
Subject: FW: FY 2001 LLEBG Award Acceptance - Deadline Reminder

Deb: In case anyone from the Chair's Office is asking, this message relates to the LLEBG package on the agenda for September 6. The first of the 4 actions is accepting the award. Deadline for taking this action and then going in to the web page and accepting through their system would be the end of September.

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

From: ojp@ojp.usdoj.gov [mailto:ojp@ojp.usdoj.gov]
Sent: Wednesday, August 29, 2001 7:59 AM
To: shaun.m.coldwell@co.multnomah.or.us; mult.chair@co.multnomah.or.us
Subject: FY 2001 LLEBG Award Acceptance - Deadline Reminder

You have 45 calendar days from the date on your Award to review and accept your Award. All Awards not accepted within this 45 day period will be deobligated and funds will be redistributed among FY 2002 eligible applicants during the next LLEBG funding cycle.

To accept your award, go to
http://grants.ojp.usdoj.gov:8003/gms/plsql/llebg_login.llebg_main and log on using your user id and password.

You have 90 calendar days from the date on your Award to submit your Request for Drawdown. Any funds not drawn down within this 90 day period will be deobligated and funds will be redistributed among FY 2002 eligible applicants during the next LLEBG funding cycle.

Again, please do not reply directly to this message as your reply will not reach us. If you have questions please contact:
James C. Chavis II 202-307-0688

(Please Note: if you respond to this email do not change the subject line, thank you)

BOARD OF COUNTY COMMISSIONERS

Local Law Enforcement Block Grant

Agenda Package September 6, 2001

This agenda package includes requests for four formal actions by the Board:

- Approve acceptance of award of Federal Bureau of Justice Assistance Local Law Enforcement Block Grant (LLEBG) [Award No. 2001-LB-BX-3170] in the amount of \$736,738.
- Approve Budget Modification DCJ 02-02, appropriating LLEBG funds in the amount of \$252,554, making other adjustments to the LLEBG funds in the Adopted Budget.
- Approve Budget Modification DA 02-01, appropriating LLEBG funds in the amount of \$76,012.
- Approve Budget Modification MCSO 01-02, appropriating LLEBG funds in the amount of \$160,000.

In addition to the funds being appropriated for fiscal year 2001-02, LLEBG funds will be carried over to fiscal year 2002-03 as a part of the budget process:

\$84,184 will be carried over in the Department of Community Justice;
\$163,988 will be carried over in the District Attorney's Office.



MULTNOMAH COUNTY OREGON

DEPARTMENT OF COMMUNITY JUSTICE
Administrative Services
501 SE Hawthorne
Portland, Oregon 97214
Phone (503) 988-3701
Fax (503) 988-5791

BOARD OF COUNTY COMMISSIONERS
Diane Linn • Chair of the Board
Maria Rojo de Steffey • District 1 Commissioner
Serena Cruz • District 2 Commissioner
Lisa Naito • District 3 Commissioner
Lonnie Roberts • District 4 Commissioner

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Elyse Clawson, Director
Department of Community Justice

DATE: September 6, 2001

RE: Local Law Enforcement Block Grant Award Approval

I. **Action Requested:** Approve acceptance of award of Federal Bureau of Justice Assistance Local Law Enforcement Block Grant (LLEBG) [Award No. 2001-LB-BX-3170] in the amount of \$736,738.

II. **Background Analysis:** The Department of Community Justice, the District Attorney's Office and the Sheriff's Office have been awarded a Federal Bureau of Justice Assistance Local Law Enforcement Block Grant in the amount of \$736,738. Bureau of Justice Assistance grant rules require a formal acceptance of the award at a public hearing.

The Proposed Budget for fiscal year 2001-02 included an amount of \$750,000 in LLEBG funds through the City of Portland. In May 2001, Bill Farver, Interim County Chair, requested from the State Attorney General a certification of Multnomah County as a disparate jurisdiction. That certification was given by the Attorney General. Multnomah County negotiated with the City of Portland to reallocate Block Grant funds between the two jurisdictions, with the County receiving 45%, the City receiving 45% and non-profit agencies receiving 10% of the grant funds through the City. The agreement also folded in a LLEBG grant that the District Attorney's Office had already been awarded in the amount of \$29,064. The City and the County then submitted separate applications to BJA for funding that reflects that agreement.

Multnomah County will appropriate these funds, awarded for the period October 1, 2001 through September 30, 2002:

Dept of Community Justice Expanded Drug Treatment Court	\$336,738
District Attorney Three Neighborhood District Attorneys	\$240,000
Sheriff's Office Overtime and Equipment	\$160,000

III. **Financial Impact:** This grant award includes an earlier award granted to the District Attorney's Office in the amount of \$29,064. The grant requires a 10% match of \$81,860, bringing the total program package to \$818,598. The match amounts will be tracked at the time of grant reporting, and do not require budgetary changes.

IV. **Legal Issues:** N/A

V. **Controversial Issues:** N/A

VI. **Link to Other County Policies:** N/A

VII. **Other Government Participation:**

The grant application process was coordinated with the Cities of Portland and Gresham. The program allocations were negotiated under the auspices of the Local Public Safety Coordinating Council.

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR:

9/6/01

(Date)

DEPARTMENT: DCJDIVISION: N/ACONTACT: Shaun ColdwellPHONE: x83961

* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD: _____

SUGGESTED AGENDA TITLE (To assist in preparing a description for the printed agenda)**Budget Modification adjusts Federal Bureau of Justice Local Law Enforcement Block Grant to fund the Drug Treatment Court.**

2. DESCRIPTION OF MODIFICATION: [Explain the changes being made: What budget does it increase / decrease? What do the changes accomplish? Where does the money come from?]

[] PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET**This budget modification appropriates a part of the Local Law Enforcement Block Grant Package [Award No. 2001-LB-BX-3170]. It adds \$252,554 in additional revenue to the Department of Community Justice Drug Treatment Court.****This represents 9 months of a 12 month grant. The balance of \$84,184 will be appropriated as a part of the 2002-2003 budget process.****This budget modification also reduces \$750,000 in budgeted LLEBG money passed through the City of Portland, budgeted in DCFS and DCJ.**

3. REVENUE IMPACT: [Explain revenues being changed and reason for the change]

Adjusts revenue from Federal Local Law Enforcement Block Grant Funds**(\$497,446)****Adjusts General Fund Cash Transfer to DCJ****(\$149,000)****TOTAL (\$646,446)**

4. CONTINGENCY STATUS [To Be Completed by Budget]

General Fund _____ Fund Contingency BEFORE THIS MODIFICATION (as of _____): \$ _____
(Specify Fund) AFTER THIS MODIFICATION: \$ _____

Originated By:

Date:

Department Director:

Date:

Plan / Budget Analyst:

Date:

Employee Services:

Date:

Board Approval:

Date:

BUDGET MODIFICATION: # DCJ 02-02
EXPENDITURES & REVENUES

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

Budget Fiscal Year: 01-02

Line No.	Fund Center	Fund Code	Accounting Unit		WBS Element	Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
			Internal Order	Cost Center							
1	20-75				BH AMH HMLS BRGVW PDX	60160	396,686	246,686	(150,000)		Deletes LLEBG Mental Health DCFS
2	20-75				BH AMH HMLS BRGVW PDX	50195	(396,687)	(246,687)	150,000		Reduces City of Portland LLEBG revenue
3	50-40	1505			CJ002.LLEBG	60170	808,270	83,270	(725,000)		Reduces DCJ Profess Svcs.
4	50-40	1505			CJ002.LLEBG	60350	41,060	4,230	(36,830)		Reduces DCJ Indirect Cost
5	50-40	1505			CJ002.LLEBG	50200	(1,012,765)	(412,765)	600,000		Reduces City of Portland LLEBG revenue
6	50-40	1505			CJ002.LLEBG	50320	(161,830)	0	161,830		Reduces Cash Transfer from general fund
7	50-40	1505			CJ001.LLEBG	60170	0	252,554	252,554		DCJ Drug Treatment Professional Svcs.
8	50-40	1505			CJ001.LLEBG	60350	0	12,830	12,830		DCJ Indirect Cost
9	50-40	1505			CJ001.LLEBG	50321	0	(12,830)	(12,830)		Cash transfer from general fund
10	50-40	1505			CJ001.LLEBG	50170	0	(252,554)	(252,554)		DCJ LLEBG federal revenue @ 9 months
11	50-40	1000		505301		60170	0	125,000	125,000		DCJ Drug Treatment Co-Occurring Disorders
12	19	1000		9500001000		60470			24,000		General Fund Contingency
13		1000	4			60560	1,430,554	1,281,554	(149,000)		Reduce General Fund Cash Transfer
14	19	1000		9500001000		50310			(24,000)		General Fund Revenue Indirect Cost
								0			
								0			
								(24,000)		0	Total - Page 1
								(24,000)		0	GRAND TOTAL



MULTNOMAH COUNTY OREGON

DEPARTMENT OF COMMUNITY JUSTICE

Administrative Services
501 SE Hawthorne
Portland, Oregon 97214
Phone (503) 988-3701
Fax (503) 988-5791

BOARD OF COUNTY COMMISSIONERS

Diane Linn • Chair of the Board
Maria Rojo de Steffey • District 1 Commissioner
Serena Cruz • District 2 Commissioner
Lisa Naito • District 3 Commissioner
Lonnie Roberts • District 4 Commissioner

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Elyse Clawson, Director
Department of Community Justice

DATE: September 6, 2001

RE: BUDGET MODIFICATION DCJ 02-02

- I. **Action Requested:** Approve Budget Modification DCJ 02-02 to appropriate Federal Bureau of Justice Assistance Local Law Enforcement Block Grant (LLEBG) [Award No. 2001-LB-BX-3170] in the amount of \$252,554. Reduce previously budgeted City of Portland LLEBG grant in the amount of \$750,000.
- II. **Background Analysis:** The Department of Community Justice, the District Attorney's Office and the Sheriff's Office have been awarded a Federal Bureau of Justice Assistance Local Law Enforcement Block Grant in the amount of \$736,738.

This budget modification appropriates \$252,554 in LLEBG grant funds to the Department of Community Justice. In addition to other sources of funding, this grant will support the STOP Drug Diversion program, the Expanded Drug Treatment Court and the Drug Treatment Court for Individuals with Co-occurring Disorders.

The total Local Law Enforcement Block Grant amount for this budget is \$336,738; the balance of \$84,184 will be budgeted as a part of the 2002-03 budget process.

The Proposed Budget for fiscal year 2001-02 included an amount of \$750,000 in LLEBG funds through the City of Portland. In May 2001, Bill Farver, Interim County Chair, requested from the State Attorney General a certification of Multnomah County as a disparate jurisdiction. That certification was given by the Attorney General. Multnomah County negotiated with the City of Portland to reallocate Block Grant funds between the two jurisdictions, with the County receiving 45%, the City receiving 45% and non-profit agencies receiving 10% of the grant funds through the City. The agreement also folded in a LLEBG grant that the District Attorney's Office had already been awarded in the

amount of \$29,064. The City and the County then submitted separate applications to BJA for funding that reflects that agreement.

III. Financial Impact: The grant requires a 10% match of \$28,058, bringing the total program package to \$280,612. The match amount will be tracked at the time of grant reporting, and does not require budgetary changes. Reduces Local Law Enforcement Block Grant revenue budgeted through the City of Portland by \$750,000; adds Bureau of Justice Assistance Local Law Enforcement Block Grant of \$252,554.

IV. Legal Issues: N/A

V. Controversial Issues: N/A

VI. Link to Other County Policies: N/A

VII. Other Government Participation:

The grant application process was coordinated with the Cities of Portland and Gresham. The program allocations were negotiated under the auspices of the Local Public Safety Coordinating Council.

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR:

(Date)

DEPARTMENT: District AttorneyDIVISION: N/ACONTACT: D. Scott MarcyPHONE: 248-3863

* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD:

Mike SchrunckSUGGESTED AGENDA TITLE (To assist in preparing a description for the printed agenda)

Budget Modification to appropriate \$76,012 of Revenue from the Federal Bureau of Justice Local Law Enforcement Block Grant to pay for 2 Neighborhood Deputy District Attorney positions.

2. DESCRIPTION OF MODIFICATION: [Explain the changes being made: What budget does it increase / decrease? What do the changes accomplish? Where does the money come from?]

[x] PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET

This budget modification appropriates a part of the Local Law Enforcement Block Grant Package [Award No. 2001-LB-BX-3170]. It adds \$76,012 in additional revenue to the District Attorney's Community Court program to pay for two positions for part of fiscal year 2001-02. These positions are currently being funded by previously awarded LLEBG grants.

The total Local Law Enforcement Block Grant amount for this budget is \$240,000; the balance of \$163,988 will be budgeted as a part of the 2002-03 budget process.

01 AUG 29 PM 4:47
 CLERK OF DISTRICT COURT
 MULTNOMAH COUNTY
 OREGON

3. REVENUE IMPACT: [Explain revenues being changed and reason for the change]

Adds revenue from Federal Local Law Enforcement Block Grant Funds

\$76,012

TOTAL \$0

4. CONTINGENCY STATUS [To Be Completed by Budget & Planning]

(Specify Fund)

Fund Contingency BEFORE THIS MODIFICATION (as of _____): \$ _____

AFTER THIS MODIFICATION: \$ _____

Originated By:

Date:

D. Scott Marcy

8/29/2001
August 8, 2001

Department Director:

Date:

Joey Stewart

8/29/01

Plan / Budget Analyst:

Date:

Employee Services:

Date:

Kamryn Dangan

7/29/01

Board Approval:

Date:

Deborah C. Bogstad

09.06.01

5. ANNUALIZED PERSONNEL CHANGEChange on a full year basis even though this action affects only a part of the fiscal year (FY).

						ANNUALIZED			
Fund	JCN	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1505	6252	61085	Deputy District Attorney 2	703292	1.00	63,442	19,680	5,075	88,197
1505	6252	62129	Deputy District Attorney 2	707146	1.00	52,231	17,259	4,185	73,675
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
TOTAL ANNUALIZED CHANGES					2.00	115,673	36,939	9,260	161,872

6. CURRENT YEAR PERSONNEL DOLLAR CHANGECalculate costs/savings that will take place in this FY; these should explain the actual dollar amounts being changed by this BudMod.

						CURRENT YEAR			
Fund	JCN	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1505	6252	61085	Deputy District Attorney 2	703292	0.15	9,516	2,952	761	13,229
1505	6252	62129	Deputy District Attorney 2	707146	0.77	40,218	13,289	3,222	56,729
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
TOTAL CURRENT FY CHANGES					0.92	49,734	16,241	3,983	69,958



MULTNOMAH COUNTY OREGON

DEPARTMENT OF COMMUNITY JUSTICE

Administrative Services
501 SE Hawthorne
Portland, Oregon 97214
Phone (503) 988-3701
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BOARD OF COUNTY COMMISSIONERS

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Serena Cruz • District 2 Commissioner
Lisa Naito • District 3 Commissioner
Lonnie Roberts • District 4 Commissioner

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Elyse Clawson, Director
Department of Community Justice

Mike Schrunk, District Attorney

DATE: September 6, 2001

RE: BUDGET MODIFICATION DA 02-01

- I. **Action Requested:** Approve Budget Modification DA 02-01 to appropriate Federal Bureau of Justice Assistance Local Law Enforcement Block Grant (LLEBG) [Award No. 2001-LB-BX-3170] in the amount of \$76,012.
- II. **Background Analysis:** The Department of Community Justice, the District Attorney's Office and the Sheriff's Office have been awarded a Federal Bureau of Justice Assistance Local Law Enforcement Block Grant in the amount of \$736,738.

This budget modification appropriates \$76,012 in LLEBG grant funds to the District Attorney's Office for 2 Neighborhood Deputy District Attorney positions. These positions are being funded for part of the year by previously awarded LLEBG grants.

The total Local Law Enforcement Block Grant amount for this budget is \$240,000; the balance of \$163,988 will be budgeted as a part of the 2002-03 budget process, for three Deputy District Attorney positions. These positions will include a Neighborhood District Attorney for East Precinct; a Neighborhood District Attorney for Central Precinct, and a Drug Unit Deputy District Attorney.

The Proposed Budget for fiscal year 2001-02 included an amount of \$750,000 in LLEBG funds through the City of Portland. In May 2001, Bill Farver, Interim County Chair, requested from the State Attorney General a certification of Multnomah County as a disparate jurisdiction. That certification was given by the Attorney General. Multnomah

County negotiated with the City of Portland to reallocate Block Grant funds between the two jurisdictions, with the County receiving 45%, the City receiving 45% and non-profit agencies receiving 10% of the grant funds through the City. The agreement also folded in a LLEBG grant that the District Attorney's Office had already been awarded in the amount of \$29,064. The City and the County then submitted separate applications to BJA for funding that reflects that agreement.

III. Financial Impact: The grant requires a 10% match of \$8,445, bringing the total program package to \$84,457. The match amount will be tracked at the time of grant reporting, and does not require budgetary changes.

IV. Legal Issues: N/A

V. Controversial Issues: N/A

VI. Link to Other County Policies: N/A

VII. Other Government Participation:

The grant application process was coordinated with the Cities of Portland and Gresham. The program allocations were negotiated under the auspices of the Local Public Safety Coordinating Council.

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR:

9/6/2001

(Date)

DEPARTMENT: Multnomah County Sheriff's OfficeDIVISION: N/ACONTACT: Larry AabPHONE: 988-4489

* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD: _____

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

Budget Modification to appropriate \$160,000 of Revenue from the Federal Bureau of Justice Local Law Enforcement Block Grant to pay for new Mobile Data Centers for enforcement vehicles and Overtime for Booking Inmates in the Justice Center.

2. DESCRIPTION OF MODIFICATION: [Explain the changes being made: What budget does it increase / decrease? What do the changes accomplish? Where does the money come from?]

[] PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET

This budget modification appropriates a part of the Local Law Enforcement Block Grant Package [Award No. 2001-LB-BX-3170]. It adds \$50,000 in additional revenue to the Sheriff's Enforcement budget to purchase new Mobile Data Centers for vehicles and \$110,000 in additional revenue for overtime spent to book offenders into the Justice Center.

BOARD OF
COUNTY COMMISSIONERS
01 AUG 29 PM 1:12
MULTNOMAH COUNTY
OREGON

3. REVENUE IMPACT: [Explain revenues being changed and reason for the change]

Adds revenue from Federal Local Law Enforcement Block Grant Funds

\$160,000

TOTAL \$160,000

4. CONTINGENCY STATUS [To Be Completed by Budget & Planning]

(Specify Fund) Fund Contingency BEFORE THIS MODIFICATION (as of _____): \$ _____
AFTER THIS MODIFICATION: \$ _____

Originated By:

Michelle Hoppel *MH*

Date:

8-29-01

Department Director:

Don [Signature]

Date:

8/29/01

Plan / Budget Analyst:

[Signature]

Date:

8-29-01

Employee Services:

Date:

Board Approval:

Debra [Signature]

Date:

09.06.01

BUDGET MODIFICATION: # MCSO 01-02

EXPENDITURES & REVENUES

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

Budget Fiscal Year: 01/02

Line No.	Fund Center	Fund Code	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
			Internal Order	Cost Center						
1	60-50	1505			soenf.bvp	50170	0	(160,000)	(160,000)	Fed Revenue
2	60-50	1505			soenf.bvp	60110	0	82,262	82,262	Overtime
3	60-50	1505			soenf.bvp	60130	0	20,663	20,663	Salary related Expenses
4	60-50	1505			soenf.bvp	60140	0	7,075	7,075	Insurance
6	60-50	1505			soenf.bvp	60240	0	35,744	35,744	Supplies
7	60-50	1505			soenf.bvp	60350	0	14,256	14,256	Indirect @ 8.91%
8							0			
9	19	1000		9500001000	50310		(14,256)	(14,256)		Indirect revenue
10	19	1000		9500001000	60470		14,256	14,256		Contingency
11							0			
12							0			
13							0			
14							0			
15							0			
16							0			
17							0			
18							0			
19							0			
20							0			
21							0			
22							0			
23							0			
24							0			
25							0			
26							0			
27							0			
28							0			
29							0			
								0	0	Total - Page 1
								0	0	GRAND TOTAL



MULTNOMAH COUNTY OREGON

DEPARTMENT OF COMMUNITY JUSTICE

Administrative Services
501 SE Hawthorne
Portland, Oregon 97214
Phone (503) 988-3701
Fax (503) 988-5791

BOARD OF COUNTY COMMISSIONERS

Diane Linn • Chair of the Board
Maria Rojo de Steffey • District 1 Commissioner
Serena Cruz • District 2 Commissioner
Lisa Naito • District 3 Commissioner
Lonnie Roberts • District 4 Commissioner

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Elyse Clawson, Director
Department of Community Justice

Dan Noelle, Multnomah County Sheriff

DATE: September 6, 2001

RE: BUDGET MODIFICATION MCSO 01-02

- I. **Action Requested:** Approve Budget Modification MCSO 01-02 to appropriate Federal Bureau of Justice Assistance Local Law Enforcement Block Grant (LLEBG) [Award No. 2001-LB-BX-3170] in the amount of \$160,000.
- II. **Background Analysis:** The Department of Community Justice, the District Attorney's Office and the Sheriff's Office have been awarded a Federal Bureau of Justice Assistance Local Law Enforcement Block Grant in the amount of \$736,738.

This budget modification appropriates \$160,000 in LLEBG grant funds to the Sheriff's Office for \$50,000 for Mobile Data Centers for enforcement vehicles, and \$110,000 for overtime for booking inmates in the Justice Center.

The Proposed Budget for fiscal year 2001-02 included an amount of \$750,000 in LLEBG funds through the City of Portland. In May 2001, Bill Farver, Interim County Chair, requested from the State Attorney General a certification of Multnomah County as a disparate jurisdiction. That certification was given by the Attorney General. Multnomah County negotiated with the City of Portland to reallocate Block Grant funds between the two jurisdictions, with the County receiving 45%, the City receiving 45% and non-profit agencies receiving 10% of the grant funds through the City. The agreement also folded in a LLEBG grant that the District Attorney's Office had already been awarded in the amount of \$29,064. The City and the County then submitted separate applications to BJA for funding that reflects that agreement.

III. **Financial Impact:** The grant requires a 10% match of \$17,777, bringing the total program package to \$177,777. The match amount will be tracked at the time of grant reporting, and does not require budgetary changes.

IV. **Legal Issues:** N/A

V. **Controversial Issues:** N/A

VI. **Link to Other County Policies:** N/A

VII. **Other Government Participation:**

The grant application process was coordinated with the Cities of Portland and Gresham. The program allocations were negotiated under the auspices of the Local Public Safety Coordinating Council.

MEETING DATE: September 6, 2001
AGENDA NO: R-5
ESTIMATED START TIME: 9:50 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Notice of Intent to Apply for a Grant

BOARD BRIEFING:

DATE REQUESTED: _____

REQUESTED BY: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING:

DATE REQUESTED: September 6, 2001

AMOUNT OF TIME NEEDED: 10 minutes

DEPARTMENT: ADS

DIVISION: Planning and Special Projects

CONTACT: Lucy Baker

TELEPHONE #: (503)988-3620 ext. 29560

BLDG/ROOM #: 166/300

PERSON(S) MAKING PRESENTATION: Rey España, Manager, ADS Planning and Special Projects

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

*Notice of Intent Approval Request – 3 County Community Partnerships for Older Adults
Robert Wood Johnson Foundation Letter of Intent*

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)

DEPARTMENT MANAGER: James McConnell

BOARD OF
COUNTY COMMISSIONERS
01 AUG 30 AM 11:51
MULTNOMAH COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us



MULTNOMAH COUNTY OREGON

AGING AND DISABILITY SERVICES
AREA AGENCY ON AGING
421 S.W. 6TH, 3RD FLOOR
PORTLAND, OREGON 97204
HELPLINE: (503) 988-3646 ADMINISTRATION: 988-3620
TTY: 988-3683 FAX: (503) 988-3656

BOARD OF COUNTY COMMISSIONERS
DIANE LINN - CHAIR
MARIA ROJO DE STEFFEY- DISTRICT 1
SERENA CRUZ- DISTRICT 2
LISA NAITO- DISTRICT 3
LONNIE ROBERTS- DISTRICT 4

TO: Diane Linn, Chair
Board of County Commissioners

FROM: Jim McConnell, Director
Multnomah County Aging and Disability Services

DATE: August 29, 2001

RE: Notice of Intent to respond to a request for Letters of Intent from Robert Wood Johnson Foundation for Community Partnerships for Older Adults.

Requested Placement date: September 6, 2001

1. Recommendation/Action Requested:

Multnomah County Aging and Disability Services (ADS) is requesting approval to respond to the Robert Wood Johnson Foundation with a Letter of Intent (LOI) for strategic planning to help communities development and sustain comprehensive long term care and supportive services systems to meet the growing needs of vulnerable older adults.

The effort will be collaborative with the Area Agencies on Aging and Disabilities in Clackamas and Washington Counties. Within Multnomah County, the RWJ planning grant will help fund the next steps in working with the community and partners in preparing to implement key areas of the ADS "Partnerships for Tomorrow" strategic and community plan.

The LOI is solicited by the Robert Wood Johnson Foundation (RWJ). If Multnomah County and its partners are successful in the LOI process, RWJ will invite a full proposal at that time. Nationally, 15 winning grants will be awarded for planning averaging \$150,000 over an 18 month period. The grantees will later be invited to submit implementation grants for \$750,000 following the initial planning period, 10 of which will be funded. The LOI will serve as the entree into the competitive grant process.

2. Background/Analysis:

Multnomah County has been in the forefront of redefining the parameters of Long Term Care. In partnership with the State of Oregon, the Not-for-profit Elders in Action which serves as the ADS Advisory Council, and multiple community providers, Multnomah County Aging and Disability Services (ADS) has redefined Long Term care as a broad spectrum of interventions designed to keep elderly and persons with disabilities as independent as possible for as long as possible.

The key ingredients that ADS has initiated include:

- Local administration of the complete Medicaid Long Term Care program, (including Eligibility for Financial Assistance, Food Stamps, Long Term Care, Oregon Health Plan), along with Federal Older Americans Act, State Oregon Project Independence, Local County and City funds.
- 24 hour/7 days per week Single Entry/Easy Access at numerous locations throughout the County, including Senior Centers and meal sites.
- Multi-disciplinary Case management and Care Planning
- Regulation of over 600 Adult Foster Homes
- A broad continuum of services and housing options to allow for the most appropriate and timely intervention
- Broad citizen involvement

The success has been dramatic decreasing nursing home placement by more than half since the inception of community based care in the mid 1980's. In recent times, our thinking on LTC has evolved beyond Home and Community-based waivers. In a Community planning process in 2000, participants identified the need to define LTC in even broader terms - recognizing that solid linkages with Health, Mental Health, Special Transportation, family and caregiver support etc, are indeed essential ingredients for a truly integrated LTC system.

Thus, ADS has adopted a Community-wide strategic plan for the area called Partnerships for Tomorrow. The plan calls for all agencies providing specialized services to form a highly integrated approach to supporting high quality of life and living for the elderly and persons with disabilities.

While ADS holds the vision in the community plan, ADS sees key leadership agencies being responsible for major portions of the implementation plan. For example, Tri-Met, the local Transit District, has taken the lead in developing a strategic action plan for special needs transportation. Tri-Met, and the AAAD's from the tri-county area, including ADS, pooled planning funds to support the planning process and to staff the coalition. That plan is near completion. ADS is also in the process of helping to build a Caregiving Alliance that will address the need for trained and skilled caregivers.

The Robert Wood Johnson Foundation planning grants for Community Partnerships for Older Adults, will provide an opportunity to pull together key partners and members of the ADS Partnerships for Tomorrow steering committee to develop implementation plans for key areas identified in the ADS Community Plan:

1. Reduce gaps in caregiving

Strategies:

- Empower communities to design and provide supports for caregivers in culturally appropriate, naturally occurring ways.
- Reach, educate, train, and support caregivers where they are in the community.
- Increase the number of available caregivers.

2. Increase informal support networks of self, family and friends

Strategies:

- Improve supports for caregivers in family friendly communities through work, faith community, school, neighborhood, friend, peer, and family involvement.
- Focus case management and services on the development and support of personal networks for care and quality of life.

3. Increase participation in communities for older people, people with disabilities, and ethnic communities

Strategies:

- Develop partnerships to provide life long learning and training opportunities and work linkages.
- Link Caring Communities with intergenerational networking and coordination of service delivery.
- Promote social/community service system capacity and increased volunteering

4. Improve outcomes for people with chronic conditions

Strategies:

- Develop ways to design and deliver individualized services
- Develop options to expand and integrate funding for an individual
- Develop methods and incentives for collaborative planning.

Partners:

ADS will collaborate with the Area Agencies on Aging and Disability in Clackamas and Washington Counties in planning to improve care for vulnerable older adults and develop local community solutions for comprehensive long term care. The PSU Survey Research Lab at the Institute on Aging will provide the evaluation component. The ADS local planning partners will include Elders in Action, the ADS Multi-ethnic Action Committee, and partners in health, education, lifelong learning, case management, the faith community and others.

Deliverables:

Products from the planning will include implementation plans in key areas with agreements with community partners to begin the work identified in the plans. This

may include but not be limited to new consortiums of providers working with community organizations, development of Interfaith Volunteer Caregiver grants for faith groups serving ethnic communities, and other initiatives that will provide a sustained effort between ADS and the community in addressing the needs of vulnerable older adults.

Outcomes:

- Establish linkages with key community leaders, partners and ADS in creating a sustained commitment in support of improved care for vulnerable older adults and support of the informal caregiving network.
- Create mechanisms to engage the broader community in responding to the needs of vulnerable adults in culturally competent ways.
- Develop new initiatives with the community to increase awareness of resources with emphasis on cultural competence to enhance choices for older adults
- Decrease fragmentation of services among community resources, state and county departments,

3. Financial Impact:

Multnomah County Aging and Disability Services anticipates requesting around \$200,000 to be expended over 18 months. No new county funds are needed to support these projects that will develop lasting enhancements and partnerships around existing efforts. The 20% required match will be covered through time and resources donated by community partners in the course of the planning grant.

4. Legal Issues:

None.

5. Controversial Issues:

None.

6. Link to Current County Policies:

The proposed project is consistent with County policies, and addresses the benchmarks of improving the health of Multnomah County citizens.

7. Citizen Participation:

The Steering Committee for the ADS Partnerships for Tomorrow Community Plan will be drawn upon for membership in the RWJ Planning Grant. The members will include Elders in Action, the DSAC, the ADS Multi-ethnic Action Committee, Health, education, mental health and long term care partners, advocates for the elderly and disabilities, and the faith community. Community meetings and focus groups around key topics identified by the steering committee will be part of the input and planning in the grant.

8. Other Government Participation:

The project will consult with representatives from the Oregon Senior and Disabled Services Division, and the Multnomah County Departments of Health, and Community and Family Services as community partners in improving care for vulnerable older adults.

MEETING DATE: September 6, 2001
AGENDA NO: R-6
ESTIMATED START TIME: 10:00 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: AMENDING MCC CHAPTER 5 ELECTIONS

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: September 6, 2001
AMOUNT OF TIME NEEDED: 15 minutes

DEPARTMENT: ND DIVISION: Office of County of Attorney
CONTACT: Thomas Sponsler TELEPHONE #: 503-988-3138
BLDG/ROOM #: 503/500

PERSON(S) MAKING PRESENTATION: Vicki Ervin, Director of Elections

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

First reading of ordinance making housekeeping amendments to Multnomah County Code Chapter 5 Elections to clarify and update elections procedures

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)

DEPARTMENT MANAGER Thomas Sponsler

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us

01 AUG 30 PM 3:42
CLERK OF BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON



OFFICE OF MULTNOMAH COUNTY ATTORNEY

THOMAS SPONSLE
County Attorney

SANDRA N. DUFFY
GERALD H. ITKIN
Deputies

501 S.E. HAWTHORNE, SUITE 500
PORTLAND, OREGON 97214

FAX 503.988.3377
503.988.3138

SCOTT ERIK ASPHAUG
DAVID N. BLANKFELD
SUSAN DUNAWAY
KATIE GAETJENS
PATRICK HENRY
JENNY M. MORF
MATTHEW O. RYAN
KATHRYN A. SHORT
AGNES SOWLE
JOHN S. THOMAS
JACQUELINE A. WEBER
Assistants

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners

FROM: Thomas Sponsler, County Attorney
Vicki Ervin, Director of Elections

DATE: August 24, 2001

RE: Ordinance Amending MCC Chapter 5, Elections

1. Recommendation/Action Requested:
Approve first reading of Ordinance.

2. Background/Analysis:

On July 27, 1972, the Board, exercising its home-rule authority, adopted the Multnomah County **Initiative and Referendum** Ordinance (Ord. No. 57). The ordinance provided procedures for submitting petitions to the director of the division of elections, Board referral, ballot title preparation by the district attorney and elections on measures. These provisions, as modified by Ordinances 167, 212, 298, 601, 626 and 881, were substantially unchanged and recodified as MCC §§ 5.100 through 5.108 by Ordinance 910 adopted June 25, 1998.

On March 29, 1973, the Board adopted the Multnomah County **Vacancy in Office** Ordinance (Ord. No. 68). That ordinance established procedures for filling vacancies in county elected offices. These provisions, as modified by Ordinances 211, 478, 616, 716, 881 and 923, were substantially unchanged and recodified as MCC §§ 5.001 through 5.009 by Ordinance 910 adopted June 25, 1998.

At the conclusion of the Board process for placing the 1998 Charter Committee proposed amendments on the ballot, the Board requested the county attorney to submit code amendments for Board consideration. Charter Section 12.70 now states: "All amendments proposed by the committee shall be submitted to the people of Multnomah County at the 2004 and every six years thereafter primary or general election, or both." In both 1998 and 1999 there was confusion about what "submitted" means. Specifically, does the Committee or the Board have the final decision on the wording of ballot titles for proposed measures?

The proposed amendments would change section 5.105, Measures Referred By Board, to provide that the Board must refer all amendments proposed by the Committee. The county attorney would prepare ballot titles and explanatory statements. The Board would **certify and file** ballot titles and explanatory statements with the director of elections.

References to the district attorney in sections were changed to the county attorney to conform the code to recent practice. Sections 5.102 and 5.105 are amended to provide that the county attorney prepares ballot titles for petitions and for measures referred to the voters by the Board.

The whole chapter has been reviewed and edited. Most of the proposed amendments update and clarify existing provisions. The amendments proposed include:

- §§ 5.004, 5.007, 5.009 and 5.106: clarifies and conforms references to “next available election.”
- §5.008, Nomination To Fill Vacancy: adds the Board must set a candidate filing deadline at the time it calls an election to ensure enough time to place candidates on the ballot.
- §5.100 Definitions: clarifies the distinction between “county legislation” and “measure” and conforms “elector” and “regular election” definitions to state law.
- §§5.101, 5.103, 5.103, 5.104 and 5.106: replaces “petition” for “measures” for clarity and further distinguishes “county legislation” from “measures.”
- §5.106 allows the Board to adopt the initiative language and thereby avoid an election.

3. Financial Impact:

None.

4. Legal Issues:

None. Updates and clarifies existing county law.

5. Controversial Issues:

None.

6. Link to Current County Policies:

Implements good government benchmark; clarifies elections code.

7. Citizen Participation:

N/A

8. Other Government Participation:

N/A

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Housekeeping Amendments to Multnomah County Code (MCC) Chapter 5, Elections

(Language ~~stricken~~ is deleted; double- underlined language is new.)

Multnomah County Ordains as follows:

Section 1. MCC §§ 5.001 through 5.009 are amended as follows:

§ 5.000* VACANCIES IN OFFICE

~~§ 5.001~~ Title.

~~_____ This subchapter shall be known as the county Vacancy in Office Code.~~

§ 5.002 Definitions.

For the purpose of this subchapter, the following definitions shall apply unless the context requires a different meaning.

DIRECTOR. The Director of the Division of Elections of the county, or ~~the~~ authorized representative.

ELECTIVE OFFICE.

- (1) ~~The Chair of the Board;~~
- (2) Auditor;
- (3) Commissioner; and
- (4) Sheriff.

TERM OF OFFICE. The term of office of the last person elected to the office that ~~which~~ is vacant.

§ 5.003 Vacancy In Office.

~~An~~ A county elective office of the county ~~shall~~ becomes vacant:

- (A) Upon the incumbent's:
 - (1) Death;
 - (2) Adjudicated incompetence;
 - (3) Conviction of a felony, other offense pertinent to the office, or unlawful destruction of public records;
 - (4) Resignation from office;
 - (5) Recall from the office; or
 - (6) Ceasing to reside within the county, or inability to obtain a corporate surety bond as required under Charter § 4.10(2);
- (B) Upon the failure of the person elected or appointed to the office to qualify for it within ten days after the time for the term of office to commence;
- (C) In the case of a member of the Board, upon absence:
 - (1) From the county for 30 consecutive days without the consent of the Board;or
 - (2) From Board meetings for 60 consecutive days without like consent; or
- (D) In the case of the Chair, upon absence from the county for 30 consecutive days without consent of the Board.

Cross-reference:

Board of County Commissioners, see Chapter 3

§ 5.004 Filling Of Vacancy.

- (A) ~~The Board, u~~Upon becoming aware of a vacancy in an elective office, the Board must~~shall~~ promptly determine and declare the date of vacancy.
- (B) If a vacancy occurs in an elective office of the county and the term of office expires one year or more after the vacancy occurs, then a person will~~shall~~ be elected at the next available election for which the state law filing requirement can be met~~date~~ to fill the vacancy for the remainder of the term of office.

(C) If a vacancy occurs in an elective office of the county and the term of office expires less than one year but 90 days or more after the vacancy occurs, then the Board shall appoint a person to fill the vacancy for the remainder of the term of office.

(D) If a vacancy occurs in an elective office of the county and the term of office expires less than 90 days after the vacancy occurs, the vacancy shall not be filled.

§ 5.005 Designation Of Interim Elective Officers.

(A) *Purpose.*

(1) When a vacancy occurs in elective county offices, ~~the Charter provides for filling the vacancies~~ must be filled by election or appointment, depending on the time remaining before expiration of the affected terms of office ~~(Charter § 4.50(1))~~.

(2) ~~Charter § 4.50(3) provides that in the event of a~~ If there is a vacancy in an elective office, an interim occupant of the office will ~~shall~~ serve until the vacancy is filled by election or appointment. ~~This section carries out~~ The Charter requiresment that the Board prescribe procedures to designate interim occupants of elective offices.

(B) *Interim Officer Designation.*

(1) County elected officials must ~~shall~~ each designate a person to perform their responsibilities. The designation must ~~shall~~ be in writing and filed with the clerk of the Board. If the Board does not confirm the designated person by a majority vote within 60 days of filing, the designating elected official must ~~shall~~ designate another person for Board confirmation.

(2) When there is a vacancy, the designated person shall serve as acting Chair, Commissioner, Auditor, or Sheriff until the vacancy is filled by election or appointment, as appropriate under the Charter.

(3) ~~If in the event~~ a person for an elective office has not been designated, or if the designated person is unable to immediately serve, the Board must ~~shall~~ promptly meet to fill the vacancy on an interim basis. The appointment must ~~shall~~ be in writing and filed with the clerk of the Board.

(4) All persons designated to fill elective offices on an interim basis must ~~shall~~ meet the Charter qualifications for appointees to such offices.

§ 5.006 Appointment By Board.

(A) ~~The Board, in~~ filling a vacancy, the Board may make such inquiries and interviews as ~~it~~they considers necessary to select the appointment. The appointment ~~must~~shall be made at a regular or special Board meeting ~~of the Board~~.

(B) The Board ~~will~~shall use the following procedures in the appointment process:

(1) Public notice ~~must~~shall be given to appropriate neighborhood organizations, cities, civic groups, a newspaper of general circulation and other recognized groups.

(2) A deadline ~~must~~shall be established for submitting applications at least two weeks after such notice.

(3) The person to fill the vacancy ~~must~~shall be appointed from those applicants nominated and seconded for consideration by members of the Board. The Board clerk ~~will~~shall announce the results of each ballot and ~~will~~shall record each commissioner's ballot. An applicant who receives a majority of the votes by the current Board members ~~will~~shall be appointed to the vacant position. If no applicant receives a majority vote on the first ballot, the Board shall continue to vote on the two applicants who receive the most votes until an applicant receives a majority vote of the Board.

§ 5.007 Election To Fill Vacancy.

If an election is required to fill a vacancy, the Board ~~must~~shall call such an election on the next available election date for which the established by state law filing requirements can be met, or may call an emergency election if it has been demonstrated that the public interest would be harmed by waiting. The date of the emergency election must allow sufficient time to meet the requirements of § 5.008.

§ 5.008 Nomination To Fill Vacancy.

Nomination for election to fill a vacancy ~~must~~shall be made by the petition or declaration method established by state law for the selection of candidates for nomination at a primary election. The Board must set a filing deadline at the time it calls an election. Such petition or declaration shall be filed with the director. The filing deadline must not be later than the 47th day before prior to the date of the election

§ 5.009 Special Runoff Election.

(A) If no candidate receives a majority of votes cast at an election to fill a vacancy, the Board shall call a special runoff election in which the names of the two candidates receiving the highest number of votes ~~will~~shall appear on the ballot.

(B) The special runoff election may be held on the next available election date for which the established by state law filing requirements can be met, or may be an emergency election if it has been demonstrated that the public interest would be harmed by waiting. The special runoff election ~~must~~shall occur not less than 47 days after the date of the election ~~first~~ referred to in subsection~~division~~ (A) ~~of this section~~.

Section 2. MCC §§ 5.100 through 5.108 are amended as follows:

§ 5.100* INITIATIVE AND REFERENDUM

§ 5.100- Definitions.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COUNTY LEGISLATION. Any ordinance ~~that~~which has been or lawfully may be enacted by the county, and any proposed amendment, revision or repeal of the Charter. ~~It, but~~ does not include any property tax ~~levy, tax base,~~ or bond measure or any emergency ordinance ~~adopted under Chapter V of the Charter.~~

ELECTOR. Any person eligible under state law to vote ~~in legal voter of~~ the county.

MEASURE. Any county legislation, or property tax ~~levy, tax base,~~ or bond measure proposed for adoption, amendment, revision, repeal or referral through the initiative or referendum procedures prescribed by this subchapter.

REGULAR ELECTION. Any election ~~at which a measure is submitted to the electors on a biennial primary, presidential preference primary or general election date.~~

SPECIAL ELECTION. Any election ~~at which a measure is submitted to the electors on a date other than a regular election date.~~

Cross-reference:

Initiative and referendum, see Charter § 11.30

§ 5.101 Prospective Petition.

(A) ~~Before~~~~Prior to circulating among the electors a petition proposing an initiative or referendum measure for county legislation among the electors, the chief petitioners must~~shall file a prospective petition with the director, in such form as the director will ~~shall prescribe or provide the form;~~ showing:

(1) The signatures, printed names and mailing addresses of not less than one and not more than three chief petitioners, all of whom must be electors of the county;

(2) In the case of initiative petitions~~measures~~, the text of the county legislation proposed for adoption, amendment, revision or repeal, and, where applicable, the title, ordinance number, and charter or code~~ordinance~~ section numbers proposed for amendment, revision or repeal;

(3) In the case of referendum petitions~~measures~~, the text of the county legislation proposed for referral, and where applicable, the title, ordinance number or code~~ordinance~~ section numbers of the county legislation proposed for referral; and

(4) Whether one or more persons will be paid for obtaining signatures on the petition.

(B) The director must~~shall~~ inscribe the date of filing upon any prospective petition filed in the director's office.

(C) After a prospective petition for a referendum of county legislation~~measure~~ ~~is~~has been filed with the director, and the director ~~has determined~~shall that the prospective petition complies with the requirements of this subchapter, and other applicable law, the director will~~shall~~ certify to one of the chief petitioners that petitions for the referendum measure proposed by the prospective petition may be circulated among the electors, in accordance with the procedures set forth in § 5.103.

§ 5.102 Ballot Title; Appeal.

(A) Prior to the conclusion of the fifth business day after a prospective petition for an initiative is filed ~~which proposes an initiative measure and which complies with the requirements of this subchapter and other applicable law, the director will~~shall review the text of the proposed initiative to determine whether it~~the text~~ complies with the single subject requirement and ~~shall determine if whether~~ the initiative proposes "county legislation."

(B) If the proposed text does not meet the requirements of subsection~~division~~ (A) ~~of this section~~, the director must~~shall~~ notify the chief petitioner by certified mail, return receipt requested, that the prospective petition does not meet the single subject or legislative requirement.

(C) Any elector ~~who~~that is dissatisfied with the director's determination ~~by the director, that the proposed initiative does not meet the requirements of subsection (A) of this section,~~ may petition the circuit court for the county. The petition must be filed not later than the seventh business day after the written determination ~~is made by the director.~~

(D) (1) If the proposed initiative meets the requirements of subsection~~division~~ (A) ~~of this section, or in the case of a referendum petition that has been certified for circulation, the director will~~shall transmit two copies of the prospective petition to the county~~district~~ attorney ~~of the county. The county attorney has who shall, within~~ five business days after receiving the prospective petition; to prepare a ballot title for the proposed measure ~~proposed~~ and an explanatory statement for the voter's pamphlet. The ballot title mustshall conform to the requirements of state law.

(2) The explanatory statement mustshall consist of an impartial, simple and understandable statement explaining the measure and its effect. The explanatory statement shall not exceed 500 words.

(3) After preparing the ballot title and explanatory statement, the county~~district~~ attorney willshall immediately return one copy of the prospective petition, ballot title and explanatory statement to the director and ~~shall immediately transmit one copy of the prospective petition, ballot title and explanatory statement to one of the chief petitioners.~~

(E) ~~After The director, upon~~receiving a ballot title and explanatory statement for a county measure to be referred or initiated from the county~~district~~ attorney, the director mustshall publish in the next available edition of a newspaper of general circulation in the county a notice of receipt of the ballot title and explanatory statement. ~~The including~~ notice must state that an elector may file a petition for review of the ballot title or explanatory statement not later than the date referred to in subsection~~division~~ (F) ~~of this section.~~

(F) ~~After~~Uponreceiving the prospective petition, ballot title and explanatory statement from the county~~district~~ attorney, the director mustshall inscribe the date of receipt on it. Within seven business days after that date, any elector may petition the circuit court for the county to challenge the ballot title or explanatory statement prepared by the county~~district~~ attorney. ~~After~~At the end of the seven-day period, or following the final adjudication of any challenge, the director mustshall certify the ballot title as prepared by the county~~district~~ attorney or as prescribed by the court, ~~as the case may be,~~ to one of the chief petitioners.

(G) Any person filing a petition of review with the circuit court must file a copy of the challenge with the director not later than the end of the business day next following the date the petition is filed with the circuit court. ~~Nothing in this requirement~~section does not ~~is intended to~~ invalidate a petition that is timely filed with the circuit court.

(H) The procedures set forth in subsections~~divisions~~ (A) through (G) ~~of this section~~ for preparation of, and challenges to, ballot titles and explanatory statements for initiative measures ~~shall also~~ apply to referendum measures. However, the completion of such procedures areshall not be a prerequisite to the circulation of petitions for referendum measures under §

5.103, ~~and~~ Ballot titles need not be stated on petitions circulated to propose referendum measures.

§ 5.103 Petition And Circulation Requirements.

(A) After the requirements of § 5.101(C) ~~are~~ have been met ~~for in the case of~~ referendum measures ~~petitions~~, and after the requirements of § 5.102(F) ~~are~~ have been met ~~for in the case of~~ initiative measures ~~petitions~~, the chief petitioners and any other persons eligible to circulate initiative and referendum petitions under state law may circulate a petition for the measure among the electors. The petition (cover sheet and signature sheet) ~~must~~ shall conform to the requirements of state law.

(B) The petition identification number will be assigned by the director.

(C) Each signature sheet of a referendum petition ~~must~~ shall contain the title, ordinance number or ~~code~~ ordinance section numbers of the county legislation proposed by referral and the date it was adopted by the ~~Board~~ county governing body.

(D) No signature sheet ~~may~~ shall be circulated by more than one person. Each signature sheet ~~must~~ shall contain a statement signed by the circulator that each elector who signed the sheet did so in the circulator's presence, and, to the best of the circulator's knowledge, each such elector is a legal voter of the county and that the information placed on the sheet by each such elector is correct.

§ 5.104 Filing And Percentage Requirements; Verification.

(A) The director ~~will~~ shall accept for signature verification in accordance with this subchapter only petitions ~~that~~ which comply with the requirements of this subchapter and other applicable law.

(B) No petition ~~may~~ shall be accepted for filing unless it contains at least the required number of verified signatures to submit the measure to the electors, as prescribed by ~~subsections~~ divisions (G), (H) or (I) ~~of this section~~.

(C) No initiative petition ~~may~~ shall be accepted for signature verification more than six months after the date of the director's certification under § 5.102(F).

(D) Any petition to refer legislation adopted by the Board must be submitted for signature verification not more than 90 days after the Board's adoption of such legislation.

(E) An initiative or referendum petition ~~may~~ shall not be accepted for signature verification if it contains less than 100% of the required number of signatures.

(F) Upon the acceptance of a petition, the director ~~must~~shall verify the signatures thereon. Such verification may be performed by random sampling in a manner approved by the Secretary of State. Within ~~30~~15 days after the director's acceptance of a petition, the director ~~must~~shall certify to the Board whether the petition contains a sufficient number of qualified signatures to require the submission of the proposed measure to the electors, and ~~shall~~also state in the certificate the number of qualified signatures prescribed by ~~subsections~~divisions (G), (H) or (I) ~~of this section~~to require the proposed county legislation measure to be submitted to the electors. The petition ~~will~~shall be considered filed as of the date of the director's certification.

(G) An initiative measure proposing the amendment, revision or repeal of the Charter, or parts thereof, ~~will~~shall be submitted to the electors if the number of qualified signatures on the petition ~~therefor~~equals or exceeds 8% of the total number of votes cast in the county for all candidates for governor of Oregon at the last~~most recent~~previous general election at which the office of governor was filled for a four-year term.

(H) An initiative measure proposing the adoption, amendment or repeal of any other county legislation, or parts thereof, ~~will~~shall be submitted to the electors if the number of qualified signatures on the petition ~~therefor~~equals or exceeds 6% of the total number of votes cast in the county for all candidates for governor at the last~~most recent~~previous general election at which the office of governor was filled for a four-year term.

(I) A referendum measure ~~will~~shall be submitted to the electors if the number of qualified signatures on the petition ~~therefor~~equals or exceeds 4% of the total number of votes cast in the county for all candidates for governor at the last~~most recent~~previous general election at which the office of governor was filled for a four-year term.

§ 5.105 Measures Referred By Board.

(A) The Board may directly refer to the electors any county legislation adopted by it and any proposed property tax ~~levy, tax base,~~ or bond measure, and may directly refer to the electors proposed amendments, or revisions or the repeal of the Charter or parts thereof. The Board must refer all amendments proposed by the Charter Review Committee.

(B) ~~In lieu of the procedures for preparation of a ballot title by the district attorney set forth in §§ 5.101 and 5.102, in the case of measures the Board refers under division (A) of this section, The county attorney will~~the Board shall prepare a ballot title and explanatory statement that conforms to the requirements of state law, ~~and~~and ~~The Board will~~shall ~~certify and file the~~such ballot title and explanatory statement ~~to~~with the director.

(C) ~~The director, upon receiving a ballot title and explanatory statement for a county measure to be referred from the Board, shall will~~ publish in the next available edition of a newspaper of general circulation in the county a notice of receipt of the ballot title and explanatory statement including notice that an elector may file a petition for review of the ballot title or explanatory statement not later than the date ~~set referred to in subsection~~division (D) ~~of this section.~~

(D) Any elector may petition the circuit court to challenge the ballot title or explanatory statement ~~certified~~prepared by the Board. Such petition must be filed with the circuit court within seven business days of the Board's ~~certification~~filing of the ballot title. Any person filing a petition of review with the circuit court must file a copy of the challenge with the director not later than the end of the business day next following the date the petition is filed with the circuit court. ~~Nothing in this requirement section does not~~ is intended to invalidate a petition that is timely filed with the circuit court.

(E) A measure ~~will~~shall be considered ~~referred~~filed under this section as of the date the Board ~~delivers its certified~~certifies its ballot title ~~with~~to the director.

§ 5.106 Adoption or Election Dates.

(A) Upon receiving the director's certification that a petition has been filed with sufficient qualified signatures to require the proposed county legislation measure to be submitted to the electors under § 5.104(F), ~~the Board may either by ordinance adopt the proposed legislation or or upon referring the measure on its own motion under § 5.105, the Board shall call an election for submission of the legislation measure to the electors. The Board may also call an election to submit county legislation to the electors upon referral under § 5.105.~~

(B) The Board ~~must~~shall call the election on the next ~~available~~ election date available under state law ~~in ORS 203.085~~ that is not sooner than the 90th day after the date of the director's certificate ~~of certifying~~ sufficient signatures. ~~For In the event of a Board referral, the election on the referendum of county legislation must~~shall be held on the next ~~available~~ election date ~~for which the Board meets the filing requirements defined available under state law in ORS 254.103.~~

§ 5.107 Election Notice And Procedure.

(A) Notice of elections on measures to be submitted to the electors on regular or special election dates ~~must~~shall be given in accordance with state law.

(B) Measures referred by the Board ~~will~~shall be designated on the ballot: "Referred to the People by the Board of County Commissioners."

(C) Measures proposed by referendum petition ~~will~~shall be designated on the ballot: "Referred by Petition of the People."

(D) Measures proposed by initiative petition ~~will~~shall be designated on the ballot: "Proposed by Initiative Petition."

(E) Within 20 days following any election, the director ~~must~~shall certify the election results to the Board. The Board ~~must~~shall ~~thereupon~~ canvass the vote and enter its proclamation of the results in its ~~minutes~~journal.

(F) A measure adopted by the electors ~~shall~~takes effect 30 days after the election, unless such measure expressly provides a later effective date.

§ 5.108 State Law Applies.

Applicable provisions of state elections law, dealing with ~~any initiative and referendum procedures or other election matters~~ not regulated by this subchapter, ~~shall~~ apply to initiative and referendum procedures on county legislation, together with this subchapter. The provisions of this subchapter ~~shall~~ prevail over any conflicting provisions of state law ~~relating to matters subject to regulation and legislation by the county.~~

FIRST READING: _____

SECOND READING AND ADOPTION: _____

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Thomas Sponsler
Thomas Sponsler, County Attorney

MEETING DATE: September 6, 2001
AGENDA NO: R-7
ESTIMATED START TIME: 10:10 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Ordinance Amending Multnomah County Code Chapter 21, Health, By Adding § 21.614 and Amending §§ 21.999 and 21.100 to Impose Civil Penalties For Food Service Violations and Repealing §§ 21.101 and 21.102

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: September 6, 2001
AMOUNT OF TIME NEEDED: 20 minutes

DEPARTMENT: Health DIVISION: Environmental Health

CONTACT: Lila Wickham TELEPHONE #: (503) 988-3400
BLDG/ROOM #: 160/3rd

PERSON(S) MAKING PRESENTATION: Lila Wickham

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

First reading of Ordinance Amending Multnomah County Code Chapter 21, Health, By Adding § 21.614 and Amending §§ 21.999 and 21.100 to Impose Civil Penalties For Food Service Violations and Repealing §§ 21.101 and 21.102

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)

DEPARTMENT MANAGER: Lillian Shirley

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us

CLERK OF
COUNTY COMMISSIONERS
01 AUG 30 PM 2:30
MULTNOMAH COUNTY
OREGON

BOGSTAD Deborah L

From: WICKHAM Lila A
Sent: Tuesday, August 28, 2001 4:36 PM
To: SHIRLEY Lillian M
Cc: BROUSSARD Bob E; BOGSTAD Deborah L
Subject: EH Ordinance

Attached is the Agenda Placement form and the Staff Report for my presentation to the Board on 9/6/01. It is due with your signature, Lillian, tomorrow at noon. Bob indicated he would print it off for you and see that it is received by Deb Bogstad in the Chair's Office in the Multnomah Building tomorrow by noon. I have met with the Sheriff, and two other deputies who work with Civil division. Anil Reddy with the Food Service Advisory Board agreed to provide testimony to the Commissioners on 9/6/01. I met with the Board Staff and they didn't seem to identify issues that needed to be addressed. Thanks for your support in this effort.



AgendaPlacementForm.doc (26 KB...)

(Needs Signature)



StaffReport.DOC
(38 KB)

Lila Wickham, RN, MS Manager
Multnomah County Environmental Health
426 SW Stark, 3rd Floor
Portland, Oregon 97204
(503) 988-3400 x 22404 (Ph)
(503) 988-5844 (Fax)
lila.a.wickham@co.multnomah.or.us (email)



MULTNOMAH COUNTY OREGON



HEALTH DEPARTMENT
426 SW STARK ST., 3rd Floor
PORTLAND, OREGON 97204
(503) 988-3400
FAX (503) 988-5844

DIANE LINN, CHAIR OF THE BOARD
MARIA ROJO DE STEFFEY, DISTRICT 1 COMMISSIONER
SERENA CRUZ, DISTRICT 2 COMMISSIONER
LISA NAITO, DISTRICT 3 COMMISSIONER
LONNIE ROBERTS, DISTRICT 4 COMMISSIONER

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners (Board)

FROM: Lila Wickham, Environmental Health Services Manager

DATE: August 28, 2001

RE: Ordinance adding MCC § 21.614, amending §§ 21.999 and 21.100 and Repealing §§ 21.101 and 21.102 Imposing Civil Penalties for Food Service Violations

1. Recommendation/Action Requested:

Approve first reading of ordinance imposing civil penalties for food service violations.

2. Background/Analysis:

ORS 624.992 authorizes the County to impose civil penalties for food service violations involving operation without a license and imminent and present dangers to public health. Civil penalties are needed to improve compliance with licensing requirements and recover administrative enforcement costs. The proposed ordinance provides for imposition of civil penalties for such violations, the process for assessing the penalties and requesting appeal hearings, consolidation of environmental health enforcement and deletion of references that are no longer needed. ORS chapter 433 and ORS chapter 448 authorizes imposition of public health enforcement for an imminent public health threat. The proposed ordinance provides for support from the Multnomah County Sheriff's Office, if requested, for closure of a facility.

3. Financial Impact:

None anticipated. Will allow for recovery and reduction of administrative collection time and increase funds available for health and safety inspection purposes.

4. Legal Issues:

None.

5. Controversial Issues:

None.

6. Link to Current County Policies:

Supports the county policy of cost-recovery.

7. Citizen Participation:

The proposed ordinance is strongly supported by the Food Service Industry. Notification of the Board meeting on September 6, 2001, at which first reading approval of the ordinance is expected was given in the normal course. Citizens can comment on the ordinance at the Board meeting. Multnomah County Food Service Advisory member will be present to testify in support.

8. Other Government Participation:

Multnomah County Sheriff

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending Multnomah County Code Chapter 21, Health, By Adding § 21.614 and Amending §§ 21.999 and 21.100 to Impose Civil Penalties For Food Service Violations and Repealing §§ 21.101 and 21.102

(Language ~~stricken stricken~~ is deleted; double- underlined language is new.)

The Multnomah County Board of Commissioners Finds:

- a. Pursuant to delegations under ORS 624.510(1) (restaurants, temporary restaurants, bed and breakfast facilities, commissaries, mobile units and vending machines) Multnomah County (COUNTY) is authorized to inspect and license facilities and to charge fees for these services.
- b. The costs of licensing, inspection and enforcement are paid from fees charged.
- c. Pursuant to ORS 624.992, COUNTY is authorized to impose civil penalties for violations of ORS 624.010 to 624.120 and ORS 624.310 to 624.440 involving operation without a license and imminent and present dangers to public health.
- d. Civil penalties are necessary to improve timely compliance with licensing requirements, thereby reducing administrative collection costs and increasing funds available for health and safety inspection purposes.
- e. The Model Rules of Procedure referenced in MCC §§ 21.101 and 21.102 apply specifically to state agencies. The rules cannot be directly transferred and should be deleted rather than updated.

Multnomah County Ordains as follows:

Section 1. MCC Chapter 21, Health is amended to add § 21.614 as follows:

§ 21.614 Food Service Violations.

(A) It shall be unlawful for any person to operate a restaurant or bed and breakfast facility without a current license issued by the Health Department.

(B) It shall be unlawful for any person to operate a restaurant or bed and breakfast facility in a manner that creates an “imminent or present danger to the public health” as these terms are defined in ORS 624.085 and Oregon Health Division rules adopted pursuant to ORS 624.100.

Section 2. MCC § 21.999 is amended as follows:

§ 21.999 Penalty.

(A) *Emergency medical services violations.*

(1) Violation of the emergency medical services subchapter, §§ 21.400 through 21.443, shall be a county offense and may be punished by a civil penalty of not more than \$10,000.

(2) A schedule of fines to be levied for violations shall be found in EMS administrative rules.

(3) Additional penalties for contract violations are found in the contract for exclusive emergency ambulance service.

(4) The provisions of this section are in addition to and not in lieu of other procedures and remedies provided by law.
(‘90 Code;§ 6.33.096) (Ord. 816, passed 1995)

(B) *Food services violations.*

(1) *Food handler's certificate violations.* Violation of any provisions of §§ 21.600 through 21.609 not otherwise provided for is punishable upon conviction by a fine of not more than \$500, or by imprisonment not exceeding six months, or both.
(‘90 Code;§ 8.30.900) (Ord. 124, passed 1976)

(2) *Food service license and operation violations.*

(a) Any person who violates §§ 21.610 through 21.614 will be subject to civil penalties of no more than \$500 per day imposed by the Multnomah County Department of Health.

(b) Civil penalties are due and payable 10 days after the order imposing the civil penalty becomes final by operation of law or on appeal.

(c) Civil penalties will be imposed by written notice stating clearly the amount of the penalty, the basis for the penalty, and the person's right to appeal imposition of the civil penalty.

(d) A person against whom a civil penalty has been imposed may request a hearing, in writing, to the Director of the Health Department or designee, within 20 days from the date of service of the notice of the civil penalty.

(e) All hearings under this subsection shall be conducted in accordance with applicable portions of ORS 183.413 to ORS 183.470. At the discretion of the Hearings Officer, the hearing regarding civil penalties may be consolidated with any related licensing hearing on the same matter to which the person is entitled under ORS chapter 624.

(f) The Multnomah County Sheriff's Office, at the request of the Health Department, may assist in the imposition of any civil penalties authorized by this chapter, as well as any inspection or closure activities authorized by ORS chapter 624, ORS chapter 433 and ORS chapter 448.

(g) These civil penalty provisions are in addition to any other civil or criminal penalty or enforcement mechanism provided by law.

(C) *Refuse violations.*

(1) *Refuse hauling violations.* Any person, firm or corporation violating § 21.701 shall be subject to a civil fine of not less than \$100 and no more than \$500 for each violation. The county may prosecute any violation of § 21.701 before a hearings officer. ('90 Code; § 8.75.110) (Ord. 717, passed 1992)

(2) *Dumping and littering violations.*

(a) Any person, firm or corporation violating § 21.702 shall be subject to the following:

1. A civil fine of not less than \$500 and no more than \$999 for each violation; and

2. An award of costs to reimburse the county for the actual expenses of clean-up and disposal caused by the violation.

(b) The county may prosecute any violation of § 21.702 before a hearings officer, or the county may prosecute a violation as a criminal or civil offense to the extent permitted under state law.

(D) *Smoke-Free workplace violations*

Any person who violates §§ 21.500 et seq. will be subject to the following penalties imposed by the Multnomah County Department of Health:

(1) For a first complaint of a violation, a notice and warning, with educational materials and a referral phone number for the Tobacco Prevention Program. The Tobacco Prevention Program will provide technical assistance to achieve compliance upon request.

(2) For a second complaint of a violation, the employer and Tobacco Prevention staff will jointly develop a smoke-free workplace remediation plan if indicated. If a

complaint indicates a person other than the employer committed the second violation, the Tobacco Prevention Program staff will provide additional services and referral information designed to achieve compliance by that person, if indicated.

(3) For subsequent complaints, if the Health Department substantiates the violation through investigation, a civil fine consistent with the fine schedule adopted by the Director of the Department of Health by administrative rule.

(4) Fines imposed under (3) may be appealed in writing to the Director of the Multnomah County Department of Health. The Director's decision shall be final.

Section 3. MCC § 21.100 is amended as follows:

§ 21.100- Policy And Purpose; Delegation Of Enforcement To County.

Pursuant to the Board Order of October 9, 1975, the county has requested the administrator of the state Health Division to delegate responsibility to the county for certain licensing and other functions which ~~Oregon Laws, Chapter 790, 1975~~ ORS 624.510, authorizes the administrator to delegate to the state's counties. Under state laws, any person aggrieved by a denial, suspension or revocation of a license or certificate in connection with the delegated functions, or otherwise coming within the statutory conditions for the existence of a contested case with respect to the delegated functions, is entitled to a hearing and other administrative procedures which meet the requirement of ORS Chapter 183. The purpose of this subchapter is to establish administrative rules for hearings and other procedures in the county in connection with the functions delegated to the county under ~~Oregon Laws, Chapter 790, 1975~~ ORS 624.510.

Section 4. MCC §§ 21.101 and 21.102 are repealed as follows:

~~§ 21.101 — Adoption Of Rules Of Administrative Procedure.~~

~~— Except as otherwise provided in this subchapter, the Board adopts Division III of the Attorney General's Model Rules of Procedure Under the Administrative Procedures Act, dated October 22, 1975, together with any provisions of ORS Chapter 183 which are not embodied in the model rules and which set forth procedural requirements for contested cases, as the county's rules for hearings and other administrative procedures in connection with contested cases arising from the county's performance of the functions delegated to the county under Oregon Laws, Chapter 790, 1975.~~

~~§ 21.102 — Judicial Review; Form Of Notice.~~

~~— (A) — The notice of parties of their right to judicial review of final orders under Rule 30.70(2) [?] of the model rules adopted under § 21.102 shall read as follows:~~

~~— NOTICE: You are entitled to judicial review of this Order in the manner provided by applicable laws of the state.~~

~~_____ (B) _____ At such time as the legislature or the courts of this state determine what judicial procedures are applicable to review of final orders of the Board under Oregon Laws, Chapter 790, 1975, the foregoing form of notice shall be replaced by a notice which specifies the applicable procedures for judicial review.~~

FIRST READING: _____


SECOND READING AND ADOPTION: _____

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Katie Gaetjens, Assistant County Attorney

MEETING DATE: September 6, 2001
AGENDA NO: R-8
ESTIMATED START TIME: 10:25 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Notice of Intent to Apply Grants

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: Thursday, September 6, 2001
AMOUNT OF TIME NEEDED: 10 minutes

DEPARTMENT: Health DIVISION: Planning and Development

CONTACT: Jo Ann Davich TELEPHONE #: (503) 988-3663, # 26561
BLDG/ROOM #: 106/14th

PERSON(S) MAKING PRESENTATION: Christine Taylor and Vickie Barranca

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Notice of Intent to Submit Grants in Support of Aprendemos en Rigler—Together We Learn at Rigler

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)

DEPARTMENT MANAGER: Lillian Shirley

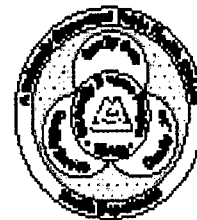
ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
01 AUG 30 PM 6:28



MULTNOMAH COUNTY OREGON



HEALTH DEPARTMENT
1120 SW FIFTH AVE, 14TH FLOOR
PORTLAND, OREGON 97204
(503) 988-3674
FAX (503) 988-3283

BOARD OF COUNTY COMMISSIONERS
DIANE M. LINN, CHAIR OF THE BOARD
MARIA ROJO DE STEFFEY, DISTRICT 1 COMMISSIONER
SERENA CRUZ, DISTRICT 2 COMMISSIONER
LISA NAITO, DISTRICT 3 COMMISSIONER
LONNIE ROBERTS, DISTRICT 4 COMMISSIONER

MEMORANDUM

TO: Multnomah County Board of Commissioners

FROM: Bonnie Kostelecky, Director
Planning and Development

THROUGH: Lillian Shirley, Director

SUBJECT: Notice of Intent to Seek Funding for the Juntos Aprendemos en Rigler --
Together We Learn at Rigler Program

DATE: August 28, 2001

REQUESTED PLACEMENT DATE: September 6, 2001

I. Recommendation/Action Requested

The Multnomah County Health Department (MCHD) is requesting approval to submit proposals to several local foundations to secure funding to support the Juntos Aprendemos en Rigler -- Together We Learn at Rigler program. Targeted foundations include: Juan Young Trust, RR Donnelly Foundation, Rose E. Tucker Charitable Trust, and the Collins Foundation.

II. Background/Analysis

Rigler Elementary draws its students from a neighborhood that is comprised of predominately low and moderate-incomes families. Over 35% of the Rigler students' families are Spanish speaking. Last year, the Health Department became involved in a collaborative effort to engage Spanish-speaking families served by Rigler Elementary School in learning activities that promote healthy families, school readiness for pre-schoolers and parent/teacher communication. The program is Aprendemos en Rigler—Together We Learn at Rigler. Christine Taylor,

Community Health Nurse, and Vickie Barranca, Community Health Worker, developed the program in partnership with Rigler and SU.U.N. School personnel. In the pilot project, parents and children came together one afternoon per week for family literacy activities. This pilot effort was funded from a combination of public and private resources. The project partners and families have decided to seek funding to expand the program offerings and the number of families served. The project's key outcomes are: 1) Children are better prepared to enter and succeed in school; 2) Parents have a better understanding of the public school system and how to interact with school personnel and how to support their children; 3) Improved health; and 4) Increased English literacy for adults and children. The project will include: health education, school-readiness activities, English as a Second Language instruction, parent education, and school/parent interactions. The program will be expanded to two afternoons per week. Health Department staff will augment the school-based activities with home visits. These visits will provide one to one follow-up on health, parenting and school readiness issues. Future plans also include special activities for the fathers.

Grant funds will support staff, supplies, and transportation for families for an expanded two-year project. Approximately \$60,000 will be sought from various foundations.

III. Financial Impact

No new county funds are needed.

IV. Legal Issues

None.

V. Controversial Issues

None.

VI. Link to Current County Policies

The proposed project is consistent with current County policies, and addresses the benchmarks related to health families and early childhood development.

VII. Citizen Participation

Citizen stakeholders are represented on the MCHD's Community Health Council.

VIII. Other Government Participation

The project will involve working with Portland Public Schools, Portland Community College and the S.U.N Schools Program.

MEETING DATE: September 6, 2001

AGENDA NO: B-1

ESTIMATED START TIME: 10:30 AM

LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Presentation on Sentencing Support Software

BOARD BRIEFING:

DATE REQUESTED: _____

REQUESTED BY: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING:

DATE REQUESTED: Thursday, September 6, 2001

AMOUNT OF TIME NEEDED: 30 minutes

DEPARTMENT: Non-Departmental

DIVISION: Chair's Office

CONTACT: Judge Marcus

TELEPHONE #: (503) 988-3250

BLDG/ROOM #: 101/600

PERSON(S) MAKING PRESENTATION: Judge Michael H. Marcus

ACTION REQUESTED:

☒ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Briefing on Sentencing Support Software

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

Diane M. Linn

(OR)

DEPARTMENT MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us



**CIRCUIT COURT OF THE STATE OF OREGON
for MULTNOMAH COUNTY**

Michael Marcus, Judge

1021 SW FOURTH AVENUE, PORTLAND OR 97201

Department Number 34; (503) 248-3250; fax: (503) 279-0961; Michael.H.Marcus@OJD.State.OR.US

Deb Bogstad, Board Clerk
Multnomah County Chair's Office
501 SE Hawthorne Boulevard, Suite 600
Portland, Oregon 97214-3587

July 25, 2001

Dear Ms. Bogstad:

As per our e-mail correspondence, I enclose a hard copy of the presentation
"slides" for Sept 6, 2001.

Sincerely,

Michael H. Marcus

BOARD OF
JUDICIAL ADMINISTRATION
01 JUL 30 PM 3:17
MULTNOMAH COUNTY
OREGON

Resolution News

No. 5

August 7, 2001

BE IT FURTHER RESOLVED that judges are encouraged to seek and obtain training, education and information to assist them in evaluating the effectiveness of available sanctions, programs, and sentencing options on future criminal conduct.

Multnomah County Sentencing Support

Gail McKeel, Multnomah County DSS-Justice Project Manager, is supervising the final improvements in the beta version of sentencing support tools. We've struggled through various challenges of data validation, processing speed, display, nomenclature, and program analysis. Meanwhile, Multnomah County judges have received new laptops, and the court and county ITD folks have finally agreed on a mechanism for direct connection with the county servers to support DSS-Justice. The program should reach at least the first handful of judges interested in using these tools in September, 2001.

State ITD Begins Work on Sentencing Support

Thanks to the direction of the Chief Justice, the Oregon Judicial Department Information Technology Division has moved state-wide sentencing support to its list of active projects. On June 25, 2001, Jeff Barlow, James Roten, and Keith Kohan of OJD ITD met with Judges Michael Marcus and Ed Jones, and Gail McKeel of DSS-Justice, to discuss the first steps of state-wide work. Since the initial meeting, James Roten, Lead Design Analyst on the project, has begun meeting with Gail and her staff to learn from Multnomah County's experience on DSS-Justice. Gail has sent copy of Multnomah County's code to James.

The Technology in the Courts Committee will act as sponsor of the project, with regular input from the Criminal Law Committee.

To avoid unproductive confusion, we agreed that formulating the nature of the project carefully was critical:

"[T]he project must be perceived as feasible if it is to be delivered within the

foreseeable future. ITD is used to building tools to do what we've always done more efficiently, with a minimum of change in what it is we do as an inevitable side effect. Sentencing support tools, in contrast, will enable us to do what we could not do before – to access information about how offenders similar to the one before us have fared, in terms of recidivism, after being sentenced to any of the dispositions available under the law and used in the past. We must learn a great deal by using them before we can design their future iterations; at this point, our objectives are modest.

"The initial objective is to provide users with ready access to existing data displaying correlations between sentencing elements and future charges or convictions for offenders who are similar to the offender facing sentencing and who were sentenced in the past. The guiding principle is to give us the best views of data that is and will become available, rather than to design a product that cannot give us information before unavailable data becomes available.

"For example, what constitutes a group of offenders similar to the one before the court will be constrained by our access to data. While we can access only OJIN data, we will probably have access to age, gender, and prior Oregon criminal history; we may have access to ethnicity; but we will not initially have access to mental health status, prior treatment history, and so on – although when we share data with DOC's IITP program, either directly or through the Public Safety Data Warehouse, this sort of information will be available.

"Multnomah County's DSS Justice tools define 'similar' in part by dividing criminal history into six categories, and rating an offender's known criminal record from 'none' to 'severe' (five levels) in each of those categories according to data rules which are also based on what data is available. The

categories are violent crime, sex crime, property crime, drug crime, DUII/major traffic crime, and domestic violence. Multnomah County currently adds age ranges, gender, and ethnicity to the variables which determine what cohort of offenders is 'similar' to the one before the court. The user can modify all of these variables to accommodate new information that comes to light in the sentencing hearing, or to broaden or modify the cohort, and immediately 'recalculate.'

"By default, the Multnomah County tools compare only those who are similar to the defendant who were sentenced for a similar charge. For example, if the offender before the court is being sentenced for a theft, the program compares similar offenders who were sentenced for a 'property crime.' The program allows users to broaden or narrow the range of charges for which it compares sentencings in the past. The user can insist, for example, that only similar offenders sentenced for violating the same statute as the defendant are included in the analysis, or the user can broaden the sentencings to include similar offenders who were sentenced on any charge – and almost anywhere in between. Again, the user can modify the settings and recalculate.

"Finally, the Multnomah County tools by default select an outcome measure of any conviction for a similar offense within three years of sentencing. The user can narrow or broaden the outcome measure from a specific crime to any crime (and many selections in between), select between conviction and arrest, and alter the period tested to any of six months, three years, five years, or any time known to the data.

"By way of beginning the requirements discussion on the state level, I propose that the description above is a good place to start. The details underlying this simplicity are numerous

and complex, but this should get the process started."

Uniform Criminal Judgment Begins Roll-Out

State ITD has been working for years on a uniform criminal judgment, which has finally been deployed in a growing number of counties, and which may actually be in all counties by the end of the year. Many of the developments in software are interdependent, so that exactly when which counties will have the ability to use the automated judgment depends on whether they have adopted such parts as "Hold a Proceeding," the new calendaring system, and GUI OJIN.

The Education, Technology in the Courts, and Criminal Law Committees have worked with ITD in planning a substantial presentation on the UCJ at the upcoming Fall Judges' Conference.

The relationships between the UCJ and sentencing support are indirect, but important. First, automated data exchange between courts and state and local criminal justice partners is of course essential to the development of sentencing support. Second, the automated judgment will greatly regularize and improve the quality of data collected from sentencing events. Data integrity is both essential for and reinforced by the sentencing support application. Third, the spread of the automated judgment should generally increase acceptance for the role of computer technology during sentencing hearings, an impact which should ease the acceptance of sentencing support tools when they are in fact available.

The purposes of the UCJ have always focused on data integration before convenience. Users are finding, however, that fears of slowing the process down have failed to materialize, and, with some growing pains, implementation of the UCJ has been relatively painless.

Public Safety Data Warehouse and LEDS

Technical staff within the Oregon State Police have begun construction of the Public Safety Data Warehouse with Byrne-grant funds that should last through the first phase, expected to extend into summer 2002. As of this writing, Judicial Department representatives are finalizing their input into the charter and other organic documents. The issues include how early

into the project the PSDW will provide data useable for sentencing support tools within OJD, whether users will be able to perform their own analysis or be dependent upon PSDW for both analysis and data, and the extent to which user agencies are free to devise their own applications for PSDW data.

Critical to the success of PSDW and to criminal justice data integration generally, and thus to robust sentencing support technology, is the ability to link records. Users must be able to ensure that records for individuals appearing in multiple databases are accurately matched as between data in the PSDW and data from other sources.

The "ID Unit" of the State Police has raised issues about its ability lawfully to share SID numbers with users outside the OSP. Unfortunately, the ID Unit raised this issue too late for resolution by the 2001 legislative session, and the issue has delayed receipt of LEDS data by Multnomah County's DSS-Justice while threatening drastically to limit the functionality of the PSDW. The issue is currently before the Attorney General's office for an opinion. If legislation is necessary, we will have to seek its introduction in the next session.

In any event, the organic documents for the PSDW project recognize the goal of all of this is:

"to create a data warehouse using criminal justice data from Oregon State Police, Oregon Judicial, Oregon Youth Authority and Oregon Department of Corrections. The data warehouse is to provide stakeholders and research entities a means to determine the effectiveness of adult and juvenile correctional programs and their ability to reduce future criminal conduct."

Presentations

Sentencing support technology and the Multnomah County DSS-Justice sentencing tools are now illustrated in a Corel Presentations "slide show" which, in various versions, has been presented numerous times, including September 29, 2000, at the University of Oregon Law School for the Joint Interim Judiciary Committee's Sentencing Workshop; February 16, 2001, at the Yale Law School sentencing class of US District Judge Nancy Gertner (D. Mass); May 26, 2001, at the Third International

Symposium on Judicial Decision Support Systems, at Chicago-Kent College of Law; and June 13, 2001, Yamhill County Local Public Safety Coordinating Committee. As of this writing, presentations are scheduled for August 14 and 16, 2001, at the National Center for State Courts' Seventh National Court Technology Conference (CTC7) in Baltimore, and September 6, 2001, before the Multnomah County Board of Commissioners.

Copies of the CD presentation are available upon request, and have been distributed to law professors in several parts of the United States.

New Sentencing Support URL

You can now access the sentencing support web site by entering "smartsentencing.com" in your web browser's address bar. "Sentencingsupport.com" works as well.

Other Developments

THE CRIMINAL JUSTICE COMMISSION'S PUBLIC SAFETY PLAN: REPORT TO THE GOVERNOR AND THE LEGISLATURE (2001): Recommendation No. 1: "Oregon should develop availability of offender-based data in order to track an offender through the criminal justice system and to facilitate data-driven pre-trial release, sentencing and correctional supervision decisions."

Future of the Courts Committee 2020 Vision: the goal "To Build Strong Partnerships with Local Communities to Promote Public Safety and Quality of Life" includes as "Strategy 4.6":

"Sentencing Practices. Employ judicial sentencing discretion to make decisions that effectively advance public safety.

- Exploit modern decision-support technology
- Build and maintain relationships with correctional agencies, higher education, and crime-research partners."

The head of **Multnomah County's Adult Community Corrections Presentence Investigation Unit**, Bill Penny, has pledged to make discussion of "what is most likely to work and why" a regular portion of presentence reports.

DSS-Justice Sentencing Support Technology

In Support of Public Safety

SmartSentencing.com

Michael Marcus - September 2001

The Problem: Most Offenders Repeat

Portland Jail Statistics July 2000

<u>Crime Charged</u>	<u>Jailed in July</u>	<u>Jailed w/in prior year</u>
All Charges	2395	1246
Burglary	32	22
Robbery	23	22
Theft I	26	20
Drugs	372	304
Auto Theft	39	32

The Problem: Most Offenders Repeat

- United States Statistics
 - ▶ 7 of 10 in jail had prior incarceration
 - ▶ 62.5% released from prison rearrested within 3 years

The Problem: Most Offenders Repeat

The Costs of the Status Quo are Enormous

- Avoidable victimizations
- Squandered correctional resources
- Diminishing respect for the judicial process
- Cruelty to all
- The cost\$ of criminal justice
- The cost\$ of corrections
- The cost\$ to victims of crime

Why is this happening?

- We don't even try to reduce crime
 - Sentencing hearings don't focus on what works
 - We keep our distance from the research
- We assign programs by symmetry, not performance
 - Thieves to Theft Talk, Drunk Drivers to Al Tx, and so on
 - We Fit the crime, not the offender
 - We want reports on attendance but
 - We never ask about graduates' recidivism
- We deny responsibility
 - Accountability is risky
- We benefit from our public safety failures
 - Compare business, medicine

Sentencing is Anachronistic

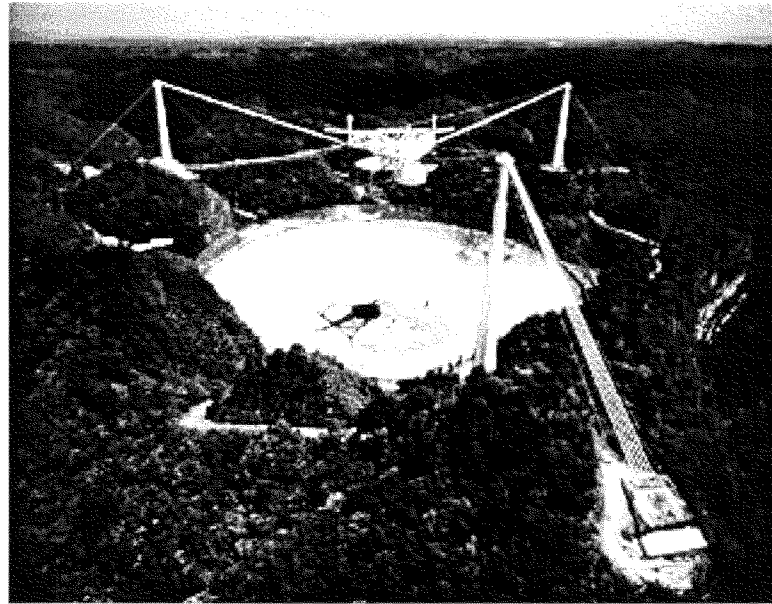


We're Still in
the dark ages



Sentencing Needs Direction

Retribution
Reformation
Deterrence



Accountability
Consequences
Responsibility

Public Safety -Divert Offenders
from Criminal Careers

Crime Reduction

With and Without the Courts

- Incapacitation - reduces crime in the short run
 - ▶ Rates down: longer sentences or better economy?
 - ▶ Rates are rebounding with returnees; inflow = outflow
- Crime Prevention
 - ▶ High school completion
 - ▶ Parenting Education
 - ▶ Primary response strategies
 - Multisystemic, Interdisciplinary Intervention
- Smarter Sentencing
 - ▶ We see the repeaters – repeatedly

Change has Begun

Oregon has opened the door

- 1997 HB 2229
 - ▶ Makes reduced criminal behavior the primary criminal justice outcome measure
 - ▶ Requires CJ agencies to maintain and share data to display correlations between sanctions and recidivism
 - ▶ Joins juvenile and adult data for these purposes
- 1997 Judicial Conference Resolution #1
 - ▶ “judges should consider and invite advocates to address the likely impact of the choices available to the judge in reducing future criminal conduct”



Back



Forward



Stop



Refresh



Home



Search



Favorites



History



Mail



Print



Create Mobil...

Address https://owl.co.multnomah.or.us/dss_app_external/dss_main.asp



Go

Links Best of the Web Customize Links DSS-Justice Login DSS-Justice User Session Timeout Free Hotmail Internet Start Windows Shortcut to bookmark.htm

WELCOME

Offender

Event

Program

Recidivism

Summaries

WELCOME TO DSS-JUSTICE

Welcome! DSS-Justice is a project of the Public Safety Coordinating Council of Multnomah County. The Safety Council's vision is to promote a quality of life that ensures personal safety, security and freedom from fear among all County residents. The purpose of DSS-Justice is to reduce the number of repeat criminal offenders through better decision making. The system is powerful, but still under construction, and all users have been carefully authorized for access. Please treat all data carefully. Keep data about individuals strictly confidential. If you have questions, please contact the ISD Help Desk at (503) 988-HELP.

AGENCIES: - Select your agency -

LINKS: - Select a link -

CONTACT US

HELP

WHAT'S NEW

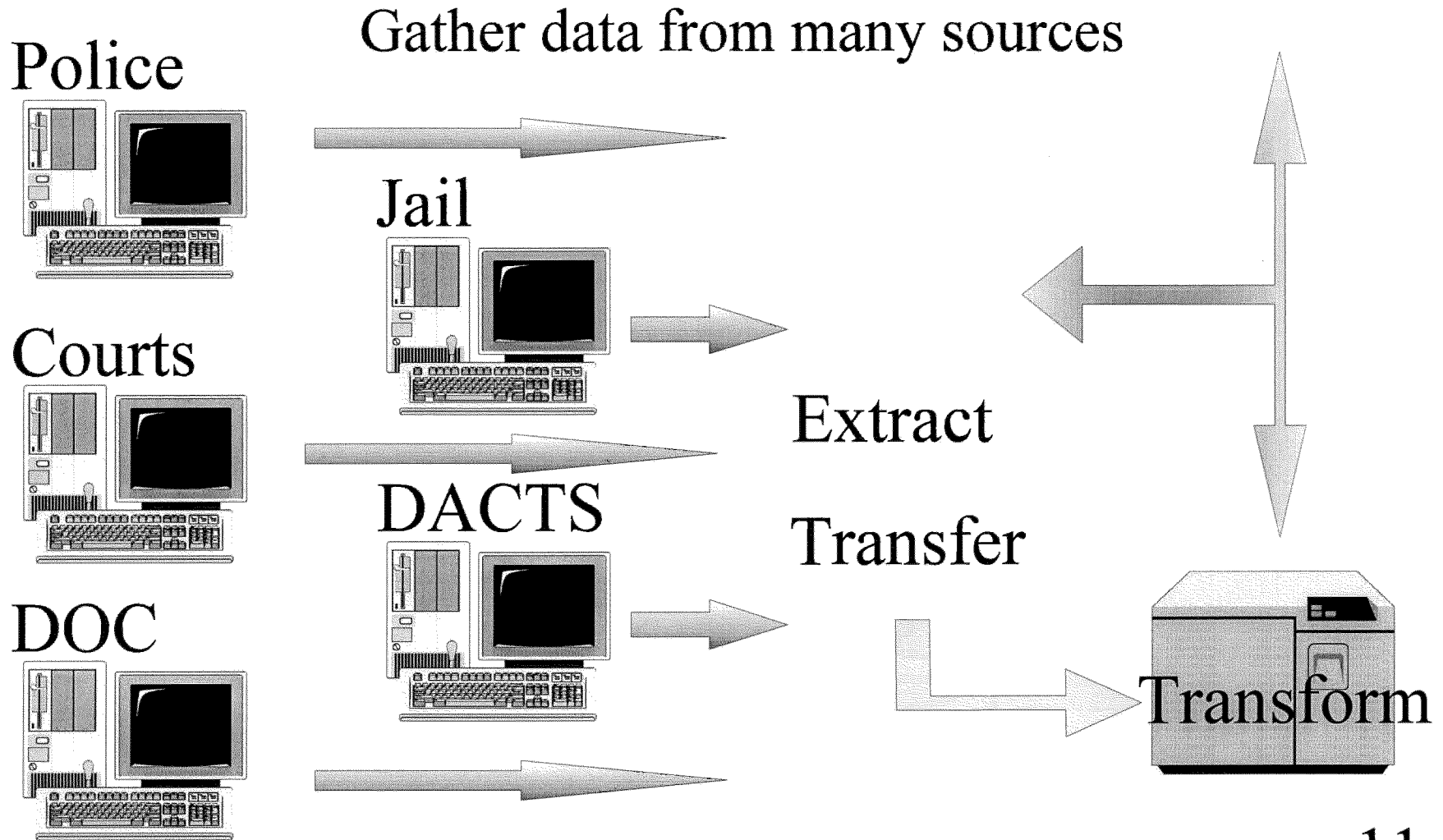
DSS
JUSTICE

The DSS-Justice system contains PPDS data from 1/1/1992, Sheriff data from 1/1/86, Court Data from 1/1/88, and Prosecution data from 1/1/92.



Internet

Data Warehouse Basics



Data Warehouse Basics

- No additional data entry
 - ▶ Uses Operational Data
- Refreshed regularly
 - ▶ Not “real time”
- Permits Analysis impossible without multiple data sources, and
- Overcomes platform diversity



Back



Forward



Stop



Refresh



Home



Search



Favorites



History



Mail



Print



Create Mobil...

Address https://owl.co.multnomah.or.us/dss_app_external/dss_main.asp

Go

Links Best of the Web Customize Links DSS-Justice Login DSS-Justice User Session Timeout Free Hotmail Internet Start Windows Shortcut to bookmark.htm

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WHAT'S NEW

The DSS-Justice system contains PPDS data from 1/1/1982, Sheriff data from 1/1/86, Court Data from 1/1/88, and Prosecution data from 1/1/92.



Internet

 Offender Reports

Offender

This tab provides details about individual offenders, including identification, location and criminal history information.

Click on one of the folders at the left to get started.

Criminal History Record

View details about an individual offender's criminal background and identification, including fingerprint and ID numbers.

Criminal History Summary

Get an overview of an offender's criminal history, such as the person's total number of arrests, convictions, active warrants and cases pending.

Criminal History Lite

Get a condensed version of an offender's criminal history, including individual offenses but without the detail of the Criminal History Record report.

Criminal History Linked By

Get an overview of how an offender is linked.

Events

Incident

Arrest

Booking & Jail

Primary Charges - excludes Cite & ID

Primary Charges - Cite & ID only

All Charges

Booking Reasons

Case Types

By Primary Charge

By a Specific Charge

By Booking Type

By Gender

By Age Range

By Race

By Agency

Year to Year Comparison

Prosecution

Court

Custody

Supervision

Current Case Analysis

Cross/Multi Event

Arrest By Court Case Status

Arrest By Court Case Disposition

Bookings By Arrest Precinct

Events

This tab shows data from different events in the criminal justice system, including the initial incident reported, followed by offender arrest, booking and prosecution. Each type of event is divided into three sections, which provide analyses from various perspectives.

Click on one of the folders at the left to get started.

Incident The **Incident** section provides information about incidents to which Portland, Tigard and Beaverton police responded. Reports display incident totals based on various selection criteria and views. Incidents include basic data about a case, such as the type of crime committed, when and where it occurred, and M.O. (such as the victim's location, type of premise, entry method, and weapon used). [Details](#)

Arrest The **Arrest** section provides custody information about incidents that produce a custody report. Arrest cubes and reports show arrest totals according to factors such as the primary charge, offense code, location, or offender demographics. (Note: Arrest data in the DSS-Justice includes cases that resulted in a citation in lieu of an actual arrest.) [Details](#)

Booking The **Booking** section shows booking totals according to primary charges, type of booking, arrest location or offender demographics. [Details](#)

Prosecution The **Prosecution** section shows the number of cases prosecuted by the Multnomah County District Attorney's Office. You can view case data according to case outcome or current status, primary charges, offender demographics or DA unit. [Details](#)

Court The **Court** section shows the number of cases tried in Oregon state courts. You can view case totals by disposition, charges, case aging, or trial processing time. [Details](#)

- Programs and MapLinks
 - Program Search
 - Freeform Select
 - Outside Links
 - Oregon Pathways
 - United Way Agencies of the Columbia-Willamette
 - Multnomah County Department of Community Justice Adult Alcohol and Drug Treatment Services

Programs

This tab lets you search for programs or sanctions, based on a variety of criteria, including the program name, type of service, or location.

Click on one of the folders at the left to start a search.

Program Search

Find a program using a variety of search criteria. You can also view a street map and driving directions to the address listed for each program.

Outside Links

Expand your search for programs with these links to local public and private agencies.

Main Menu

Offender

Event

Program

Recidivism

Summaries

- Summaries
 - Trends
 - Cubes
 - Totals
 - 1998 Arrest Totals Summary

Summary

This tab provides summaries of frequently-requested criminal justice data.

Presentations in this section are currently under construction.

[Contact Us](#) | [Help](#) | [User Tools](#) | [Logout](#)

- Recidivism
 - Recidivism Analysis
 - Total Number of Repeat Offenses
 - Repeat Offenses by SID
 - Sentencing Support
 - Sentence Sanction Evaluation

Recidivism

This tab provides information about repeat offenders and their crimes.

Click on one of the folders at the left to get started.

Recidivism Analysis

This screen analyzes statistics from repeat offenses. It shows repeat offenses in total numbers and percentages, along with a bar chart for easy comparison.

Sentencing Support

This section contains functions which allow sentence effectiveness analysis by either identifying an individual or by selecting the general characteristics of an offender category.

DSS-Justice: Sentencing Support - Microsoft Internet Explorer provided by Multnomah Courts

Welcome to DSS-Justice Sentencing Support

The first step is the identification of the offender currently being sentenced. Use the form below to search for this individual.

Select Search Method:

☒ By ID Number

Search by ID Number:

ID number type: OJIN Court Number

ID number: 960744942

☐ By Name

Search by Name:

First:

Middle:

Last:

DOB: (MM/DD/YYYY)

Race: -not selected-

Gender: -not selected-

submit

DSS

All in Syncl... Microsoft A... DSS-Justic... Corel Pres... DSS-Jus...

DSS-Justice: Sentencing Support - Microsoft Internet Explorer provided by Multnomah Courts

Case Number: 960744942 Offender Name: SHAUN A HERMO JR

Charge Selection

Please select the sentencing charge below. The primary charge for the selected offender's current court case is selected as a default.

Case Charges

164.045-Theft II

164.043-Theft III

Other Charges

033.010-Contempt of Court

033.015-Contempt of Court

059.055-Sell Fraud/Unlic Sec

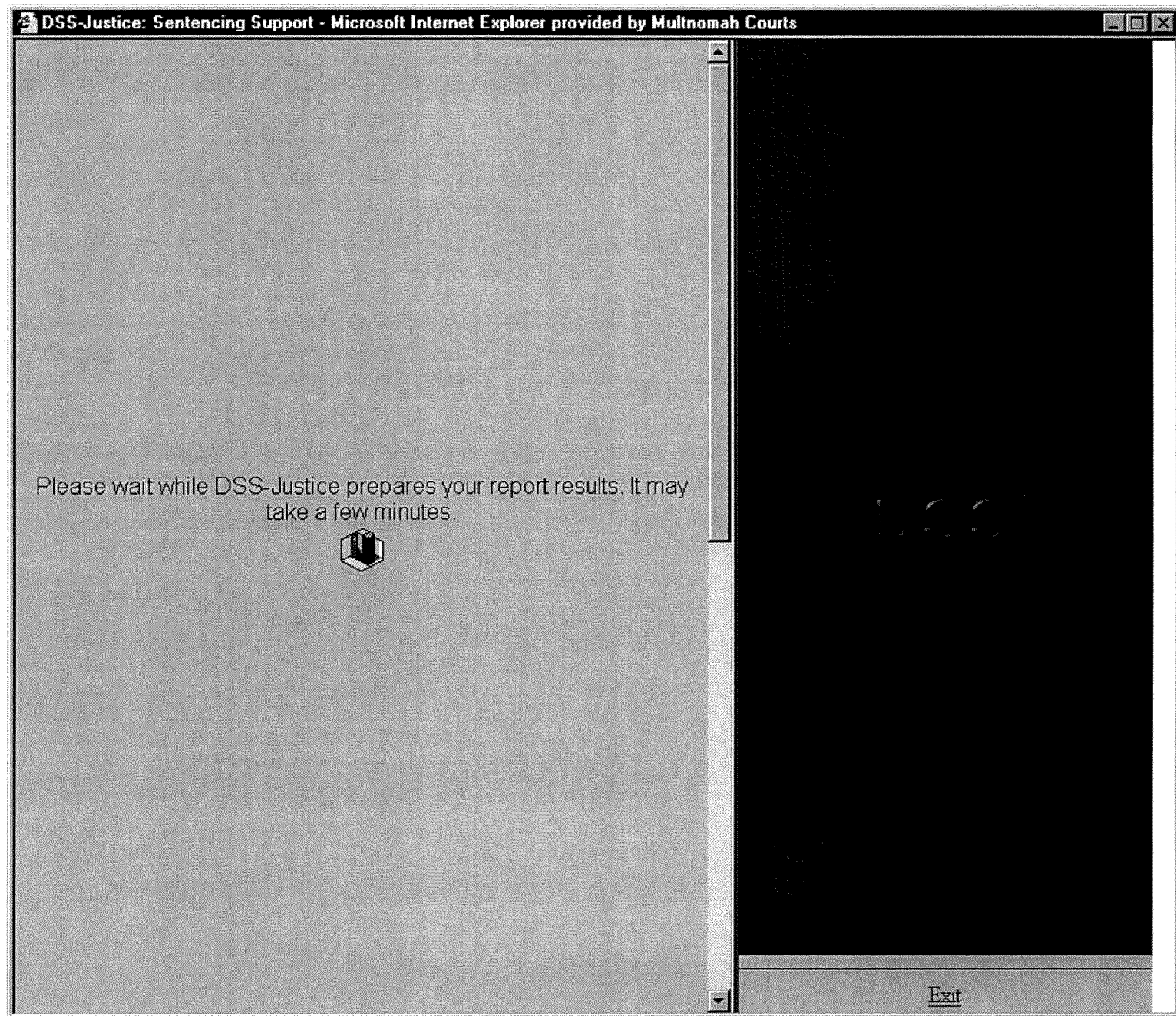
059.135-Fraud-Securities

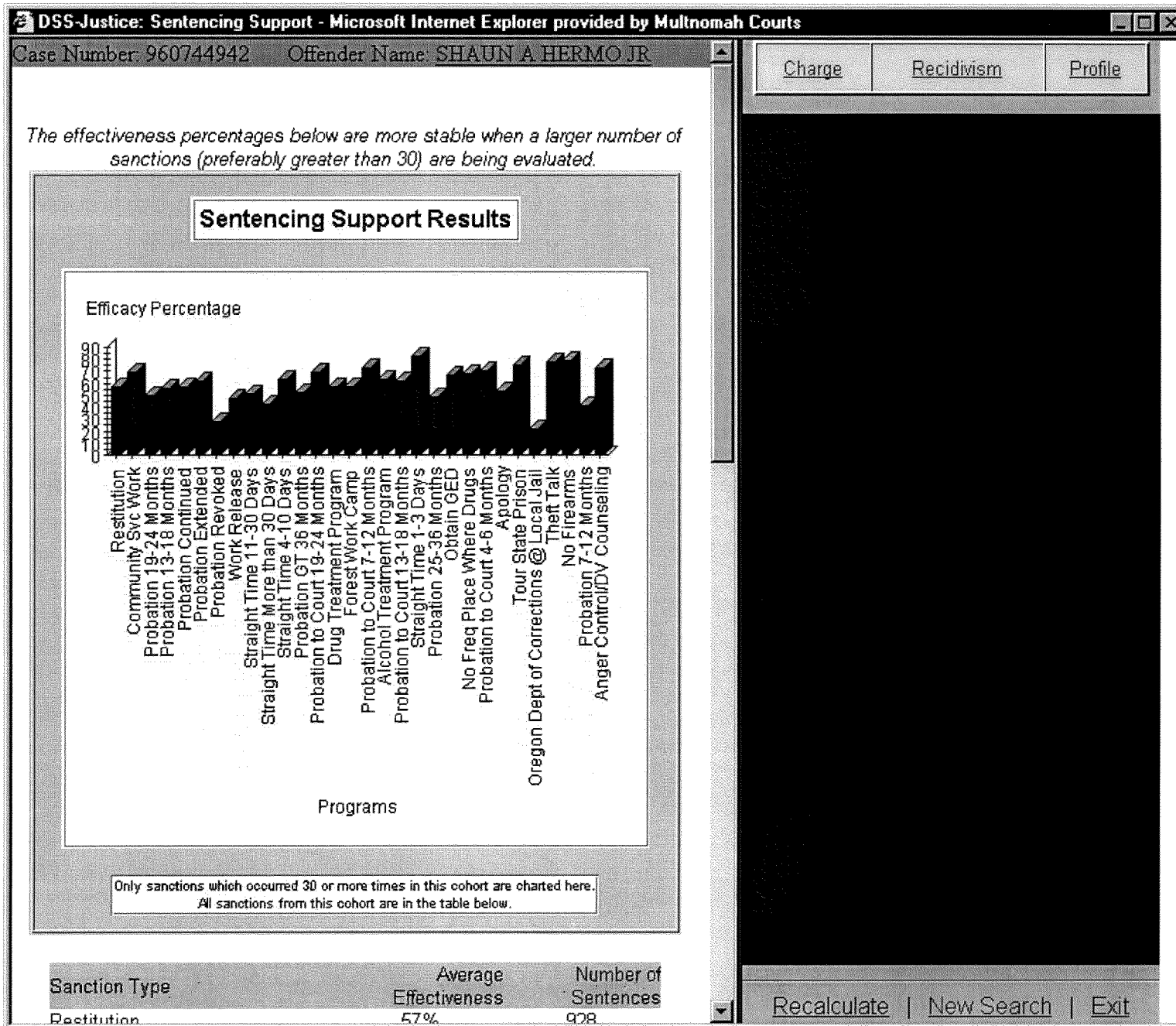
101.01.00-Unlaw Parking in Prk

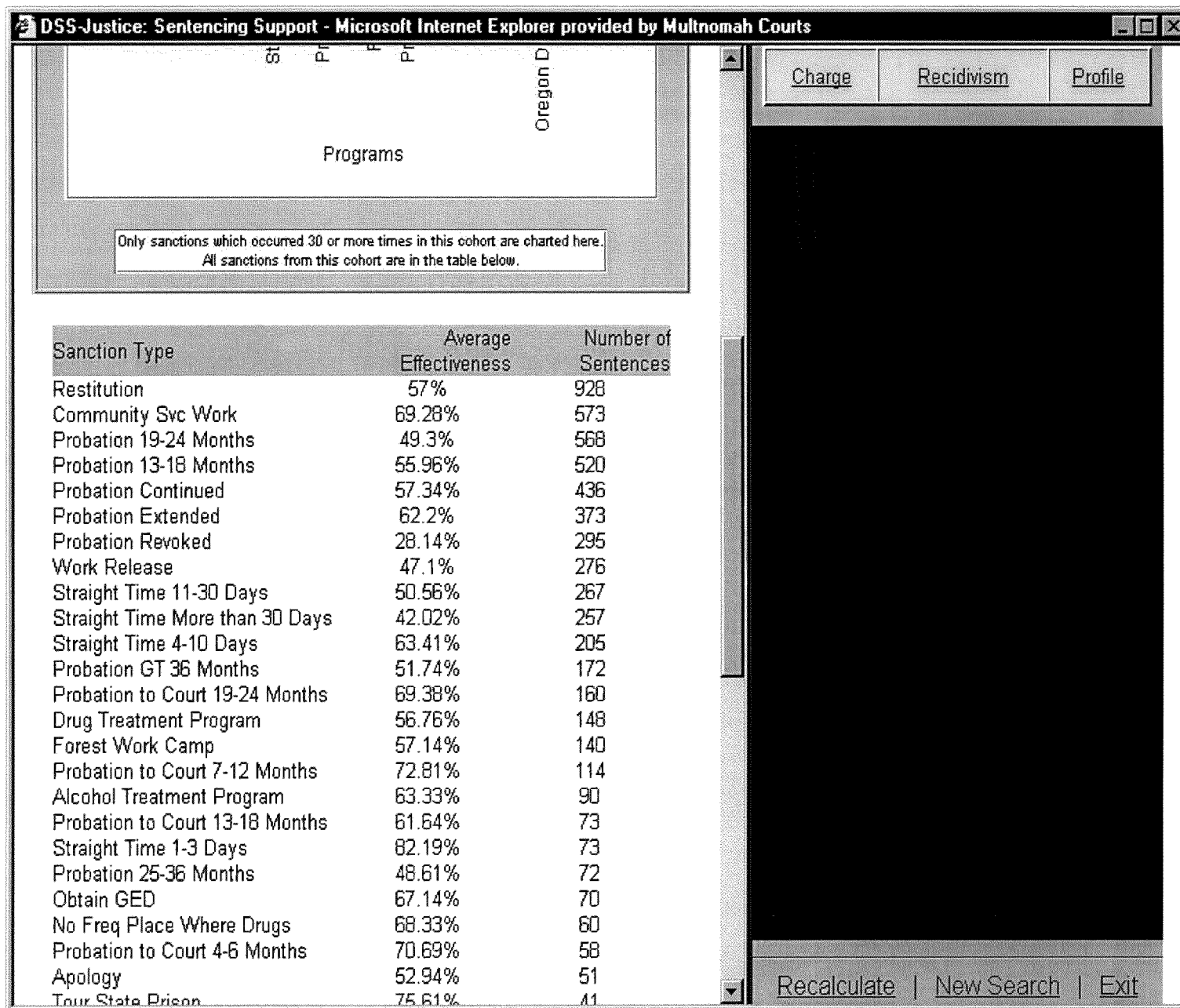
101.01.50-Discharge Firearm In

101.03.20-Unlawful Entry Into

[Exit](#)





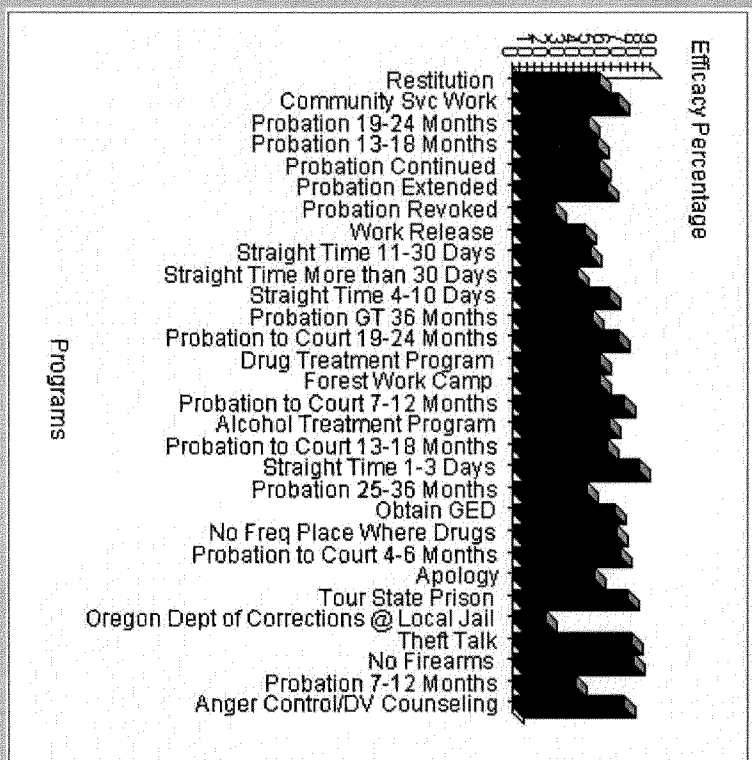


DSS-Justice: Sentencing Support - Microsoft Internet Explorer provided by Multnomah Courts			Charge	Recidivism	Profile
Obtain GED	67.14%	70			
No Freq Place Where Drugs	68.33%	60			
Probation to Court 4-6 Months	70.69%	58			
Apology	52.94%	51			
Tour State Prison	75.61%	41			
Oregon Dept of Corrections @	22.5%	40			
Local Jail					
Theft Talk	77.78%	36			
No Firearms	79.41%	34			
Probation 7-12 Months	41.18%	34			
Anger Control/DV Counseling	73.33%	30			
Drug Package	53.57%	28			
Probation to Court GT 36 Months	73.91%	23			
Drug and Alcohol Program	31.25%	16			
Probation to Court 1-3 Months	55.56%	9			
Day Reporting Center	37.5%	8			
No Entry Bar/Tavern/OLCC outlet	71.43%	7			
Residential Treatment Program	16.67%	6			
Restitution Center	66.67%	6			
Zero Tolerance/Drugs & Alcohol	83.33%	6			
Electronic Home Detention	100%	5			
Probation 4-6 Months	20%	5			
Alcohol Package	100%	4			
No Contact Victim's Family	75%	4			
Alcohol & Drug Counseling	0%	3			
Antabuse If Medically Able	100%	3			
Attend AA	66.67%	3			
Domestic Vio Asmt	0%	2			
Alcohol & Drug Screening	100%	1			
House Arrest	0%	1			
Victim Panels	100%	1			
Report to Mental Health	100%	1			
Parent Training	100%	1			
Probation 1-3 Months	100%	1			
Total Sentences Evaluated		6338			
Help			Recalculate	New Search	Exit

Case Number 960744942 Offender Name SHAUN A HERMO JR

The effectiveness percentages below are more stable when a larger number of sanctions (preferably greater than 30) are being evaluated.

Sentencing Support Results



Only sanctions which occurred 30 or more times in this cohort are charted here.
All sanctions from this cohort are in the table below.

Sanction Type	Average Effectiveness	Number of Sentences
Restitution	57%	928

Charge Recidivism Profile

Select offender crimes:
Analyze sentences for the following charges:

☐ Any Charge

☐ Measure 11

☒ Crime Theme

☐ Violent Crimes
 ☐ Sex Crimes
 ☐ Drug Crimes
 ☒ DUI / Major Traffic Crimes
 ☐ Property Crimes
 ☐ Domestic Violence

☐ ORS Subchapter

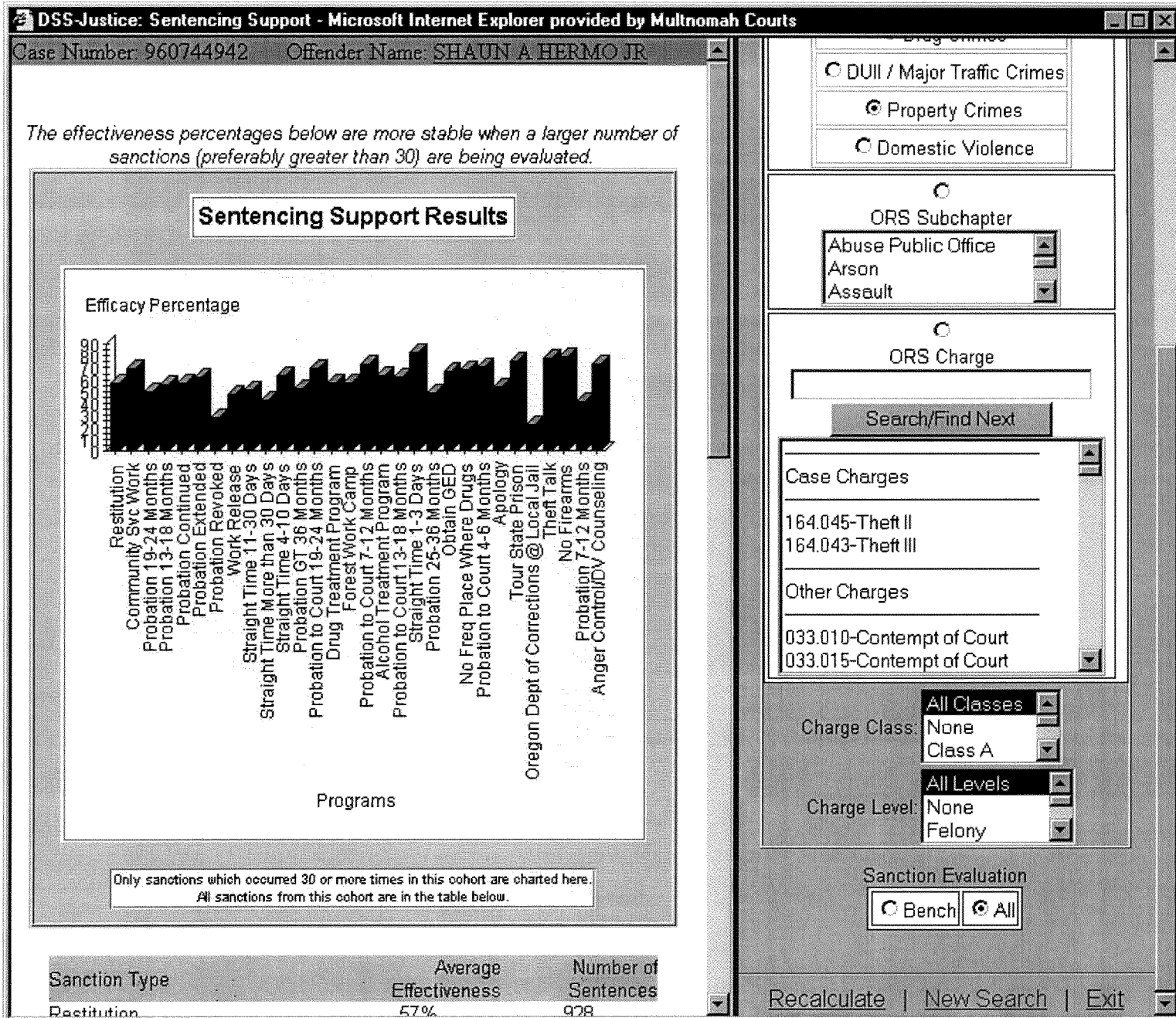
☐ Abuse Public Office
 ☐ Arson
 ☐ Assault

☐ ORS Charge

Case Charges

164.045-Theft II
 164.043-Theft III

Other Charges

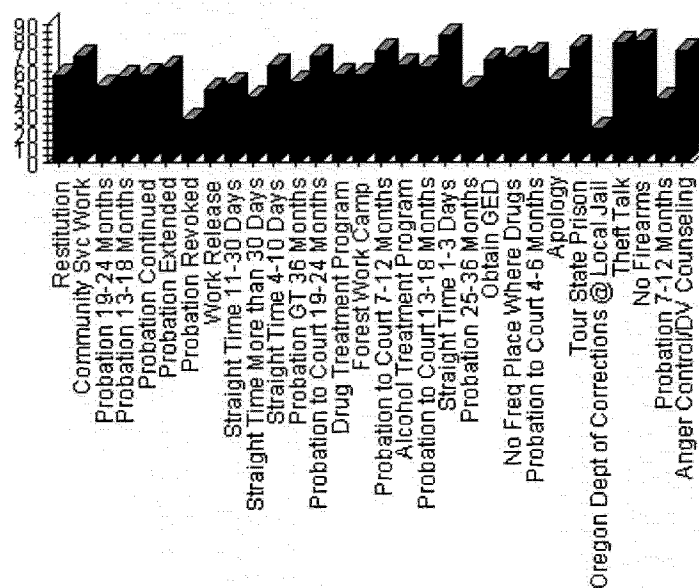


Case Number: 960744942 Offender Name: SHAUN A. HERMO JR

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Sentencing Support Results

Efficacy Percentage



Programs

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Sanction Type	Average Effectiveness	Number of Sentences
Restitution	57%	928

Charge Recidivism Profile

Select recidivism measure:

Recidivism will be measured by a

☐ Arrest ☒ Conviction

for

- ☐ any charge
- ☐ any violent crime
- ☐ any sex crime
- ☐ any drug crime
- ☐ any dui or major traffic crime
- ☒ any property crime
- ☐ any Domestic Violence
- ☐ the same charge
- ☐ any felony
- ☐ any misdemeanor

occurring within

- ☐ 6 months ☐ 1 year
- ☒ 3 years ☐ 5 years
- ☐ All available time

for convictions that occurred

between January 1988 and May 2001

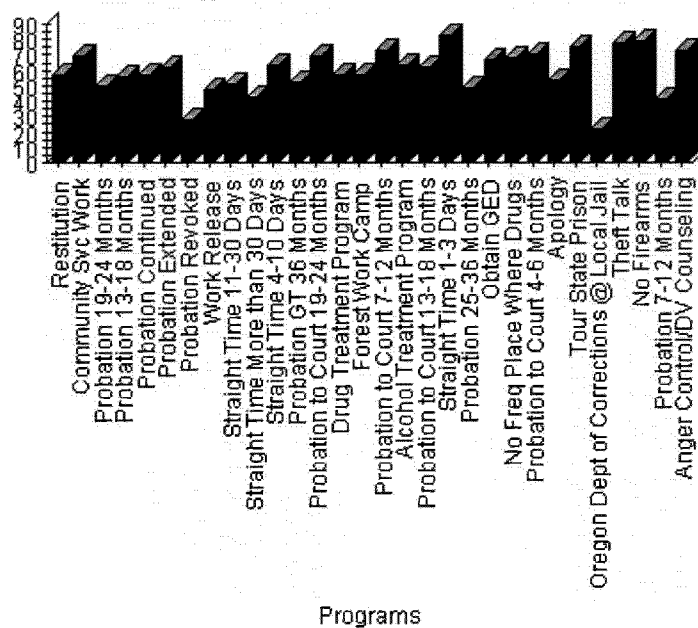
Recalculate | New Search | Exit

Case Number: 960744942 Offender Name: SHAUN A HERMO JR

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Sentencing Support Results

Efficacy Percentage



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Charge

Recidivism

Profile

Select offender profile:

Sentences will be analyzed for offenders matching the following profile.

Violent Crime Theme:

☒ None☐ Minimal☐ Moderate☐ Major☐ Severe

Sex Crime Theme:

☒ None☐ Minimal☐ Moderate☐ Major☐ Severe

Drug Crime Theme:

☒ None☐ Minimal☐ Moderate☐ Major☐ Severe

Property Crime Theme:

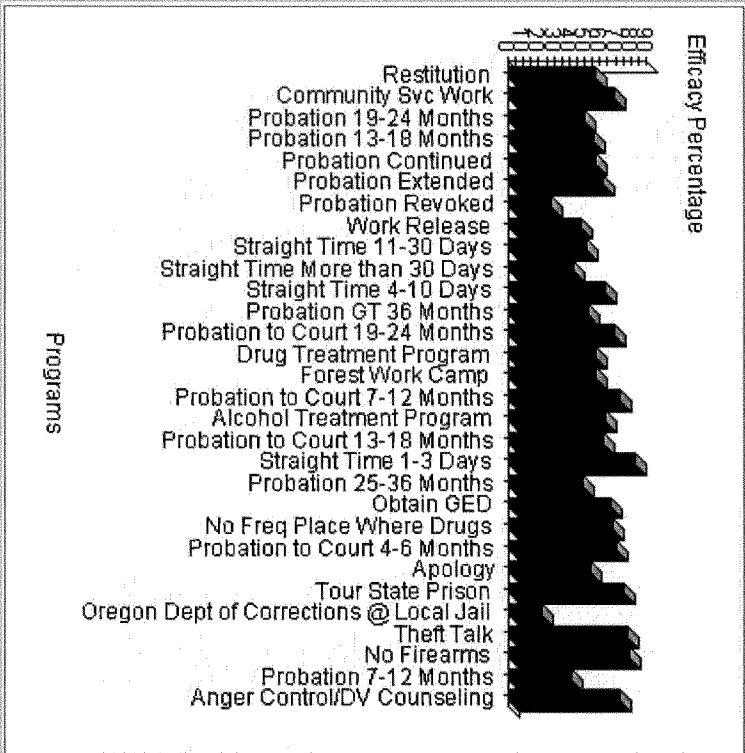
☐ None☐ Minimal☒ Moderate☐ Major☐ Severe

DUI / Major Traffic Crime Theme:

☐ None☐ Minimal☒ Moderate☐ Major☐ Severe

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Sentencing Support Results



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Sanction Type	Average Effectiveness	Number of Sentences
Restitution	57%	928

<input checked="" type="checkbox"/> None	<input type="checkbox"/> Moderate
<input type="checkbox"/> Minimal	<input type="checkbox"/> Severe
<input type="checkbox"/> Major	

Domestic Violence Crime Theme:

<input checked="" type="checkbox"/> None	<input type="checkbox"/> Moderate
<input type="checkbox"/> Minimal	<input type="checkbox"/> Severe
<input type="checkbox"/> Major	

Criminal History Category:

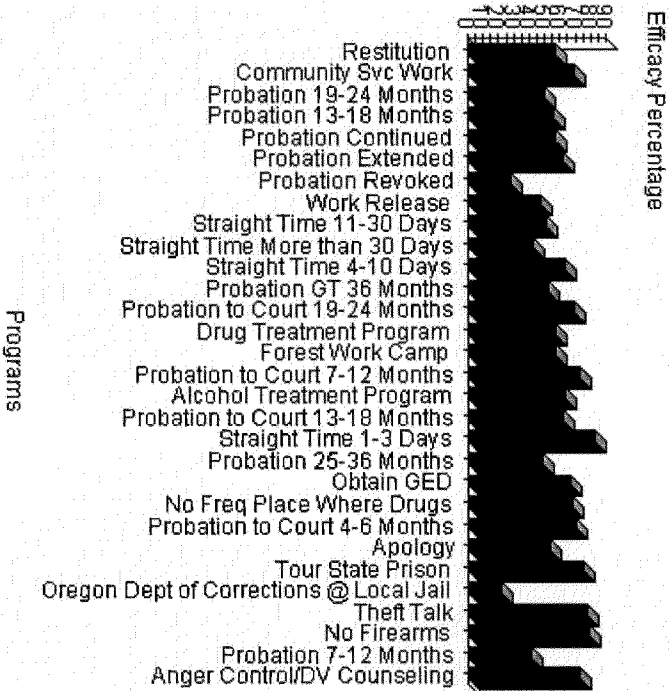
<input type="checkbox"/> A-Three or more person felonies, juvenile or adult
<input type="checkbox"/> B-Two person felonies, juvenile or adult
<input type="checkbox"/> C-One person felony + one or more non-person felony
<input type="checkbox"/> D-One adult or juvenile person felony and no other felony
<input type="checkbox"/> E-Four or more adult non-person felonies
<input type="checkbox"/> F-Two or three adult non-person felonies
<input type="checkbox"/> G-4+ adult A misdemeanors or one adult non-person felony or 3+ juvenile non-person felonies
<input type="checkbox"/> H-No more than 3 adult A misdemeanors or two juvenile non-person felonies
<input type="checkbox"/> I-Some criminal record, but no juvenile felonies or adult A misdemeanors

Age:

<input type="checkbox"/> 1-14	<input type="checkbox"/> 15	<input type="checkbox"/> 16-17	<input checked="" type="checkbox"/> 18-20
<input type="checkbox"/> 21-25	<input type="checkbox"/> 26-30	<input type="checkbox"/> 31-35	<input type="checkbox"/> 36-40

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Sanction Type	Average Effectiveness	Number of Sentences
Restitution	57%	928

- ☐ B-Two person felonies, juvenile or adult
- ☐ C-One person felony + one or more non-person felony
- ☐ D-One adult or juvenile person felony and no other felony
- ☐ E-Four or more adult non-person felonies
- ☐ F-Two or three adult non-person felonies
- ☐ G-4+ adult A misdemeanors or one adult non-person felony or 3+ juvenile non-person felonies
- ☐ H-No more than 3 adult A misdemeanors or two juvenile non-person felonies
- ☐ I-Some criminal record, but no juvenile felonies or adult A misdemeanors

Age:

<input type="checkbox"/> 1-14	<input type="checkbox"/> 15	<input type="checkbox"/> 16-17	<input checked="" type="checkbox"/> 18-20
<input type="checkbox"/> 21-25	<input type="checkbox"/> 26-30	<input type="checkbox"/> 31-35	<input type="checkbox"/> 36-40
<input type="checkbox"/> 41-45	<input type="checkbox"/> 46-50	<input type="checkbox"/> 51-55	<input type="checkbox"/> 56-60
<input type="checkbox"/> 61-65	<input type="checkbox"/> 66+		

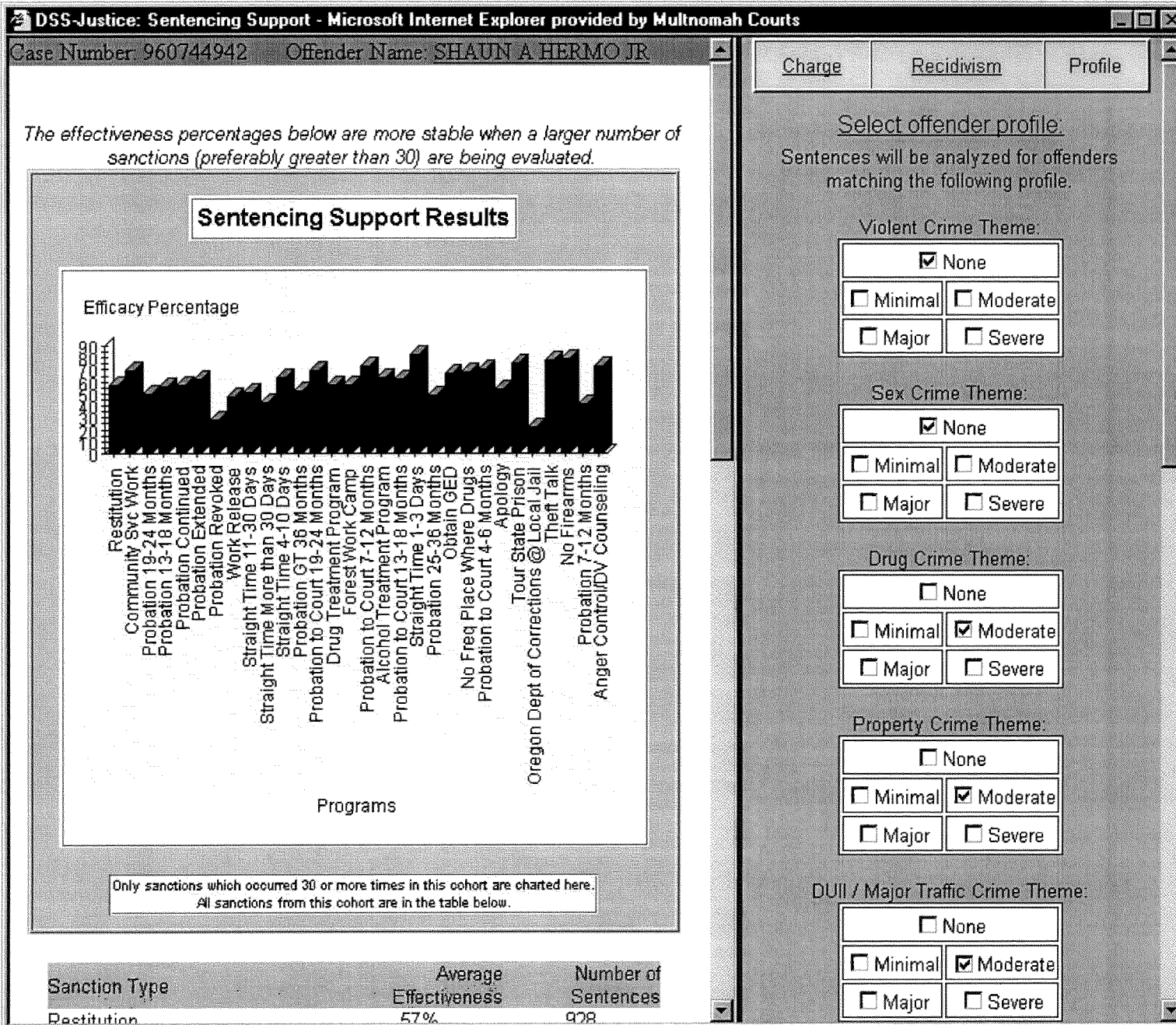
Gender:

☒ Male ☐ Female

Race:

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<input type="checkbox"/> Hispanic	<input type="checkbox"/> American Indian or Alaskan
<input checked="" type="checkbox"/> White	

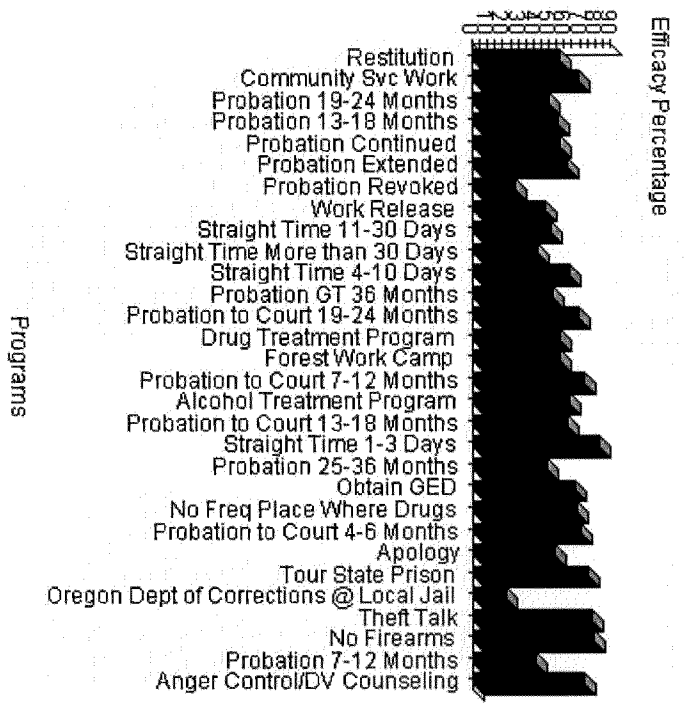
Recalculate | New Search | Exit



Case Number: 960744942 Offender Name: SHAUN A HERMO JR

The effectiveness percentages below are more stable when a larger number of sanctions (preferably greater than 30) are being evaluated.

Sentencing Support Results



Only sanctions which occurred 30 or more times in this cohort are charted here.
All sanctions from this cohort are in the table below.

Sanction Type	Average Effectiveness	Number of Sentences
Restitution	57%	928

Domestic Violence Crime Theme:

☐ None

☐ Minimal ☒ Moderate

☐ Major ☐ Severe

Domestic Violence Crime Theme:

☒ None

☐ Minimal ☐ Moderate

☐ Major ☐ Severe

Criminal History Category:

☐ A-Three or more person felonies, juvenile or adult

☐ B-Two person felonies, juvenile or adult

☐ C-One person felony + one or more non-person felony

☐ D-One adult or juvenile person felony and no other felony

☐ E-Four or more adult non-person felonies

☐ F-Two or three adult non-person felonies

☐ G-4+ adult A misdemeanors or one adult non-person felony or 3+ juvenile non-person felonies

☐ H-No more than 3 adult A misdemeanors or two juvenile non-person felonies

☐ I-Some criminal record, but no juvenile felonies or adult A misdemeanors

Age:

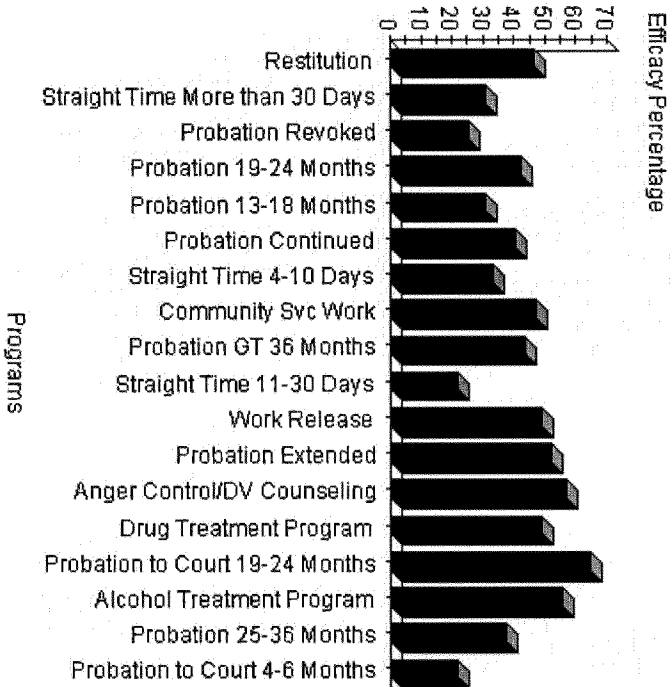
<input type="checkbox"/> 1-14	<input type="checkbox"/> 15	<input type="checkbox"/> 16-17	<input checked="" type="checkbox"/> 18-20
<input type="checkbox"/> 21-25	<input type="checkbox"/> 26-30	<input type="checkbox"/> 31-35	<input type="checkbox"/> 36-40

Case Number 960744942 Offender Name SHAUN A HERMO JR

Charge Recidivism Profile

The effectiveness percentages below are more stable when a larger number of sanctions (preferably greater than 30) are being evaluated.

Sentencing Support Results



Only sanctions which occurred 30 or more times in this cohort are charted here.
All sanctions from this cohort are in the table below.

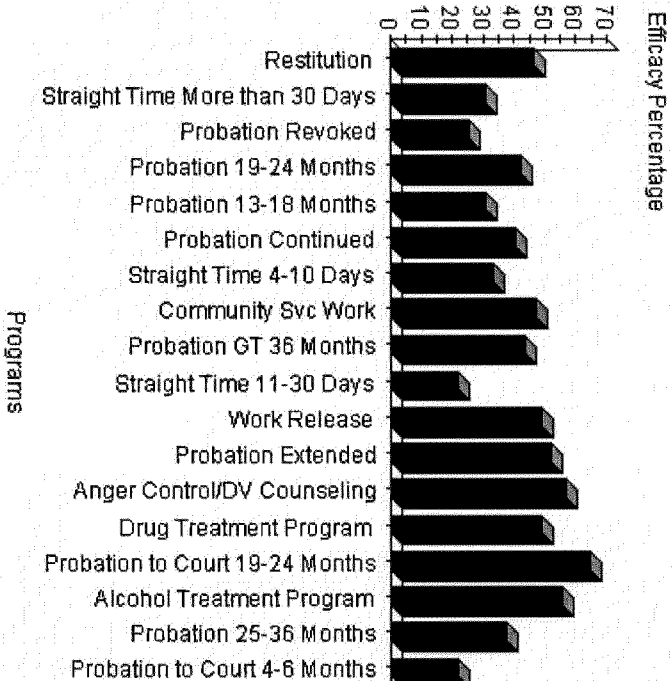
Sanction Type	Average Effectiveness	Number of Sentences
Restitution	46.58%	161

Recalculate | New Search | Exit

Case Number: 960744942 Offender Name: SHAUN A HERMO JR

The effectiveness percentages below are more stable when a larger number of sanctions (preferably greater than 30) are being evaluated.

Sentencing Support Results



Only sanctions which occurred 30 or more times in this cohort are charted here.
All sanctions from this cohort are in the table below.

Sanction Type	Average Effectiveness	Number of Sentences
Probation	46.58%	151

Charge Recidivism Profile

Select recidivism measure:

Recidivism will be measured by a

☐ Arrest ☒ Conviction

for

- ☒ any charge
- ☐ any violent crime
- ☐ any sex crime
- ☐ any drug crime
- ☐ any DUI or major traffic crime
- ☐ any property crime
- ☐ any Domestic Violence
- ☐ the same charge
- ☐ any felony
- ☐ any misdemeanor

occurring within

- ☐ 6 months ☐ 1 year
- ☐ 3 years ☒ 5 years
- ☐ All available time

for convictions that occurred

between January 1988 and May 2001

Recalculate | New Search | Exit

Case Number 960744942 Offender Name SHAUN A HERMO JR

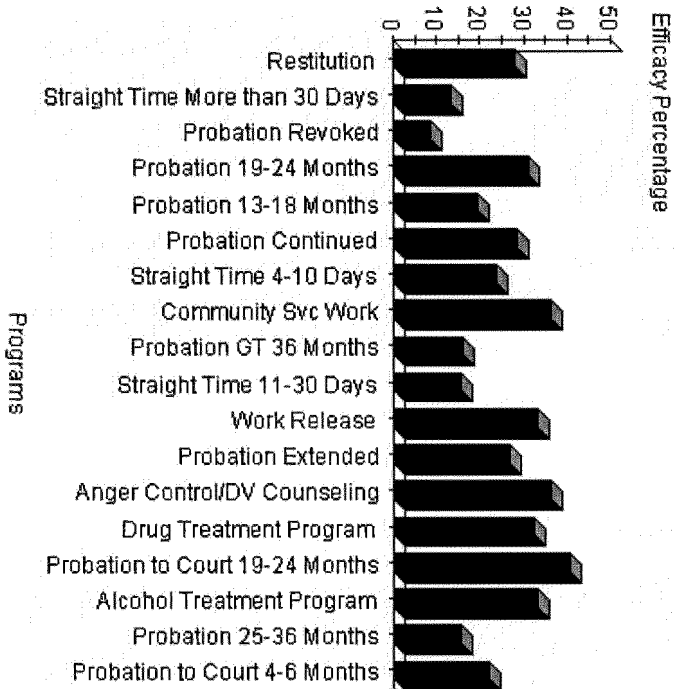
Charge

Recidivism

Profile

The effectiveness percentages below are more stable when a larger number of sanctions (preferably greater than 30) are being evaluated.

Sentencing Support Results



Only sanctions which occurred 30 or more times in this cohort are charted here.
All sanctions from this cohort are in the table below.

Sanction Type	Average Effectiveness	Number of Sentences
Restitution	37.95%	161

Recalculate | New Search | Exit

Advantages of Sentencing Support for public safety outcomes

- Divert Offenders from criminal careers
 - Prevent unnecessary victimizations
 - Achieve major economic savings
- Make “What works? For which offenders” the issue
 - Link to research and academia
- Improve the deployment of Correctional Resources
- Improve the deployment of Criminal Law
- Rationalize crime policy discussions and decisions
- Increase respect for the law

The Future of Sentencing Support

- Add data sources

- ▶ IITP - mental health, physical health, substance abuse, educational and vocational needs assessments
- ▶ Alcohol & Drug, mental health data bases
- ▶ Juvenile dispositions
- ▶ DMV
- ▶ Probation & Post Prison supervision data

- Add sophistication to the tools

- ▶ Probation revocation and pretrial release applications
- ▶ Sentencing element clusters
- ▶ Automatic display of best opportunities

The Future: the Vision

- Individual Sentencing and Corrections Decisions made responsibly - as with sound medical and business choices:
 - ▶ Employ best practices
 - ▶ Produce best public safety results
- Crime and Punishment Policy Decisions made rationally - as with public health strategies
 - ▶ Employ best practices
 - ▶ Produce best public safety results

For further information:

[Http://www.SmartSentencing.com](http://www.SmartSentencing.com)

MEETING DATE: September 6, 2001
AGENDA NO: B-2
ESTIMATED START TIME: 11:00 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Briefing on Priorities 2002 Metropolitan Transportation Improvement Program (MTIP) 100% List

BOARD BRIEFING: DATE REQUESTED: September 6, 2001
REQUESTED BY: Commissioner Lonnie Roberts
AMOUNT OF TIME NEEDED: 1 hour

REGULAR MEETING: DATE REQUESTED: _____
AMOUNT OF TIME NEEDED: _____

DEPARTMENT: Non-Departmental DIVISION: Commissioner District 4
CONTACT: Karen Schilling TELEPHONE #: (503) 988-5050, ext 29635
BLDG/ROOM #: 455/Yeon Annex

PERSON(S) MAKING PRESENTATION: Commissioner Lonnie Roberts & Karen Schilling

ACTION REQUESTED:

☒ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Briefing on Priorities 2002 Metropolitan Transportation Improvement Program (MTIP) 100% List

SIGNATURES REQUIRED:

ELECTED OFFICIAL: Lonnie Roberts
(OR)

DEPARTMENT MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
501 SE HAWTHORNE, 6TH FLOOR
PORTLAND, OREGON 97214

DIANE LINN • CHAIR OF THE BOARD
MARIA ROJO DE STEFFEY • DIST. 1 COMMISSIONER
SERENA CRUZ • DIST. 2 COMMISSIONER
LISA NAITO • DIST. 3 COMMISSIONER
LONNIE ROBERTS • DIST. 4 COMMISSIONER

September 4, 2001

Rod Park
Community Planning Committee Chair, Metro
600 NE Grand Avenue
Portland, Oregon 97232

Chair Park;

We understand that TPAC voted to cut the E. Bank Springwater Trail Connector project by \$1.7 million. We oppose this recommendation. Springwater Trail is a joint project between the City of Portland and the City of Milwaukie, portions of which lie in Multnomah County.

We support bike/pedestrian projects to help the region meet our 2040 goals. We request that JPACT give this project the utmost consideration and provide for full funding.

We would also like to express the critical need for full funding of our top two priorities: The Morrison Bridge Bike/Pedestrian Facility (\$1.5 million) and the 223rd Ave. Railroad Overcrossing Right-of-Way (\$149,000). Full funding for the Morrison Bridge project is needed since a partial facility cannot be constructed. The right-of-way funding for the 223rd Ave. Railroad Overcrossing is the second of three phases for this project. We would like to complete the right-of-way acquisition so that we are prepared to secure construction funding in the future.

Thank you for the opportunity to comment.

Sincerely,

Diane Linn
Chair

Serena Cruz
District 2

Maria Rojo de Steffey
District 1

Lisa Naito
District 3

Lonnie Roberts
District 4

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 01-3098 FOR THE PURPOSE OF AMENDING THE METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM TO ALLOCATE FY 2004 – 05 CONGESTION MITIGATION/AIR QUALITY (CMAQ) AND SURFACE TRANSPORTATION PROGRAM (STP)

Date: August 31, 2001

Presented by: Andrew Cotugno

PROPOSED ACTION

Approval of this resolution would update and amend the Metropolitan Transportation Improvement Program (MTIP) to allocate and authorize obligation of FY 2004 – 05 federal and state highway funds on projects and programs. It would authorize staff to coordinate scheduling of work phases, assignment of various funding types to specific projects and to balance projects programmed in the first two years of the new MTIP (i.e., FY 02 and 03) with funds allocated in the last two years (i.e., FY 04 and 05). This work will be shown in a complete MTIP document, that will also show programming of all other fundtypes (e.g., road preservation, bridge rehabilitation, etc.) for approval in the near future. The work will also include an air quality analysis determination and an environmental justice screen consistent with federal guidelines.

BACKGROUND AND ANALYSIS

Metro and ODOT began coordination of the FY 2002 MTIP/STIP Update in September 2000. A revenue target of \$38 million was established and procedures were approved governing public involvement and project nominations, ranking and selection. Attachment 1 summarizes the highlights of these activities. A key feature of the selection process was the decision to use the 2000 MTIP "150 Percent Cut List" as a base package of projects for consideration in the current update. The modal technical ranking criteria approved by JPACT for use in the 2000 MTIP Update were used to technically rank projects. The Metro Council also provided a set of five criteria they used, in concert with the JPACT technical ranking system, to identify a preliminary statement of Council project priorities. A Summary of the JPACT criteria are shown in Attachment 2. The Council Criteria are shown in Attachment 3.

FUNDING OPTIONS DISCUSSED BY TPAC

At TPAC, Metro staff presented a Base Recommendation totaling \$39.712 million of projects. Several options were also presented for TPAC consideration that would cut this to a \$38 million program recommendation. The options considered by TPAC are reviewed below.

Option 1: Future Funding Priority for East Bank/Springwater Trails Connector

Option 1 would balance the program by approving a \$2.228 million first phase of the E. Bank/Springwater Trails Connector project. This phase would design the entire Connector

project and construct a first phase bridge crossing of the Railroad tracks and access from the west terminus of the bridge to McLoughlin Boulevard. On-street grade crossings of McLoughlin Boulevard and Johnson Creek would then connect to the East Bank Trail near the Sellwood bridge.

The residual \$1.712 million needed to construct phase 2 bridge crossings of McLoughlin Boulevard and Johnson Creek would be identified as the Region's highest priority for funds from the Statewide Transportation Enhancement (TE) program, assuming reinstatement of the program by the Oregon Transportation Commission (OTC) for the FY 2006 program. If the funds were not awarded from the State-run TE program, the balance of the requested funds would be treated as a commitment against FY 2006 regional funds in the next update, or from additional FY 04/05 funds should they materialize in the next authorization. Additionally, it is anticipated that the Nyberg Interchange project sponsors will apply for ODOT Bond funding of the project. Should bond funds be awarded to the project, any released regional funds would be applied toward the Connector project.

Option 2: I-5/Nyberg Overcrossing Strategy

Option 2 would balance the program by award of only \$1.75 million, or half the \$3.5 million requested, for the I-5/Nyberg Overcrossing project. Tualatin would pursue the balance in the ODOT Bond program. Metro, and hopefully ODOT, would endorse the project to the OTC for bond funding. Should no bond funds be awarded, the \$1.75 million would be treated as a commitment against FY 2006 regional funds in the next update, or from additional FY 04/05 funds should they materialize in the next authorization. This would enable the project to proceed, at the latest, in fall of 2005.

Option 3: Overprogramming

Option 3 was developed during the TPAC meeting. It would not balance the program. Rather, it would approve overprogramming of the fourth year of the MTIP by \$1.712 million. (In other words, the Base Program in Exhibit 1 would be approved as shown.) Overprogramming would reduce revenue available for allocation in FY 06 (or earlier, depending on FY 04/05 revenue levels approved in the TEA-21 reauthorization) by \$1.712 million. It would permit programming the full amounts requested for both the Nyberg and Springwater projects and would enable pursuit of flexible financing arrangements by one or both projects that would not be possible without authorization of the full requests (e.g., advance construction agreements, State Infrastructure Bank loans, tapered match, etc).

TPAC RECOMMENDATION

The TPAC recommended program is based on a Metro staff recommendation that was reviewed at the August 31 TPAC meeting. The staff recommendation was based on blending a number of policy objectives and analyses, including:

- The technical ranking of each project and/or administrative factors that caused one project to move ahead of another;

- Metro Council policy guidelines for the program and their recommended project list, (all but one of the Council recommended projects is included in the TPAC recommended list); and
- A modal balance that recognized the multi-modal emphasis for the region's transportation system, as called out in the Regional Transportation Plan (RTP) and the 2040 Growth Concept; required bike, pedestrian and land use actions called for in the Portland-area Ozone and Carbon Monoxide Maintenance Plans; and general public opinion identified in recent Metro surveys and the MTIP public meetings held throughout the Update process.

On an 8/7 vote (one abstention), TPAC recommended that JPACT select Option 1 (cut \$1.712 million from the Springwater project) to reduce the Base Program presented by Metro Staff to \$38 million.

The discussion leading to this recommendation focused on a desire to recommend a \$38 million, financially constrained program; discomfort with the amount of funding contained in the Base Package for alternative modes; and the severity of congestion at the Nyberg interchange and its effects on both the Tualatin Town Center and I-5 operations.

Additionally, concern was expressed about over-programming on strategic grounds. The over-programming option developed at the meeting anticipated that both the Nyberg and Springwater project sponsors would pursue alternative funding. The Nyberg project would seek ODOT bond funds. The Springwater Connector project would compete in the State Transportation Enhancement program, which the OTC is expected to resume in FY 06. The ODOT representative questioned whether either project would fare well in these selection processes if the region had already made a funding commitment through the MTIP. Also, the Nyberg request will be small relative to most other projects expected to compete for the bond funds. Approving the modest Nyberg request might result in a decision by the OTC to drop an otherwise promising, but more expensive regional candidate.

There was also discussion about simply cutting approximately \$1.7 million of the lowest ranked projects. Given prospects for other revenue sources to pursue, and the realization that most of the lower ranked projects would come disproportionately from suburban areas of the region, TPAC did not consider this to be a viable or desirable means of balancing the program recommendation.



METRO

Explanation of Reductions to JPACT 150% List

1. Planning

- Willamette Shoreline Rail/Trail Study funding reduced from \$550,000 to \$300,000 to maintain geographic equity by allocating funds to other projects.
- RTP Corridor Project funding reduced from \$600,000 to \$300,000, conditioned upon matching resources from ODOT.

2. Road Modernization/Freeway

- Projects were selected in rank order through 5th rank.
- Gresham/Multnomah County ITS, Phase 3 (4th rank) funding reduced from \$1 million to \$750,000 to permit funding of more projects.
- Sunrise Corridor DEIS/FEIS/PE (5th rank) funding reduced from \$4 million for PE from I-205 to US 26 to \$2 million. Sunrise Corridor allocation assumes: (1) \$1 million will be used to complete the DEIS/FEIS/PE from I-205 to Rock Creek Junction, to be matched by County/ODOT resources as needed to complete the study; and (2) \$1 million will be used to complete RTP exceptions findings and master planning associated with potential future urban growth boundary decisions in the Damascus area to be matched by County funds.
- Sunnyside Road: 122nd/132nd (6th rank) was deferred to maintain geographic equity.
- Farmington: Murray/Hocken (7th rank) was deferred to permit funding of more projects (\$8.2 million project cost) and maintain geographic equity.
- SE Foster/Kelly Creek (10th rank). Although there are immediate, existing safety and congestion problems addressed by this project that are causing land use permits to be denied by the City of Portland, the project was deferred by staff due to significant, longer-term transportation issues that will be evaluated as part of the Pleasant Valley Concept Plan process and the Powell/Foster Corridor planning project (2002 TGM program).
- Boeckman Road (11th rank) was partially retained because of Dammasch urban village land use planning issues and 92 percent funding overmatch.

3. Boulevards

- Projects were selected in rank order through 4th rank.
- Boones Ferry Road (5th) deferred because of significantly lower technical score, incomplete design process and to maintain geographic equity.

- Cornell Road (6th rank) was deferred because of significantly lower technical score, incomplete design process, and high overall cost. Previously allocated funds were retained to allow the design process to continue. Development of a revised boulevard that is more consistent with Metro's "Livable Streets" design guidelines is encouraged.

4. Pedestrian

- Projects were selected in rank order through 5th rank.
- While the regional pedestrian access to transit project ranked high in the technical process, the scoring did not reflect the generalized nature of the project compared to other, more specific projects in the pedestrian category. For this reason, staff recommends that allocation of funds to this program be deferred until a regional pedestrian system inventory and program are in place to identify more specific needs that could be funded through future MTIP cycles.
- Forest Grove pedestrian improvements (2nd rank) funding reduced from \$400,000 to \$200,000 to maintain geographic equity.
- 257th Avenue (6th rank) deferred to maintain geographic equity.

5. Bike/Trail

- Projects were selected in rank order through 4th rank.
- Washington Street (5th rank) was deferred to maintain modal and geographic equity.

6. TDM

- The Regional TDM Program funding reduced by \$495,000, which is proportionally similar to funding reductions in other transportation modes throughout the MTIP. Emphasis was placed on preserving the core TDM program housed at Tri-Met (1st rank), while sustaining activity in other Regional TDM components, including the SMART TDM Program, the TMA Assistance Program and the Region 2040 Initiatives Program.
- TMA Assistance (3rd rank) funding reduced from \$500,000 to \$250,000. The program was renamed "TMA Stabilization" and emphasizes sustaining existing TMAs rather than starting new TMAs at this time.
- The Region 2040 Initiatives (2nd rank) funding reduced from \$500,000 to \$280,000.
- SMART TDM (5th rank) funding reduced from \$145,000 to \$110,000. This amount being consistent with the past Priorities 2000 allocation.

7. TOD

- Metro TOD program (1st rank) funding reduced from \$2 million to \$1.5 million to maintain geographic equity

8. Transit

- SMART Transit Center and Park-and-Ride (2nd rank) funding reduced from \$1.172 million to \$586,000 to maintain geographic equity. This provides 50 percent of the request for right-of-way purchase of a land parcel to serve as a transit center and park-and-ride for the SMART transit system. Federal discretionary transit funds were adopted

as part of the region's FY2002 priorities for construction. The land parcel is located near the terminus station of the proposed Washington County commuter rail project.

- Staff recommends creation of a Transit Investment Plan reserve that includes \$2.85 million requested for continuation of the McLoughlin/Barber service (1st ranked) and half of the funds requested for Gresham and BV/Tigard TCL (3rd and 4th ranked). This allocation would establish a reserve for funding transit capital projects and start-up costs for new service as prioritized by a short-term Transit Investment Plan at Tri-Met. To obtain regional funding from the reserve, Tri-Met would need to identify the capital projects or start-up service from their plan and obtain an MTIP amendment through the TPAC/JPACT/Metro Council decision process.

This is intended to establish a process that encourages regional funding to be used for capital projects and start-up service while recognizing the need to transition existing service supported by regional funding to a stable source of funding from other sources. The amount proposed to be allocated is \$1.794 million more than the amount requested for continuation of previous MTIP allocations for McLoughlin and Barber Boulevard bus service increases.

This allocation also supports the concept of Tri-Met developing a short-term strategy to implement the 20-year RTP priority system and to guide their annual service planning process. The development of such a short-term strategy should articulate trade-offs of providing different types of transit service and prioritize which capital investments and start-up service Tri-Met will be requesting MTIP allocations fund. Requests for start-up service should be accompanied by a strategy for long-term funding at conclusion of the TDP process.

9. Freight

- The East End Connector was deferred for reasons of geographic equity and because it is a strong candidate for ODOT Bond Program funding.

PRIORITIES 2002 MTIP UPDATE
CONDITIONS OF PROGRAM APPROVAL

ROAD MODERNIZATION

- WM6 While the I-5/Nyberg Overcrossing project is fully funded through this MTIP, it is Bond Program eligible and could apply for funding from that program.
- MM1 The \$750,000 for the Gresham/Multnomah County ITS project is contingent on first use of the funds to develop and implement technology needed to implement traffic adaptive signal timing in the region.
- CM 4 The \$500,000 for the Boeckman Road Widening EIS/PE project is contingent on the project sponsor assuming responsibility for completion of the EIS and PE

TRANSIT-ORIENTED DEVELOPMENT

- PTOD1 The \$800,000 for the Gateway Regional Center TOD is contingent on execution of an Agreement Letter between Metro's Planning Director and the Portland Development Commission's Development Director.

TRANSIT

The \$4.106 for the Transit Investment Program Reserve is contingent on Tri-Met developing a five-year transit service and capital plan with input from the Metro Council, JPACT and TPAC. Upon completion, an MTIP amendment to allocate the reserve to specific start-up and/or capital projects will be considered.

TRANSIT DEMAND MANAGEMENT PROGRAM

- TDM4&5 The TDM Subcommittee is authorized to make project allocations from 2040 Initiatives and TMA Stabilization program funds hereby approved and is directed to report on such allocations periodically to TPAC.

MAINLINE FREEWAY

- WM1 The \$359,000 for PE for the U.S. 26 Widening from Murray to 185th is allocated to a Reserve Account, to be made available to the project sponsor at such time as an amendment of the 2000 RTP Financially Constrained Network has been approved, demonstrating increased funding or decreased Washington County project costs and air quality conformity of the ultimate intended scope and concept of the project with

EXHIBIT B
To Resolution No. 01-3098

the State Implementation Plan. Additionally, this allocation is predicated on Washington County funding one-half the project construction cost.

CM5 The \$2.0 million for the Sunrise Corridor EIS/PE project is intended to support the following:

- \$1.0 toward the DEIS/FEIS/PE for the segment extending from I-205 to the Rock Creek Junction, with all other costs needed to complete the DEIS/FEIS/PE provided by ODOT and Clackamas County; and
- \$1.0 million for completion of exceptions' findings needed for the portion of the project extending from Rock Creek to U.S. 26 and for the preparation of a Damascus Area Concept Plan upon completion of Metro's UGB Periodic Review.
- This allocation is subject to Metro's review of scope and budget to carry out these activities. Specific allocations to the defined work may change accordingly.

PEDESTRIAN PROJECTS

RP1 Tri-Met and Metro shall complete the transit priority sidewalk inventory, define a Pedestrian to Transit Program and coordinate with local governments for recommendation of a program of projects for consideration in the next MTIP Update.

ALL PROJECTS

- Any project, regardless of fundtype, approved for funding in the MTIP, by this or any preceding action, shall coordinate with Tri-Met regarding sidewalk and bus shelter components.

**PRIORITIES 2002 MTIP UPDATE
TPAC RECOMMENDED 100 PERCENT PROGRAM ALLOCATION**

EXHIBIT A
To Resolution No. 01-3098

A. Planning	B. Road Modernization	C. Road Reconstruction	D. Bridge	E. Freight	F. Boulevard
TPAC RECOMMENDED 100% LIST	TPAC RECOMMENDED 100% LIST	TPAC RECOM'D 100% LIST	TPAC RECOM'D 100% LIST	TPAC RECOMMENDED 100% LIST	TPAC RECOMMENDED 100% LIST
rplng1 Will. Shoreline Rail/Trail Study \$0.300 rplng2 Regional Freight Program 0.150 rplng3 RTP Corridor Project 0.300 rplng4 Metro Core Reg. Planning Prog. 1.480 rplng5 So. Corridor Transit Study 4.000 Proposed Total: \$6.230	1 cm1 Clack. Co. ITS/ATMS Ph. 2 0.500 2 wm2 Cornell Rd. Cor. ITS 0.375 3 wm6 I-5/Nyberg Interchange (Con) 3.500 4 mm1 Gresham/Mult. Co. ITS Ph. 3 0.750 8 wm4 SW Greenburg: Wash Sq/Tiedeman (row) 0.390 9 mm2 223rd O'Xing ROW 0.134 11 cm4 Boeckman Rd. Extension 0.500 The 5th ranked Mod project is shown in Freeway column. Proposed Total: \$6.149	1 PR3 Naito Parkway: Davis/Market \$1.500 2 CR1 Johnson Crk Blvd: 36th/45th 0.800 Proposed Total: \$2.300	No Bridge Projects Requested Proposed Total: \$0.000	1 PF2 N. Lombard RR O-Xing \$2.000 Proposed Total: \$2.000	1 mbt1 Division Ph. 2: Main/Cleveland 0.989 2 pbt1 102nd Ave: Hancock/Main 0.700 3 mbt2 Stark: 190th/197th 0.800 4 cb3 McLoughlin PE: I-205/RR Tunnel (PE) 0.625 Proposed Total: \$3.114
CUTS FROM JPACT 150% LIST	CUTS FROM JPACT 150% LIST	CUTS FROM JPACT 150% LIST	CUTS FROM JPACT 150% LIST	CUTS FROM JPACT 150% LIST	CUTS FROM JPACT 150% LIST
rplng1 Will. Shoreline Rail/Trail Study \$0.250 rplng2 RTP Corridor Project* 0.300 *to be made up by ODOT contribution Proposed Total: \$0.550	4 mm1 Gresham/Mult. Co. ITS Ph. 3 0.250 6 cm2 Sunnyside Road: 122nd/132nd PE 0.625 7 wm7 Farmington Rd: Hocken/Murray (ROW & C 8.210 8 mm4 SW Greenburg: Wash Sq/Tiedeman (Con) 0.384 10 pm1 SE Foster Rd/Kelly Creek 1.500 11 cm4 Boeckman Rd. Extension 0.500 Proposed Total: \$11.469	 Proposed Total: \$0.000	No Bridge Projects Requested Proposed Total: \$0.000	2 PF1 East End Connector PE 1.000 Proposed Total: \$1.000	5 cb2 Boones Fry: Madrone/Kruse Way 0.500 6 wbl1 Cornell: Trail Av/Saltman Rd 3.500 Proposed Total: \$4.000

G. Pedestrian	H. Bike/Trail	I. TDM	J. TOD	K. Transit	L. Mainline Freeway Projects
TPAC RECOMMENDED 100% LIST	TPAC RECOMMENDED 100% LIST	TPAC RECOM'D 100% LIST	TPAC RECOM'D 100% LIST	TPAC RECOMMENDED 100% LIST	TPAC RECOMMENDED 100% LIST
1 WP1 Park Way Sidewalk: Marlow/Parkwood. \$0.235 1 CP2 Molalla Ave. Ped: Will/Pearl & Mira View/Holmes 0.500 2 WP7 For. Grove Town Cntr Ped Imprvmnts 0.200 3 WP6 Murray Sidewalk: Farm/675' No. 0.119 4 WP2 198th Ave Sidewalk: TV Hwy/Trelane St 0.170 5 WP3 Butner Rd Sidewalk: Marlow/Wood Way 0.180 Proposed Total: \$1.404	1 mb2 Morrison Br. Ped/Bike Access (Con) \$1.345 2 cb1 E. Bank Trail/Springwater Connector 2.228 3 wb1 Fanno Crk Trail Phase 2 (Con) 0.888 4 mb1 Gresham/Fairview Trail (Con) 0.852 Proposed Total: \$5.313	1 TDM1 Regional TDM Program \$1.400 2 TDM4 Region 2040 Initiatives 0.285 3 TDM5 TMA Stabilization Program 0.250 4 TDM3 ECO Information Clearinghouse 0.094 5 TDM6 SMART TDM Program 0.110 Proposed Total: \$2.139	1 RTOD1 Metro TOD Program \$1.500 2 PTOD1 Gateway Reg. Cntr TOD Proj. 0.800 Proposed Total: \$2.300	S/N STP Commitment \$12.000 2 cr1 SMART Transit Cntr P&R (ROW) 0.586 Transit Develop. Prog. Reserve* 4.106 *Funds requested for McLoughlin/Barber and 1/2 of funds for Gresham & BV/Tigard are consolidated to a commitment for the TDP in 04/05. Proposed Total: \$16.692	3 wm1 U.S 26 Widening PE - Murray/185th* (RESEI 0.359 5 cms Sunrise Cor EIS/PE: I-205/Rock Crk Jct. 2.000 *Technical rank is tied with Nyberg O'Xing in Mod column. Proposed Total: \$2.359
CUTS FROM JPACT 150% LIST	CUTS FROM JPACT 150% LIST	CUTS FROM JPACT 150% LIST	CUTS FROM JPACT 150% LIST	CUTS FROM JPACT 150% LIST	CUTS FROM JPACT 150% LIST
1 RP1 Reg. Ped. Access to Transit Prog. 2.000 2 WP7 For. Grove Town Cntr Ped Imprvmnts 0.200 6 MP1 257th Ave. Pedestrian Improvements 0.700 Proposed Total: \$2.900	2 cb1 E. Bank Trail/Springwater Connector 1.712 5 cb2 Wash. St. Bike Lane: 12th/16th 0.750 Proposed Total: \$2.462	2 TDM4 Region 2040 Initiatives 0.210 3 TDM5 TMA Assistance Program 0.250 5 TDM6 SMART TDM Program 0.035 Proposed Total: \$0.495	1 RTOD1 Metro TOD Program \$0.600 Proposed Total: \$0.600	1 rtr1a McLoughlin/Barber TCL Srv. Mntb:* NA 2 cr1 SMART Transit Center Park&Ride 0.586 3 mtr1 FY 04/05 Gresham TCL Svc* NA 4 wr1 FY 05 BV/Tigard TCL Svc* 1.256 *Actual service decisions for FY 04/05 TBD by Transit Develop. Prog. Proposed Total: \$1.842	5 cms Sunrise Cor Ph. 1 PE: I-205/Rock Crk Jct. 2.000 Proposed Total: \$2.000

Grand Total (w/out Interstate MAX) \$38.000
Grand Total (w/ Interstate MAX) \$50.000