

MINUTES  
MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
SEPTEMBER 18, 1990 MEETING

Chair Gladys McCoy convened the meeting at 9:35 a.m., with Vice-Chair Gretchen Kafoury and Commissioner Sharron Kelley present, and Commissioners Pauline Anderson and Rick Bauman absent.

Chair McCoy announced that Commissioner Anderson is out of town and Commissioner Bauman will be late.

1. CU 15-90  
HV 10-90 De Novo Review of the July 9, 1990 Planning Commission Decision denying request for a conditional use and variance to allow the use of an existing 30' x 40' building as a kennel for the applicant's own show dogs plus the establishment of a pet grooming facility. The proposal would require a variance to the 250' property width and 2 acre minimum site size requirements for sites with kennels, boarding or breeding of 4 or more dogs over 6 months of age, all for property located at 5031 SE Jenne Road

At the request of Chair McCoy, Deputy County Counsel John DuBay outlined the process for today's hearing, explaining Board members should announce any ex parte contacts they may have had, then Planning staff will present its report, appellant will present any additional testimony and the Board may then affirm, reverse or modify the Planning Commission decision.

Vice-Chair Kafoury announced that appellant works in the grooming shop where she takes her dog, but they curtailed a conversation which may have touched upon this issue.

Commissioner Kelley and Chair McCoy stated they had no ex parte contact with appellant.

Planner Mark Hess gave the staff report and outlined the basis for the Planning Commission's denial. Mr. Hess submitted copies of a letter from neighbor Lynda Pumpelly expressing concern over the noise.

In response to questions of Chair McCoy, Mr. Hess advised he has been to the site where appellant keeps her 20 afghans in a 30 by 40 foot metal barn structure; and that the County requires that appellant first obtain land use approval in the form of a conditional use permit for a kennel and then she must obtain a facility license from Animal Control.

In response to a question of Commissioner Kelley, Mr. Hess advised he could not address whether the County ordinance is consistent with City of Portland regulations concerning dog kennel businesses.

In response to Vice-Chair Kafoury asking about how Gresham deals with these issues, Mr. Hess advised he met with Animal Control about a year ago and they discussed the fact that neighboring jurisdictions have slightly different regulations from the County, ranging from the number of dogs which would represent a kennel, to a distinction between commercial and hobby show dogs.

Appellant Cathy Todd of 5031 SE 174th, testified that her kennel building abuts property which neighbor Jody Fritz uses as a horse pasture and that it floods every year and is inappropriate for residential use. Ms. Todd explained the surrounding area is rural with some light industry.

In response to questions of Chair McCoy, Ms. Todd advised her kennel building is about 200 feet from Ms. Pumpelly's property, who seems to be the only neighbor in the area impacted by noise. Ms. Todd explained she has lived with her 20 show dogs at her present address for almost 2 years and estimated there may be 500 people living in Multnomah County who have more than 3 dogs and do not have licenses.

In response to a question of Vice-Chair Kafoury, Ms. Todd advised that 5 years ago she had a facilities permit from the City of Portland allowing her to keep 16 dogs in the basement of her home on a 40 by 80 foot lot.

In response to questions of Chair McCoy, Ms. Todd advised she does not intend to have more than 20 dogs and that she has had 4 dogs surgically debarked and plans to have the procedure performed on the rest of them. Ms. Todd explained the process and advised it does not appear to negatively impact the animals and would curtail the noise. Ms. Todd advised she has plywood on the walls of the kennel now, but has hesitated to expend anymore funds pending resolution of this issue.

In response to questions of Commissioner Kelley relating to the original application, Ms. Todd advised that due to conditions which would be placed on the establishment of a dog grooming shop, she has dropped those plans and her appeal is just asking for a permit allowing her to keep the dogs. Ms. Todd explained she had received an Animal Control citation for unsanitary conditions once which occurred during a time she was physically incapacitated, and that she received a citation for not having a facilities permit last October and is attempting to obtain one with this process.

Mr. Hess advised that for the purposes of Planning's appeal notice, they must report to the Board the issue which was considered and decided by the Planning Commission. Mr. Hess stated appellant would have to alter her application if she wishes to obtain land use approval for the kennel only.

Vice-Chair Kafoury proposed that the County determine what requirements other jurisdictions have in place so the County is not applying a different standard than neighboring jurisdictions, and possibly revise the County ordinance to comply with them.

Mr. Hess noted the process for revising the County's ordinance would take 3 to 4 months to complete. Mr. Hess suggested in the interest of staff time that Ms. Todd be directed to gather the information from the other jurisdictions.

Ms. Todd advised that she has spoken with Animal Control and they say their facilities permits average 20 show dogs, and opined the County would make money if it would change its current zoning policies.

Chair McCoy stated she would prefer having her staff research that matter rather than asking appellant to do it; and suggested that Ms. Todd address as many of the concerns raised as possible prior to submitting a new application.

In response to a question of Vice-Chair Kafoury, Mr. DuBay advised the Board could only either affirm, reverse or modify the Planning Commission decision and that it would be difficult to modify the denial.

In response to a question of Chair McCoy, Mr. DuBay advised the Board could affirm the Planning Commission denial and instruct staff to look at amending the County ordinance regarding dog kennels.

In response to questions of Vice-Chair Kafoury, Mr. Hess advised he does not believe there is a time restriction in connection with reapplication of appellant's conditional use permit, but that Ms. Todd could make a new application immediately.

Commissioner Kelley expressed concern regarding the conditional use application which appears to be substantially different from what Ms. Todd is appealing to the Board, advising she feels the effort made this morning was not in anyone's best interest and that Ms. Todd should have gone through a different process.

In response to questions of Commissioner Kelley, Mr. DuBay related that Ms. Todd asked for a conditional permit to keep animals and to conduct a grooming business, the Planning Commission denied that application, it was appealed, and the issue the Board must respond to is the Planning Commission decision. Mr. DuBay stated if appellant wants to withdraw her application and submit a different one, it would be a new issue. Mr. DuBay advised appellant still needs a conditional use permit to keep in excess of 4 dogs.

Commissioner Kelley suggested that the Board affirm the denial and release appellant from having paid the fees to mitigate the process of going back to the Planning Commission.

UPON MOTION of Commissioner Kafoury, seconded by Commissioner Kelley, the July 9, 1990 Planning Commission Decision denying request for a conditional use and variance in case CU 15-90, HV 10-90 was UNANIMOUSLY AFFIRMED.

Chair McCoy asked Ms. Todd to work with Mr. Hess on the process to submit a new conditional use application and advised that her office will find out what the other jurisdictions do and share it with the Board as soon as they get that information in an effort to bring some uniformity to the County ordinances.

In response to Commissioner Kelley's earlier comment, Mr. Hess stated that this process brought the Board's attention to a potential problem with the County zoning ordinance and so he does not feel it was a wasted effort as there is no way Planning staff would be able to take on a new study or issue such as this unless staff was directed to do so.

Mr. DuBay suggested it would be better for appellant to wait on submitting a new conditional use application if the Board is seriously considering amending the County ordinance because the standards and criteria in effect at the time of submission are used when considering permit approval.

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

OFFICE OF THE BOARD CLERK  
for MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_

0079C/4-7/dr

ANNOTATED MINUTES

Tuesday, September 18, 1990 - 9:30 AM  
Multnomah County Courthouse, Room 602

PUBLIC HEARING - PLANNING ITEM

1. CU 15-90  
HV 10-90 De Novo Review of the July 9, 1990 Planning Commission Decision denying request for a conditional use and variance to allow the use of an existing 30' x 40' building as a kennel for the applicant's own show dogs plus the establishment of a pet grooming facility. The proposal would require a variance to the 250' property width and 2 acre minimum site size requirements for sites with kennels, boarding or breeding of 4 or more dogs over 6 months of age, all for property located at 5031 SE Jenne Road.

PLANNING DECISION AFFIRMED. APPELLANT TO SUBMIT NEW CONDITIONAL USE APPLICATION REQUESTING PERMIT TO KEEP A KENNEL FOR HOUSING PERSONAL SHOW DOGS. CHAIR McCOY STAFF TO RESEARCH CLACKAMAS COUNTY AND CITIES OF PORTLAND AND GRESHAM REQUIREMENTS AND/OR PROCESS FOR CITIZEN REQUESTS TO KEEP 4 OR MORE DOGS OVER 6 MONTHS OF AGE.

---

Tuesday, September 18, 1990 - 1:30 PM  
Multnomah County Courthouse, Room 602

INFORMAL BRIEFINGS

2. Administering Professional Service Contracts Report by the Multnomah County Auditor. Presented by Daniel A. Ivancie and Craig Mills
3. Briefing on Impact Analysis of Ballot Measure #5. Presented by Fred Neal, Jack Horner and Ben Buisman

STAFF TO PROVIDE CITIZEN BUDGET ADVISORY COMMITTEE WITH PROPOSAL ON HOW COUNTY DEPARTMENTS WOULD HANDLE 18% BUDGETARY CUTS IN THE EVENT OF PASSAGE OF MEASURE 5. BOARD OF COMMISSIONERS AND CITIZEN INVOLVEMENT COMMITTEE JOINT MEETING SCHEDULED FOR EVENINGS OF OCTOBER 23 AND OCTOBER 25, 1990 TO RECEIVE CITIZEN BUDGET ADVISORY COMMITTEE INPUT.

4. Annual Report of the Portland/Multnomah Commission on Aging September 1989 - July 1990. Presented by Becky Wehrli and PMCoA Representatives Jean Mitchell and Ellen Glynn
5. Informal Review of Formal Agenda of September 20, 1990

C-4 STAFF DIRECTED TO SCHEDULE INFORMAL BRIEFING TO UPDATE BOARD ON STATUS OF COUNTY HEALTH SERVICES TO UNSPONSORED CLIENTS; AND PROPOSED USE FOR INCREASED STATE INCENTIVE PAYMENTS.

Thursday, September 20, 1990 - 9:30 AM  
Multnomah County Courthouse, Room 602

FORMAL MEETING

CONSENT CALENDAR  
NON-DEPARTMENTAL

C-1 In the Matter of the Appointment of Commissioner Pauline Anderson to the Metropolitan Service District's Policy Advisory Committee for Parks and Natural Areas

APPROVED.

C-2 In the Matter of the Appointment of Connie J. Siel to the Multnomah County Child Abuse Prevention Task Force

APPROVED.

C-3 In the Matter of the Appointments of Robert White and Shirley McGrew to the Portland/Multnomah Commission on Aging, Terms to Expire July, 1993

APPROVED.

DEPARTMENT OF HUMAN SERVICES

HEALTH SERVICES AND SOCIAL SERVICES DIVISIONS

C-4 Ratification of Amendment Number 1 to the Physician Care Organization Intergovernmental Agreement Between Multnomah County and the State of Oregon Office of Medical Assistance Programs Increasing the Maximum Incentive Payment to the County from October 1, 1989 through September 30, 1990

APPROVED.

C-5 Ratification of the Physician Care Organization Intergovernmental Agreement Between Multnomah County and the State of Oregon Office of Medical Assistance Programs to Provide Medical Treatment and Referral Services for Aid to Families with Dependent Children Recipients in Multnomah County, from October 1, 1990 through September 30, 1991

APPROVED.

C-6 Ratification of Amendment Number 5 to the Intergovernmental Agreement Between Multnomah County and the State of Oregon Adult and Family Service Division Extending the Refugee Early Employment Project Health Services Agreement from September 30, 1990 through December 31, 1990

APPROVED.

REGULAR AGENDA  
NON-DEPARTMENTAL

R-1 RESOLUTION in the Matter of Acceptance of the Annual Report of the Portland/Multnomah Commission on Aging September 1989 - July 1990

RESOLUTION 90-138 APPROVED.

LIBRARY SERVICES

R-2 RESOLUTION in the Matter of Approval of the Library Bill of Rights by Multnomah County

RESOLUTION 90-139 APPROVED WITH CORRECTION OF TYPOGRAPHICAL ERROR.

JUSTICE SERVICES

COMMUNITY CORRECTIONS

R-3 Budget Modification DCC #1 Authorizing Transfer of \$7,000 from Professional Services to Capital Equipment within the Office of Women's Transition Services Division for Transitional Housing Program Expenditures

APPROVED.

DEPARTMENT OF ENVIRONMENTAL SERVICES

R-4 Second Reading and Possible Adoption of an ORDINANCE in the Matter of Creating a 13 Member Task Force to Develop a Bi-County, Integrated Recreation Management Plan for Sauvie Island

TESTIMONY HEARD. SECOND READING CONTINUED TO THURSDAY, SEPTEMBER 27, 1990.

R-5 Easement No. 90-245 from Multnomah County to Bernado Calcagno, Nicoletta Calcagno and Maria K. Merrill, to Provide Access Across Certain County Property Adjacent to NE 138th Avenue at NE Marine Drive

APPROVED.

R-6 ORDER in the Matter of Execution of Quitclaim Deed No. 90-260 Relinquishing Interest of Multnomah County in Certain Portions of Vacated NE Lombard Street to the Port of Portland

ORDER 90-140 APPROVED.

R-7 ORDER of Final Vacation No. 4988 in the Matter of Vacation of SW Grant Street in Section 6, Township 1 South, Range 1 East, Willamette Meridian, Multnomah County, Oregon

ORDER 90-141 APPROVED.

---

CHAIR McCOY REPORTED THAT A MEETING OF THE CAPITAL IMPROVEMENT COMMITTEE IS SCHEDULED FOR 10:00 AM, TUESDAY, SEPTEMBER 25, 1990 TO DISCUSS THE JUVENILE DETENTION FACILITY.

CRIME VICTIMS UNITED AND CITIZENS CRIME COMMISSION MEMBERS ASKED TO WORK WITH COUNTY ON CORRECTION OF SAFETY, SECURITY, SANITATION AND SPACE DEFICIENCY ISSUES OF THE DONALD E. LONG FACILITY.



# MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
ROOM 605, COUNTY COURTHOUSE  
1021 S.W. FOURTH AVENUE  
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308  
PAULINE ANDERSON • DISTRICT 1 • 248-5220  
GRETCHEN KAFOURY • DISTRICT 2 • 248-5219  
RICK BAUMAN • DISTRICT 3 • 248-5217  
SHARRON KELLEY • DISTRICT 4 • 248-5213  
CLERK'S OFFICE • 248-3277

## AGENDA

### MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

SEPTEMBER 17 - 21, 1990

Tuesday, September 18, 1990 - 9:30 AM - Planning Item . . .Page 2

Tuesday, September 18, 1990 - 1:30 PM - Informal Briefings. Page 2

Thursday, September 20, 1990 - 9:30 AM - Formal Meeting . .Page 3

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

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

Friday, 6:00 PM, Channel 27 for Paragon Cable (Multnomah East) subscribers

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

Tuesday, September 18, 1990 - 9:30 AM

Multnomah County Courthouse, Room 602

PUBLIC HEARING - PLANNING ITEM

1. CU 15-90  
HV 10-90 De Novo Review of the July 9, 1990 Planning Commission Decision denying request for a conditional use and variance to allow the use of an existing 30' x 40' building as a kennel for the applicant's own show dogs plus the establishment of a pet grooming facility. The proposal would require a variance to the 250' property width and 2 acre minimum site size requirements for sites with kennels, boarding or breeding of 4 or more dogs over 6 months of age, all for property located at 5031 SE Jenne Road.
- 

Tuesday, September 18, 1990 - 1:30 PM

Multnomah County Courthouse, Room 602

INFORMAL BRIEFINGS

2. Administering Professional Service Contracts Report by the Multnomah County Auditor. Presented by Daniel A. Ivancie (Time Certain Requested)
3. Briefing on Impact Analysis of Ballot Measure #5. Presented by Fred Neal, Jack Horner, Dave Warren and Ben Buisman
4. Annual Report of the Portland/Multnomah Commission on Aging September 1989 - July 1990. Presented by Becky Wehrli and PMCoA Representatives (Time Certain 2:45 p.m.)
5. Informal Review of Formal Agenda of September 20, 1990

PUBLIC TESTIMONY WILL NOT BE TAKEN AT INFORMAL MEETINGS

Thursday, September 20, 1990 - 9:30 AM

Multnomah County Courthouse, Room 602

FORMAL MEETING

CONSENT CALENDAR

NON-DEPARTMENTAL

- C-1 In the Matter of the Appointment of Commissioner Pauline Anderson to the Metropolitan Service District's Policy Advisory Committee for Parks and Natural Areas
- C-2 In the Matter of the Appointment of Connie J. Siel to the Multnomah County Child Abuse Prevention Task Force
- C-3 In the Matter of the Appointments of Robert White and Shirley McGrew to the Portland/Multnomah Commission on Aging, Terms to Expire July, 1993

DEPARTMENT OF HUMAN SERVICES

HEALTH SERVICES AND SOCIAL SERVICES DIVISIONS

- C-4 Ratification of Amendment Number 1 to the Physician Care Organization Intergovernmental Agreement Between Multnomah County and the State of Oregon Office of Medical Assistance Programs Increasing the Maximum Incentive Payment to the County from October 1, 1989 through September 30, 1990
- C-5 Ratification of the Physician Care Organization Intergovernmental Agreement Between Multnomah County and the State of Oregon Office of Medical Assistance Programs to Provide Medical Treatment and Referral Services for Aid to Families with Dependent Children Recipients in Multnomah County, from October 1, 1990 through September 30, 1991
- C-6 Ratification of Amendment Number 5 to the Intergovernmental Agreement Between Multnomah County and the State of Oregon Adult and Family Service Division Extending the Refugee Early Employment Project Health Services Agreement from September 30, 1990 through December 31, 1990

REGULAR AGENDA

NON-DEPARTMENTAL

- R-1 RESOLUTION in the Matter of Acceptance of the Annual Report of the Portland/Multnomah Commission on Aging September 1989 - July 1990

LIBRARY SERVICES

- R-2 RESOLUTION in the Matter of Approval of the Library Bill of Rights by Multnomah County

JUSTICE SERVICES

COMMUNITY CORRECTIONS

- R-3 Budget Modification DCC #1 Authorizing Transfer of \$7,000 from Professional Services to Capital Equipment within the Office of Women's Transition Services Division for Transitional Housing Program Expenditures

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-4 Second Reading and Possible Adoption of an ORDINANCE in the Matter of Creating a 13 Member Task Force to Develop a Bi-County, Integrated Recreation Management Plan for Sauvie Island
- R-5 Easement No. 90-245 from Multnomah County to Bernado Calcagno, Nicoletta Calcagno and Maria K. Merrill, to Provide Access Across Certain County Property Adjacent to NE 138th Avenue at NE Marine Drive
- R-6 ORDER in the Matter of Execution of Quitclaim Deed No. 90-260 Relinquishing Interest of Multnomah County in Certain Portions of Vacated NE Lombard Street to the Port of Portland
- R-7 ORDER of Final Vacation No. 4988 in the Matter of Vacation of SW Grant Street in Section 6, Township 1 South, Range 1 East, Willamette Meridian, Multnomah County, Oregon



# MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
ROOM 605, COUNTY COURTHOUSE  
1021 S.W. FOURTH AVENUE  
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308  
PAULINE ANDERSON • DISTRICT 1 • 248-5220  
GRETCHEN KAFOURY • DISTRICT 2 • 248-5219  
RICK BAUMAN • DISTRICT 3 • 248-5217  
SHARRON KELLEY • DISTRICT 4 • 248-5213  
CLERK'S OFFICE • 248-3277

Tuesday, September 18, 1990 - 9:30 AM

Multnomah County Courthouse, Room 602

## PUBLIC HEARING - PLANNING ITEM

1. CU 15-90  
HV 10-90 De Novo Review of the July 9, 1990 Planning Commission Decision denying request for a conditional use and variance to allow the use of an existing 30' x 40' building as a kennel for the applicant's own show dogs plus the establishment of a pet grooming facility. The proposal would require a variance to the 250' property width and 2 acre minimum site size requirements for sites with kennels, boarding or breeding of 4 or more dogs over 6 months of age, all for property located at 5031 SE Jenne Road.

PLANNING DECISION AFFIRMED. APPELLANT TO  
SUBMIT NEW CONDITIONAL USE APPLICATION  
REQUESTING PERMIT TO KEEP A KENNEL FOR HOUSING  
PERSONAL SHOW DOGS. CHAIR McCOY STAFF TO  
RESEARCH NEIGHBORING JURISDICTIONS'  
REQUIREMENTS AND/OR PROCESS FOR CITIZEN  
REQUESTS TO KEEP FOUR OR MORE DOGS OVER SIX  
MONTHS OF AGE.

0044C/7/dr

#1

Date 9-18-90

NAME

CATY TODD

ADDRESS

5031 SE 174th

Portland  
Street  
City

OR. 97236

Zip

I wish to speak on Agenda Item #  
Subject

CU 15-90

HV 10-90

X FOR

\_\_\_\_\_ AGAINST

PLEASE WRITE LEGIBLY!

#2 (DID NOT TESTIFY)

Date 9-17

NAME

Jody Fritz

ADDRESS

5009 SE 174<sup>th</sup>

Portland  
Street

City

OR 97236

Zip

I wish to speak on Agenda Item #

CW 15-90  
HW 10-90

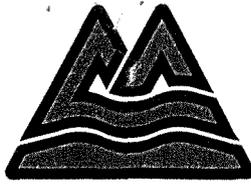
Subject

Show Dogs

FOR

AGAINST

PLEASE WRITE LEGIBLY!



SEP 18 1990

#1

# MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
ROOM 605, COUNTY COURTHOUSE  
1021 S.W. FOURTH AVENUE  
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308  
PAULINE ANDERSON • DISTRICT 1 • 248-5220  
GRETCHEN KAFOURY • DISTRICT 2 • 248-5219  
RICK BAUMAN • DISTRICT 3 • 248-5217  
SHARRON KELLEY • DISTRICT 4 • 248-5213  
CLERK'S OFFICE • 248-3277

## BOARD OF COUNTY COMMISSIONERS

Tuesday, September 18, 1990

9:30 a.m., Room 602

### A G E N D A

**CU 15-90 Public Hearing - DeNovo**  
**HV 10-90**

Review the Decision of the Planning Commission of July 9, 1990, **denying** request for a conditional use and variance to allow the use of an existing 30' x 40' building as a kennel for show dogs plus the establishment of a pet grooming facility, all for property located at **5031 SE Jenne Road**.

**This item has been appealed by the applicant.**

Scope of Review - DeNovo

CU 15-90  
HV 10-90  
Jelling  
See  
#202.50  
Saturday  
to give  
notice  
of Review  
Monday  
7/30/90  
4:30  
pm  
Jew



DEPARTMENT OF ENVIRONMENTAL SERVICES  
DIVISION OF PLANNING AND DEVELOPMENT  
2115 SE MORRISON STREET  
PORTLAND, OREGON 97214 (503) 248-3043

### NOTICE OF REVIEW

1. Name: TODD, DELORES, CATHY

2. Address: 5031 <sup>Last</sup> S.E 174<sup>th</sup> <sup>Middle</sup> PORTLAND <sup>First</sup> OR 97236  
Street or Box City State and Zip Code

3. Telephone: (503) 661-3631

4. If serving as a representative of other persons, list their names and addresses:

N/A

5. What is the decision you wish reviewed (e.g., denial of a zone change, approval of a subdivision, etc.)?  
CU 15-90 #522 DENIAL OF CONDITIONAL USE  
HV 10-90 #522 DENIAL OF VARIANCE

6. The decision was announced by the Planning Commission on 7-9, 1990

7. On what grounds do you claim status as a party pursuant to MCC 11.15.8225?

I Am the Applicant.

*Please return this original form*

8. Grounds for Reversal Decision (use additional sheets if necessary):

Proper set backs for kennel bldg have been leased from property owner to north. Also, there are many exhibitors who live within the county and the fact that there is no distinction made for hobbyists vs commercial kennels should be addressed. (this was brought up by George Douglas at the 7-9-90 hearing)

9. Scope of Review (Check One):

- (a)  On the Record
- (b)  On the Record plus Additional Testimony and Evidence
- (c)  De Novo (i.e., Full Rehearing)

10. If you checked 9(b) or (c), you must use this space to present the grounds on which you base your request to introduce new evidence (Use additional sheets if necessary). For further explanation, see handout entitled Appeal Procedure.

My neighbor to the north has leased to me the additional property needed for the proper set backs for the kennel bldg.

Signed: Cathy De Jodd Date: 7/30/90

209.50

**For Staff Use Only**

Fee:

Notice of Review = \$150.00

Transcription Fee:

Length of Hearing \_\_\_\_\_ x \$1.75/minute = \$ \_\_\_\_\_

Total Fee = \$ \_\_\_\_\_

Received by: \_\_\_\_\_ Date: \_\_\_\_\_ Case No. \_\_\_\_\_

Cathy Joh-

CU 15-90 #522

HU 10-90 #522

The additional testimony & evidence I plan to submit to the Board includes the following:

1) That the County discriminates against dog owners by allowing any number of horses or other livestock in RR but limits dogs;

2) The county does not discriminate between commercial & hobby kennels;

3) That there are over 500 parties in the county showing dog now who have more than 3 dogs;

4) That the County should set up a hobby kennel licensing structure. The County would actually make money from the fees that are not currently collected from the licensing of show dogs. People who show dogs do not allow them to become at large, bite the mailman, etc so these animals are not costing the County any money as far as the courts or Animal Control is concerned.

5) Mr. George Douglas, a planning commissioner mentioned this at my original hearing & it's a matter I feel should be addressed by the County Commissioners as the regulations within Portland are less strict than in the County and I feel there should be a greater degree of uniformity.

Cathy Todd

RECEIVED  
JUL 31 1990

Multnomah County  
Zoning Division



DEPARTMENT OF ENVIRONMENTAL SERVICES  
DIVISION OF PLANNING AND DEVELOPMENT  
2115 SE MORRISON STREET  
PORTLAND, OREGON 97214 (503) 248-3043

## Decision

This Decision consists of Findings of Fact and Conclusions

July 9, 1990

✓ CU 15-90, #522  
HV 10-90, #522

**Conditional Use Request  
Lot Area and Width Variance Request  
(Private Show Dog Kennel/ Pet Grooming Service)**

Applicant requests approval of a Conditional Use Permit to use an existing 30-foot by 40-foot building as a kennel for her own show dogs. Applicant further requests approval of a rural commercial use to allow establishment of a pet grooming facility. The proposal requires a variance to the 250-foot property width and 2-acre minimum site size requirements for sites with kennels, boarding or breeding of four or more dogs over six months of age.

**Location:** 5031 SE Jenne Road

**Legal:** Lot 3, JennyLynd

**Site Size:** 1.11 Acres

**Size Requested:** Same

**Property Owner:** John Racyzkowski

**Applicant:** Cathy Todd

**Comprehensive  
Plan:** Rural Residential

**Present Zoning:** RR, Rural Residential District; Minimum lot size of 5 acres;

_____ Notices
_____ 22 _____ Decision Notices
mailed on 7-17-90
by M. B

### PLANNING COMMISSION

**DECISION:** Deny requested Conditional Use and Variance requests based on the following Findings and Conclusions.

CU 15-90/HV 10-90

LM

Case #: CU 15-90  
 Location: 5031 SE Jenne Road  
 Scale: 1 inch to 200 feet  
 Shading indicates subject property

OS  
= 5 -

66

612.0  
4772  
91.2

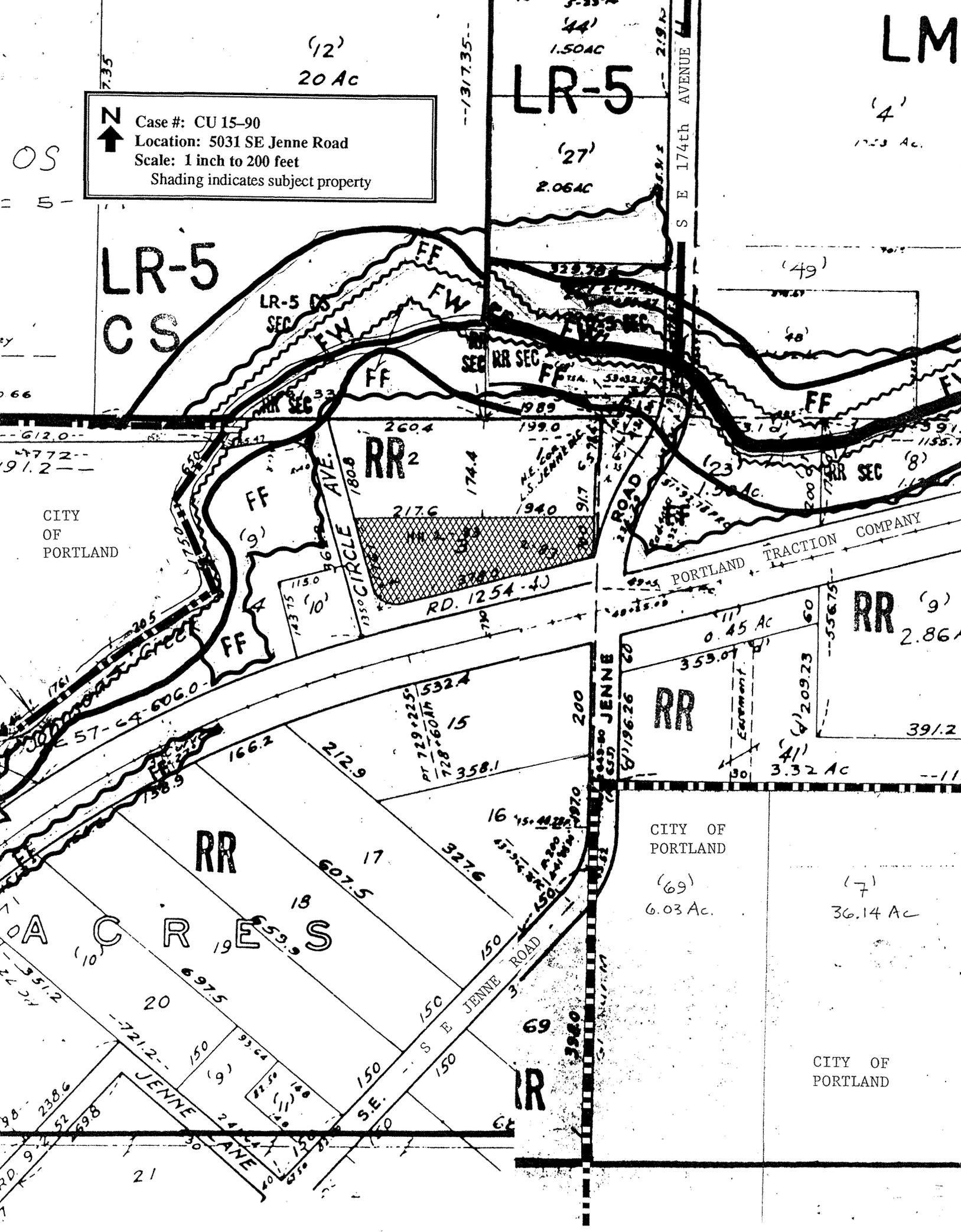
CITY OF PORTLAND

CITY OF PORTLAND

(69)  
6.03 Ac.

CITY OF PORTLAND

(7)  
36.14 Ac



CIRCLE AVE.

176.1'

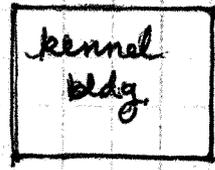
HORSE PASTURE

HORSE PASTURE

318.0

411.6

kennel bldg is a 30'x40' metal pole bldg w/ concrete floor which existed on property & was previously used as an auto body shop.



5031 SE

5009 SE

174th

174th



DRIVE WAY

76'

174TH AVE

1 Sq = 10'

## Findings of Fact:

### 1. Proposal Summary and Background Information:

The applicant requests permission to continue operating a facility for housing her show dogs at this site. The applicant states that *"...I am applying for a Conditional Use to satisfy the County's regulations relating to Facility Permits for dogs. I am doing so so I can keep my show dogs at my residence and also so I may provide a dog grooming service to the residents of the surrounding area."*

The application includes a Variance request. The site does not meet the 2-acre minimum site size or 250-foot minimum lot width requirements of MCC.7215. The building and pen areas for the dogs also do not meet the 100-foot minimum setback from neighboring properties required under MCC.7220.

The applicant provides the following background information with this request: *"I have bred and shown dogs for over 25 years and have many, many show champions. My dogs are a hobby not a commercial venture for profit. I have a degree in Animal Nutrition and have worked for a major dog food manufacturer. I recently (Dec.'89) closed my grooming shop on S.E. Powell so I could spend more time with my four year old son and my dogs (in that order). Both need conditioning.*

*As I mentioned above, I plan to offer a pet grooming service to show people as well as pet owners in the area. The East County area is growing rapidly and is very lacking in the services I plan to offer. I am not requesting this permit to board or train dogs. In many locations what I am requesting is a Hobby Breeders Permit. I guess the point I am trying to get across is that the area won't be overly impacted by my proposed use."*

### 2. Site and Vicinity Information:

The 1.11 acre site is within a rural residential enclave between Portland and Gresham. The property fronts onto 174th Avenue (Jenne Rd.); Circle Avenue borders the site on the south and west. A single family residence immediately to the north sits on an approximately 2-acre site. Johnson Creek lies north of the site; the UGB follows Johnson Creek in this area. The subject site and lands further south are outside the UGB. Lands to the north and west of Johnson Creek are inside the UGB.

### 3. Zoning and Comprehensive Plan Designations.

The plan and zone designation of the parcel is Rural Residential.

#### 4. Ordinance Considerations:

Conditional uses allowed in rural residential areas are specified in MCC 11.15.2212. Subsection (B)(7) specifies "**Commercial dog kennels**", and (B)(10) specifies "**...Limited rural service commercial uses such as local stores, shops, offices, repair shops, and similar uses.**" Such uses may be permitted when found to satisfy *Conditional Use Approval Criteria* in MCC .7105 – .7640. Variances to dimensional standards (i.e., lot area and width, and setbacks for the kennel use) must meet approval criteria in MCC.8505(A).

The following section presents findings regarding the proposed Conditional Use and Variance; the applicable standard is in **bold italics**, applicant's responses are presented first in *italics*, followed by staff comments. Conditional Use permits for "**Animal Keeping – Dogs**" have specific requirements listed in MCC.7230.

#### ***A. General Conditional Use Criteria (MCC .7120)***

##### ***A(1) Is consistent with the character of the area;***

*"The area which surrounds my residence is populated by horse owners (trainers and breeders), some small businesses and some light industry (see maps). The homes in the area are sited on the fronts of the properties with pastures, gardens, etc. in the rear. The properties for the most part are kept in a neat orderly manner. It is a pleasant rural pocket east of Powell Butte between Portland and Gresham."*

**Staff Comment:** Commercial uses in rural residential areas are intended to be small in scale and limited in their service area. The scale of this activity is not clear from the application. The hours, number of outside employees (if any) and other details to assess the scale of the use are not detailed in the submittal.

The keeping of dogs on the site may be inconsistent with the neighboring residences due to minimal setbacks provided between the kennel and neighboring houses.

##### ***A(2) Will not adversely affect natural resources;***

*"I do not believe that my use will have an effect on Natural Resources. The dogs bedding is cedar/wood shavings which are composted when soiled. If in the future the amount becomes excessive, other disposal methods will be implemented."*

**Staff Comment:** It is not clear at what point other methods of disposal would be pursued and what event would trigger the switch to other disposal methods. Animal Control has cited the applicant for animal neglect in the past due to unsanitary conditions in the pens.

**A(3) Will not conflict with farm or forest uses in the area;**

*"There are really no working farms or forests in the immediate area. "*

**Staff Comment:** Staff concurs that the proposal's effects on farm or forest uses in the area are negligible.

**A(4) Will not require public services other than those existing or programmed for the area;**

*"I foresee no need for additional services for either the pet grooming service or the dog permit."*

**Staff Comments:**

**a. Water Supply.**

The site is supplied water through a private well. There is insufficient information to determine if the existing well can serve the uses proposed.

**b. Sewage Disposal.**

Sewage is disposed through an on-site septic system. There is insufficient information to determine if this criteria can be met.

**A(5) Will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable;**

*"My location is in a rural area and although we do see an occasional deer (one in my back pasture last year), I don't think its what could be considered a 'big game habitat area'."*

**Staff Comment:** The site is not identified as a big game habitat area in the Comprehensive Plan or by the Oregon Department of Fish and Wildlife.

**A(6) Will not create hazardous conditions;**

*"Grooming Service— There is parking for four cars in my driveway and a gravel apron adjacent to 174th so turnoff from the road doesn't present a traffic problem. I rarely schedule dogs to arrive and go home in a group—I stagger their appointments throughout the morning so they don't have to stay an uncomfortably long time.*

*Show dogs— My show dogs pose no hazard to the public—they never are allowed to run loose (unlike many other dogs in the area). They are housed in a secure building and are not a nuisance."*

**Staff Comment:** The driveway/parking area in front of the house requires backing maneuvers into 174th Avenue, creating a traffic hazard. There is an 's' curve just north of site and high speed drivers are common. There is room on the property to develop a parking area which allows on-site maneuvering and prevents cars from backing into 174th traffic. Any decision to approve the pet grooming service should require that such on-site parking be provided.

**A(7) Will satisfy the applicable policies of the Comprehensive Plan.**

The following policies of the County's Comprehensive Plan are applicable to this request: Policy 3 (Citizen Involvement), Policy 8 (Rural Residential Land), Policy 13 (Air, Water and Noise Quality).

**a. Policy 3 – Citizen Involvement.**

**Staff Comment:** The public will be informed of the proposed development through the County's notification procedures and given an opportunity to comment at the Planning Commission public hearing.

**b. Policy 7 – Rural Residential Land Area.**

**Staff Comments:** The Framework Plan provides for lands that are devoted to rural residential uses. Limited rural service commercial uses may be developed as conditional uses if found to meet applicable criteria.

**c. Policy 13 – Air, Water, and Noise Quality.**

**Staff Comment:** This policy seeks to minimize negative air, water and noise quality impacts from new developments. It states that *"...If the proposed use is a noise generator, the following shall be incorporated into the site plan:*

- 1. Building placement on the site in an area having minimal noise level disruptions,*
- 2. Landscaping or other techniques to lessen noise generation to levels compatible with surrounding land uses.*
- 3. Insulation or other construction techniques to lower interior noise levels in noise-impacted areas."*

The submitted plan does not address noise impacts associated with the keeping of dogs. As noted above, the lot area and width does not meet the minimums prescribed by the Zoning Ordinance (MCC.7215). The proposal does not appear consistent with this policy.

***B. Animal Keeping – Dogs Requirements (MCC .7205–.7235)***

***B(1) Dog kennels, boarding, breeding, keeping or training places or the keeping or raising of four or more dogs over six months of age may be permitted only upon the approval of the approval authority as a conditional use. Such approval shall not include animal hospitals or veterinary clinics as conditional uses. [11.15.7205 Uses]***

**Staff Comment:** The applicant has applied for a Conditional Use for the keeping of her show dogs.

***B(2) These uses shall be permitted only in the following areas and only where they will not conflict with the surrounding property uses [11.15.7210 Location Requirements]:***

***(A) In CFU, F-2, MUA-20, MUF, and RR districts or those areas of similar low population density.***

***(B) C-3 or C-2 commercial districts.***

***(C) Manufacturing districts.***

**Staff Comment:** The property is zoned RR, Rural Residential. The substandard site area and width (see B(3) below) limits the area available for buffering and screening the use from neighboring properties. This closeness may cause conflicts between the dog keeping use and neighboring residential uses.

***B(3) Minimum Site Size Requirements [11.15.7215]***

***(A) Area: Two acres.***

***(B) Width: Two hundred fifty feet.***

***(C) Depth: Two hundred fifty feet.***

**Staff Comment:** The site does not meet the 2-acre minimum size, nor the 250-foot minimum width requirement; it contains 1.11 acres and approximately 120-foot width. The applicant has requested a Variance to these dimensional standards for the keeping of dogs.

***B(4) Minimum Setback Requirements [11.15.7220]***

***These uses shall be located no closer than one hundred feet to any lot line, in or adjacent to an F, R, or A district.***

**Staff Comment:** The site is not in or adjacent to any of the above identified zoning districts.

**B(5) Other Requirements [11.15.7230]**

**(A) All kennels, runs or pens shall be constructed of masonry or such other opaque material as shall provide for cleanliness, ease of maintenance, and sound and noise control.**

**Staff Comment:** The pens staff observed on the site are not constructed of masonry or other opaque materials. The fencing was wire; the floor of the pen was wood shavings. The applicant has made no other proposal to address the above standard.

**(B) All kennels, runs and other facilities shall be designed, constructed, and located on the site in a manner that will minimize the adverse effects upon the surrounding properties. Among the factors that shall be considered are the relationship of the use to the topography, natural and planted horticultural screening, the direction and intensity of the prevailing winds, the relationship and location of residences and public facilities on nearby properties, and other similar factors.**

**Staff Comment:** The existing kennel building is situated approximately 20-feet from the neighboring property to the north. There are no trees, fencing or other natural or built features which would mitigate noise or odors associated with the keeping of dogs. The number of dogs to be housed is also not indicated in the application, so the potential degree of noise and other associated impacts cannot be adequately assessed. Animal Control indicates 18 adult dogs have been observed on the premises in the past.

**(C) The owner or operator of a use approved under this section shall maintain the premises in a clean, orderly and sanitary condition at all times. No garbage, offal, feces, or other waste material shall be allowed to accumulate on the premises. The premises shall be maintained in such a manner that they will not provide a breeding place for insects, vermin or rodents.**

**Staff Comment:** Applicant notes above that "... The dogs bedding is cedar/wood shavings which are composted when soiled. If in the future the amount becomes excessive, other disposal methods will be implemented."

Citations have been issued by County Animal Control due to unsanitary conditions in the pens where the dogs are kept.

***(D) A separate housing facility, pen or kennel space may be required for each dog over six months of age kept on the premises over twenty-four hours.***

**Staff Comment:** The application does not indicate the number of dogs to be housed. The kennel building is a metal barn structure. The applicant does not indicate a floorplan for the barn. It is unclear whether each dog will be housed separately.

***B(6) Other Approvals [11.15.7235]***

***The approval authority may request the advice of the County Dog Control Officer, officials of humane societies, and veterinarians before approving an application hereunder.***

**Staff Comment:** County Animal Control has cited the applicant for animal neglect on several occasions; this according to Animal Control Officer Judy May. The citations were issued due to unsanitary conditions in the pens where the dogs were kept. Animal Control indicates 18 adult Afghans were being housed by the applicant.

***C. Variance Approval Criteria***

The requested **Animal Keeping–Dogs** use includes variances from the 2-acre minimum site size and 250-foot minimum site width (MCC.7215). This is classified as a Major Variance because the reduction to 1.11 acres and approximately 120-foot lot width would be more than 25 percent of the standard. Section .8505(A) states that a Major Variance shall be granted only when all the following Criteria are met:

***C(1) A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or district. The circumstance or condition may relate to the size, shape, natural features and topography of the property or the location or size of physical improvements on the site or the nature of the use compared to surrounding uses;***

*"I need to secure this variance because my kennel bldg. is within 20' of my neighbors horse pasture + the setback requirement is 100'. I have included a scale drawing of the site."*

**Staff Comment:** Applicant's above statement does not adequately identify the circumstance or condition which supports a variance from the minimum site size and lot width requirements for kennels. The standards are intended to minimize adverse off-site effects to neighbors by assuring adequate site area is available to separate, screen and buffer dog pens and kennel buildings from surrounding properties. The applicant has not demonstrated why the site area and width prescriptions of the Ordinance should not be applied to this dog keeping facility.

**C(2) *The zoning requirement would restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or district;***

**Staff Comment:** All other sites within the RR district and within the JennyLynd Acres area near this site are similarly restricted (in terms of site area or width) should a dog keeping facility be proposed.

**C(3) *The authorization of the variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located or adversely affect the appropriate development of adjoining properties;***

**Staff Comment:** The variance would allow a dog keeping facility within 20-feet of the nearest neighboring property to the north. The reduced site size and lot width provides on minimal separation of the proposed use from neighbors. It would not provide sufficient distance to buffer, screen or otherwise mitigate adverse effects associated with the keeping of large numbers of dogs.

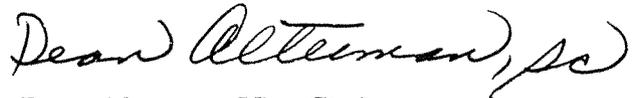
**C(4) *The granting of a variance will not adversely affect the realization of the Comprehensive Plan nor will it establish a use which is not listed in the underlying zone.***

**Staff Comment:** The applicant has not demonstrated that granting Variances to allow this use on a site of substandard size and width would not adversely effect the Comprehensive Plan.

## Conclusions:

1. The proposed dog keeping facility does not satisfy Conditional Use approval criteria due its inconsistency with the area character, the lack of information on effects on natural resources and public services, and conflicts with Comprehensive Plan Policy No.13 (Air, Water, and Noise Quality).
2. The proposed dog keeping facility does not satisfy Animal Keeping–Dogs locational and site size requirements due to potential conflicts with surrounding uses, and substandard lot area and width. The application does not demonstrate consistency with specific design standards for kennels.
3. The application does not demonstrate why the proposal warrants a variance from the lot area and width requirements for dog keeping facilities.
4. The proposed pet grooming commercial use is inconsistent with the rural residential character of the area. There is insufficient information to determine what public service (i.e water or septic system) demands the commercial use may create. The commercial use as proposed will create hazardous conditions along SE 174th (Jenne Road).

Signed July 9, 1990



Dean Alterman, Vice Chairman

Filed With the Clerk of the Board on July 19, 1990

### Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or **before 4:30 PM. on Monday, July 30 1990** on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

*The Decision on this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, July 31, 1990 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development Division at 248-3043.*

Decision  
July 9, 1990



# MULTNOMAH COUNTY OREGON

GLADYS McCOY ✓ SEP 18 1990  
MULTNOMAH COUNTY CHAIR  
1021 S.W. 4th, ROOM 134  
PORTLAND, OREGON 97204

9/5/90 cc Hem

BOARD OF COUNTY COMMISSIONERS  
ROOM 605, COUNTY COURTHOUSE  
1021 S.W. FOURTH AVENUE  
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308  
PAULINE ANDERSON • DISTRICT 1 • 248-5220  
GRETCHEN KAFOURY • DISTRICT 2 • 248-5219  
RICK BAUMAN • DISTRICT 3 • 248-5217  
SHARRON KELLEY • DISTRICT 4 • 248-5213  
CLERK'S OFFICE • 248-3277

**Date: 09/18/90 Time: 9:30 am Place: Room 602, Multnomah County Courthouse**

**CU 15-90 Public Hearing - DeNovo**  
**HV 10-90**

Review the Decision of the Planning Commission of July 9, 1990, denying request for a conditional use and variance to allow the use of an existing 30' x 40' building as a kennel for the applicant's own show dogs plus the establishment of a pet grooming facility. The proposal would require a variance to the 250-foot property width and 2-acre minimum site size requirements for sites with kennels, boarding or breeding of four or more dogs over six months of age, all for property located at **5031 SE Jenne Road**.

**This item has been appealed by the applicant.**

**Scope of Review - DeNovo**

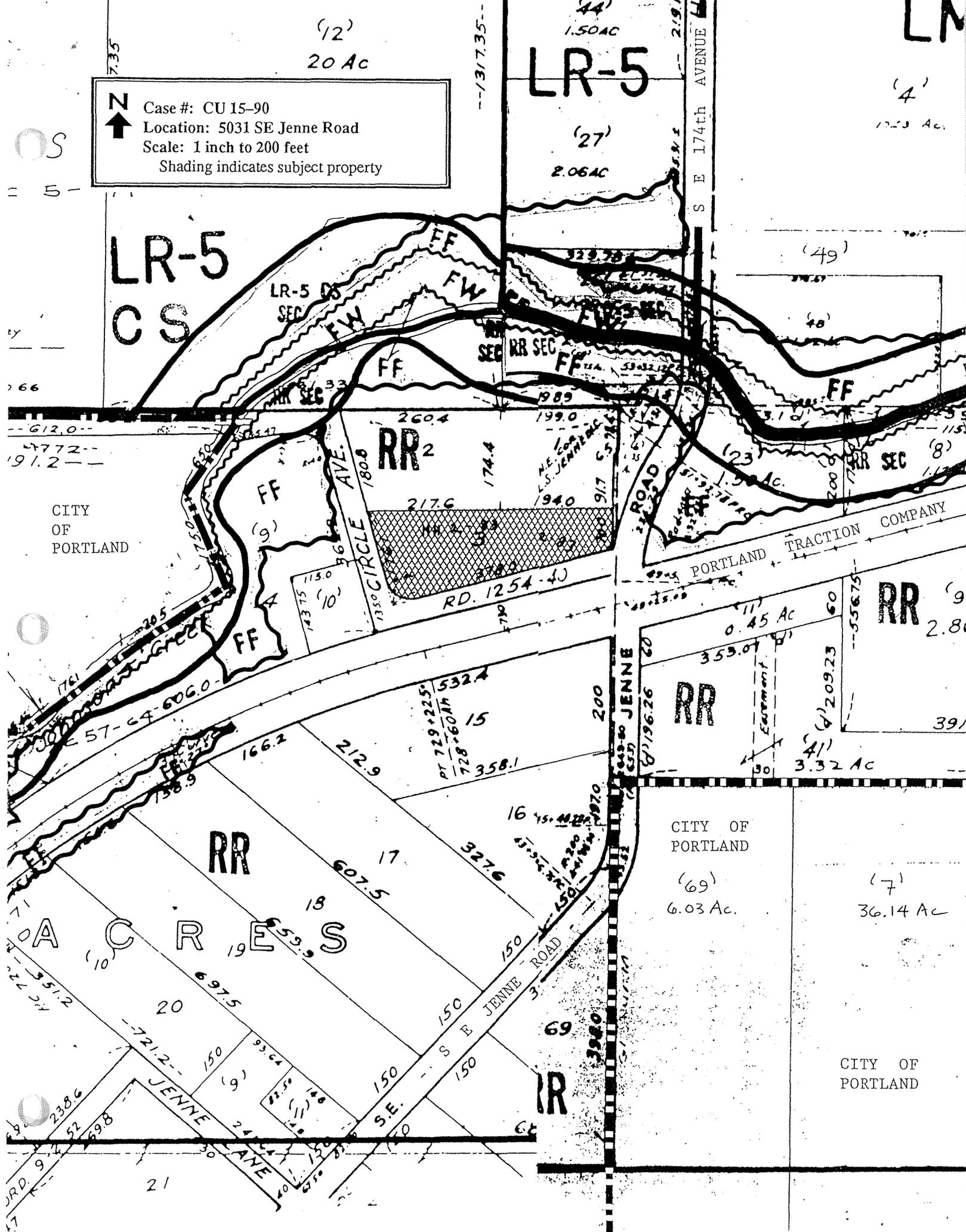


Case #: CU 15-90  
 Location: 5031 SE Jenne Road  
 Scale: 1 inch to 200 feet  
 Shading indicates subject property

LR-5  
 CS

LR-5

LM



CITY OF PORTLAND

CITY OF PORTLAND

CITY OF PORTLAND

PORTLAND TRACTION COMPANY

OS

5

66

612.0  
 772  
 91.2

ACRES

JENNE LANE

JENNE ROAD

SE 174th AVENUE

RR 2

RR

RR

RR

RD. 9

1317.35

44  
 1.50 AC

27  
 2.06 AC

4  
 1.23 Ac.

49

48

23

8

9

10

11  
 0.45 Ac

15

RR

69  
 6.03 Ac.

7  
 36.14 Ac

20

19

18

17

16

15

14

13

12

11

10

9

8

7

6

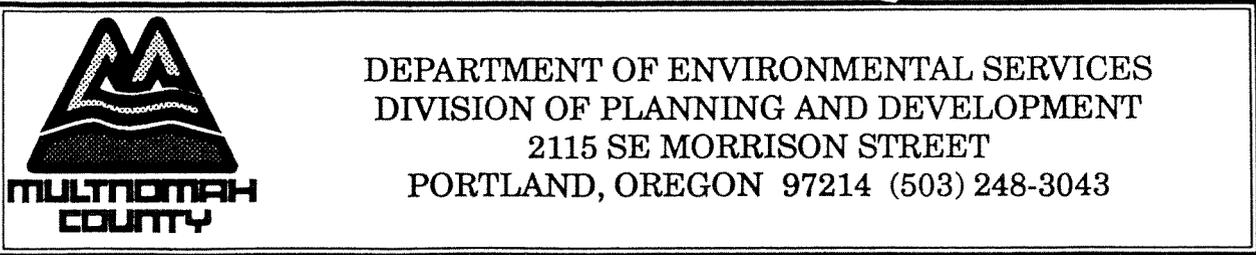
5

4

3

2

1



*CZ 15-90  
 HV 10-90  
 going  
 see  
 #202.50  
 last day  
 to see  
 office  
 of Review  
 Monday  
 7/30/90  
 4:30  
 pm  
 [Signature]*

### NOTICE OF REVIEW

1. Name: TODD, DELORES, CATHY

2. Address: 5031 S.E 174<sup>th</sup>, PORTLAND, OR 97236  
Last Middle First  
 Street or Box City State and Zip Code

3. Telephone: (503) 661-3631

4. If serving as a representative of other persons, list their names and addresses:

N/A

---



---



---



---



---

5. What is the decision you wish reviewed (e.g., denial of a zone change, approval of a subdivision, etc.)?  
CZ 15-90 #522 DENIAL OF CONDITIONAL USE  
HV 10-90 #522 DENIAL OF VARIANCE

6. The decision was announced by the Planning Commission on 7-9, 1990

7. On what grounds do you claim status as a party pursuant to MCC 11.15.8225?

I AM THE APPLICANT.

---



---



---



---



---



---



---



---

*Please return this original form*

8. Grounds for Reversal Decision (use additional sheets if necessary):

Proper set backs for kennel bldg have been leased from property owner to north. Also, there are many exhibitors who live within the county and the fact that there is no distinction made for hobbyists vs commercial kennels should be addressed. (this was brought up by George Douglas at the 7-9-90 hearing)

9. Scope of Review (Check One):

- (a)  On the Record
- (b)  On the Record plus Additional Testimony and Evidence
- (c)  De Novo (i.e., Full Rehearing)

10. If you checked 9(b) or (c), you must use this space to present the grounds on which you base your request to introduce new evidence (Use additional sheets if necessary). For further explanation, see handout entitled Appeal Procedure.

My neighbor to the north has leased to me the additional property needed for the proper set backs for the kennel bldg.

Signed: Cathy De Jodd Date: 7/30/90

202.50

**For Staff Use Only**

Fee:

Notice of Review = \$150.00

Transcription Fee:

Length of Hearing \_\_\_\_\_ x \$1.75/minute = \$ \_\_\_\_\_

Total Fee = \$ \_\_\_\_\_

Received by: \_\_\_\_\_ Date: \_\_\_\_\_ Case No. \_\_\_\_\_

Cathy John

CU 15-90 #522

HU 10-90 #522

The additional testimony & evidence I plan to submit to the Board includes the following:

1) That the county discriminates against dog owners by allowing any number of horses or other livestock in RR but limits dogs;

2) The county does not discriminate between commercial & hobby kennels;

3) That there are over 500 parties in the county showing dog shows who have more than 3 dogs;

4) That the County should set up a hobby kennel licensing structure. The County would actually make money from the fees that are not currently collected from the licensing of show dogs. People who show dogs do not allow them to become at large, bite the mailman, etc so these animals are not costing the County any money as far as the courts or Animal Control is concerned.

5) Mr. George Douglas, a planning commissioner, mentioned this at my original hearing & it's a matter I feel should be addressed by the County Commissioners as the regulations within Portland are less strict than in the County and I feel there should be a greater degree of uniformity.

Cathy Todd

RECEIVED  
JUL 31 1990

Multnomah County  
Zoning Division



DEPARTMENT OF ENVIRONMENTAL SERVICES  
DIVISION OF PLANNING AND DEVELOPMENT  
2115 SE MORRISON STREET  
PORTLAND, OREGON 97214 (503) 248-3043

## Decision

This Decision consists of Findings of Fact and Conclusions

July 9, 1990

CU 15-90, #522  
HV 10-90, #522

Conditional Use Request  
Lot Area and Width Variance Request  
(Private Show Dog Kennel/ Pet Grooming Service)

Applicant requests approval of a Conditional Use Permit to use an existing 30-foot by 40-foot building as a kennel for her own show dogs. Applicant further requests approval of a rural commercial use to allow establishment of a pet grooming facility. The proposal requires a variance to the 250-foot property width and 2-acre minimum site size requirements for sites with kennels, boarding or breeding of four or more dogs over six months of age.

**Location:** 5031 SE Jenne Road  
**Legal:** Lot 3, JennyLynd  
**Site Size:** 1.11 Acres  
**Size Requested:** Same  
**Property Owner:** John Racyzkowski  
**Applicant:** Cathy Todd  
**Comprehensive Plan:** Rural Residential  
**Present Zoning:** RR, Rural Residential District; Minimum lot size of 5 acres;

### PLANNING COMMISSION

**DECISION:** Deny requested Conditional Use and Variance requests based on the following Findings and Conclusions.

CU 15-90/HV 10-90



CIRCLE

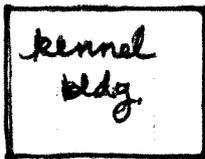
AVE.

176.1'

HORSE  
PASTURE

HORSE  
PASTURE

metal bldg is a  
30' x 40' metal pole  
bldg w/ concrete floor  
which existed on property  
& was previously used  
as an autobody shop.



5031  
SE

174<sup>th</sup>



DRIVE  
WAY

78'

174<sup>TH</sup> AVE



5009  
SE

174<sup>th</sup>



1 Sq = 10'

411.6'

318.0'

## **Findings of Fact:**

### **1. Proposal Summary and Background Information:**

The applicant requests permission to continue operating a facility for housing her show dogs at this site. The applicant states that *"...I am applying for a Conditional Use to satisfy the County's regulations relating to Facility Permits for dogs. I am doing so so I can keep my show dogs at my residence and also so I may provide a dog grooming service to the residents of the surrounding area."*

The application includes a Variance request. The site does not meet the 2-acre minimum site size or 250-foot minimum lot width requirements of MCC.7215. The building and pen areas for the dogs also do not meet the 100-foot minimum setback from neighboring properties required under MCC.7220.

The applicant provides the following background information with this request: *"I have bred and shown dogs for over 25 years and have many, many show champions. My dogs are a hobby not a commercial venture for profit. I have a degree in Animal Nutrition and have worked for a major dog food manufacturer. I recently (Dec.'89) closed my grooming shop on S.E. Powell so I could spend more time with my four year old son and my dogs (in that order). Both need conditioning.*

*As I mentioned above, I plan to offer a pet grooming service to show people as well as pet owners in the area. The East County area is growing rapidly and is very lacking in the services I plan to offer. I am not requesting this permit to board or train dogs. In many locations what I am requesting is a Hobby Breeders Permit. I guess the point I am trying to get across is that the area won't be overly impacted by my proposed use."*

### **2. Site and Vicinity Information:**

The 1.11 acre site is within a rural residential enclave between Portland and Gresham. The property fronts onto 174th Avenue (Jenne Rd.); Circle Avenue borders the site on the south and west. A single family residence immediately to the north sits on an approximately 2-acre site. Johnson Creek lies north of the site; the UGB follows Johnson Creek in this area. The subject site and lands further south are outside the UGB. Lands to the north and west of Johnson Creek are inside the UGB.

### **3. Zoning and Comprehensive Plan Designations.**

The plan and zone designation of the parcel is Rural Residential.

#### 4. Ordinance Considerations:

Conditional uses allowed in rural residential areas are specified in MCC 11.15.2212. Subsection (B)(7) specifies "**Commercial dog kennels**", and (B)(10) specifies "...**Limited rural service commercial uses such as local stores, shops, offices, repair shops, and similar uses.**" Such uses may be permitted when found to satisfy *Conditional Use Approval Criteria* in MCC .7105 – .7640. Variances to dimensional standards (i.e., lot area and width, and setbacks for the kennel use) must meet approval criteria in MCC.8505(A).

The following section presents findings regarding the proposed Conditional Use and Variance; the applicable standard is in **bold italics**, applicant's responses are presented first in *italics*, followed by staff comments. Conditional Use permits for "**Animal Keeping – Dogs**" have specific requirements listed in MCC.7230.

#### **A. General Conditional Use Criteria (MCC .7120)**

##### **A(1) *Is consistent with the character of the area;***

*"The area which surrounds my residence is populated by horse owners (trainers and breeders), some small businesses and some light industry (see maps). The homes in the area are sited on the fronts of the properties with pastures, gardens, etc. in the rear. The properties for the most part are kept in a neat orderly manner. It is a pleasant rural pocket east of Powell Butte between Portland and Gresham."*

**Staff Comment:** Commercial uses in rural residential areas are intended to be small in scale and limited in their service area. The scale of this activity is not clear from the application. The hours, number of outside employees (if any) and other details to assess the scale of the use are not detailed in the submittal.

The keeping of dogs on the site may be inconsistent with the neighboring residences due to minimal setbacks provided between the kennel and neighboring houses.

##### **A(2) *Will not adversely affect natural resources;***

*"I do not believe that my use will have an effect on Natural Resources. The dogs bedding is cedar/wood shavings which are composted when soiled. If in the future the amount becomes excessive, other disposal methods will be implemented."*

**Staff Comment:** It is not clear at what point other methods of disposal would be pursued and what event would trigger the switch to other disposal methods. Animal Control has cited the applicant for animal neglect in the past due to unsanitary conditions in the pens.

**A(3) Will not conflict with farm or forest uses in the area;**

*"There are really no working farms or forests in the immediate area. "*

**Staff Comment:** Staff concurs that the proposal's effects on farm or forest uses in the area are negligible.

**A(4) Will not require public services other than those existing or programmed for the area;**

*"I foresee no need for additional services for either the pet grooming service or the dog permit."*

**Staff Comments:**

**a. Water Supply.**

The site is supplied water through a private well. There is insufficient information to determine if the existing well can serve the uses proposed.

**b. Sewage Disposal.**

Sewage is disposed through an on-site septic system. There is insufficient information to determine if this criteria can be met.

**A(5) Will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable;**

*"My location is in a rural area and although we do see an occasional deer (one in my back pasture last year), I don't think its what could be considered a 'big game habitat area'."*

**Staff Comment:** The site is not identified as a big game habitat area in the Comprehensive Plan or by the Oregon Department of Fish and Wildlife.

**A(6) Will not create hazardous conditions;**

*"Grooming Service— There is parking for four cars in my driveway and a gravel apron adjacent to 174th so turnoff from the road doesn't present a traffic problem. I rarely schedule dogs to arrive and go home in a group—I stagger their appointments throughout the morning so they don't have to stay an uncomfortably long time.*

*Show dogs— My show dogs pose no hazard to the public—they never are allowed to run loose (unlike many other dogs in the area). They are housed in a secure building and are not a nuisance."*

**Staff Comment:** The driveway/parking area in front of the house requires backing maneuvers into 174th Avenue, creating a traffic hazard. There is an 's' curve just north of site and high speed drivers are common. There is room on the property to develop a parking area which allows on-site maneuvering and prevents cars from backing into 174th traffic. Any decision to approve the pet grooming service should require that such on-site parking be provided.

**A(7) Will satisfy the applicable policies of the Comprehensive Plan.**

The following policies of the County's Comprehensive Plan are applicable to this request: Policy 3 (Citizen Involvement), Policy 8 (Rural Residential Land), Policy 13 (Air, Water and Noise Quality).

**a. Policy 3 – Citizen Involvement.**

**Staff Comment:** The public will be informed of the proposed development through the County's notification procedures and given an opportunity to comment at the Planning Commission public hearing.

**b. Policy 7 – Rural Residential Land Area.**

**Staff Comments:** The Framework Plan provides for lands that are devoted to rural residential uses. Limited rural service commercial uses may be developed as conditional uses if found to meet applicable criteria.

**c. Policy 13 – Air, Water, and Noise Quality.**

**Staff Comment:** This policy seeks to minimize negative air, water and noise quality impacts from new developments. It states that *"...If the proposed use is a noise generator, the following shall be incorporated into the site plan:*

1. *Building placement on the site in an area having minimal noise level disruptions,*
2. *Landscaping or other techniques to lessen noise generation to levels compatible with surrounding land uses.*
3. *Insulation or other construction techniques to lower interior noise levels in noise-impacted areas."*

The submitted plan does not address noise impacts associated with the keeping of dogs. As noted above, the lot area and width does not meet the minimums prescribed by the Zoning Ordinance (MCC.7215). The proposal does not appear consistent with this policy.

***B. Animal Keeping – Dogs Requirements (MCC .7205–.7235)***

***B(1) Dog kennels, boarding, breeding, keeping or training places or the keeping or raising of four or more dogs over six months of age may be permitted only upon the approval of the approval authority as a conditional use. Such approval shall not include animal hospitals or veterinary clinics as conditional uses. [11.15.7205 Uses]***

**Staff Comment:** The applicant has applied for a Conditional Use for the keeping of her show dogs.

***B(2) These uses shall be permitted only in the following areas and only where they will not conflict with the surrounding property uses [11.15.7210 Location Requirements]:***

***(A) In CFU, F-2, MUA-20, MUF, and RR districts or those areas of similar low population density.***

***(B) C-3 or C-2 commercial districts.***

***(C) Manufacturing districts.***

**Staff Comment:** The property is zoned RR, Rural Residential. The substandard site area and width (see B(3) below) limits the area available for buffering and screening the use from neighboring properties. This closeness may cause conflicts between the dog keeping use and neighboring residential uses.

***B(3) Minimum Site Size Requirements [11.15.7215]***

***(A) Area: Two acres.***

***(B) Width: Two hundred fifty feet.***

***(C) Depth: Two hundred fifty feet.***

**Staff Comment:** The site does not meet the 2-acre minimum size, nor the 250-foot minimum width requirement; it contains 1.11 acres and approximately 120-foot width. The applicant has requested a Variance to these dimensional standards for the keeping of dogs.

***B(4) Minimum Setback Requirements [11.15.7220]***

***These uses shall be located no closer than one hundred feet to any lot line, in or adjacent to an F, R, or A district.***

**Staff Comment:** The site is not in or adjacent to any of the above identified zoning districts.

**B(5) Other Requirements [11.15.7230]**

**(A) All kennels, runs or pens shall be constructed of masonry or such other opaque material as shall provide for cleanliness, ease of maintenance, and sound and noise control.**

**Staff Comment:** The pens staff observed on the site are not constructed of masonry or other opaque materials. The fencing was wire; the floor of the pen was wood shavings. The applicant has made no other proposal to address the above standard.

**(B) All kennels, runs and other facilities shall be designed, constructed, and located on the site in a manner that will minimize the adverse effects upon the surrounding properties. Among the factors that shall be considered are the relationship of the use to the topography, natural and planted horticultural screening, the direction and intensity of the prevailing winds, the relationship and location of residences and public facilities on nearby properties, and other similar factors.**

**Staff Comment:** The existing kennel building is situated approximately 20-feet from the neighboring property to the north. There are no trees, fencing or other natural or built features which would mitigate noise or odors associated with the keeping of dogs. The number of dogs to be housed is also not indicated in the application, so the potential degree of noise and other associated impacts cannot be adequately assessed. Animal Control indicates 18 adult dogs have been observed on the premises in the past.

**(C) The owner or operator of a use approved under this section shall maintain the premises in a clean, orderly and sanitary condition at all times. No garbage, offal, feces, or other waste material shall be allowed to accumulate on the premises. The premises shall be maintained in such a manner that they will not provide a breeding place for insects, vermin or rodents.**

**Staff Comment:** Applicant notes above that "... The dogs bedding is cedar/wood shavings which are composted when soiled. If in the future the amount becomes excessive, other disposal methods will be implemented."

Citations have been issued by County Animal Control due to unsanitary conditions in the pens where the dogs are kept.

***(D) A separate housing facility, pen or kennel space may be required for each dog over six months of age kept on the premises over twenty-four hours.***

**Staff Comment:** The application does not indicate the number of dogs to be housed. The kennel building is a metal barn structure. The applicant does not indicate a floorplan for the barn. It is unclear whether each dog will be housed separately.

***B(6) Other Approvals [11.15.7235]***

***The approval authority may request the advice of the County Dog Control Officer, officials of humane societies, and veterinarians before approving an application hereunder.***

**Staff Comment:** County Animal Control has cited the applicant for animal neglect on several occasions; this according to Animal Control Officer Judy May. The citations were issued due to unsanitary conditions in the pens where the dogs were kept. Animal Control indicates 18 adult Afghans were being housed by the applicant.

***C. Variance Approval Criteria***

The requested **Animal Keeping-Dogs** use includes variances from the 2-acre minimum site size and 250-foot minimum site width (MCC.7215). This is classified as a Major Variance because the reduction to 1.11 acres and approximately 120-foot lot width would be more than 25 percent of the standard. Section .8505(A) states that a Major Variance shall be granted only when all the following Criteria are met:

***C(1) A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or district. The circumstance or condition may relate to the size, shape, natural features and topography of the property or the location or size of physical improvements on the site or the nature of the use compared to surrounding uses;***

*"I need to secure this variance because my kennel bldg. is within 20' of my neighbors horse pasture + the setback requirement is 100'. I have included a scale drawing of the site."*

**Staff Comment:** Applicant's above statement does not adequately identify the circumstance or condition which supports a variance from the minimum site size and lot width requirements for kennels. The standards are intended to minimize adverse off-site effects to neighbors by assuring adequate site area is available to separate, screen and buffer dog pens and kennel buildings from surrounding properties. The applicant has not demonstrated why the site area and width prescriptions of the Ordinance should not be applied to this dog keeping facility.

**C(2) *The zoning requirement would restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or district;***

**Staff Comment:** All other sites within the RR district and within the JennyLynd Acres area near this site are similarly restricted (in terms of site area or width) should a dog keeping facility be proposed.

**C(3) *The authorization of the variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located or adversely affect the appropriate development of adjoining properties;***

**Staff Comment:** The variance would allow a dog keeping facility within 20-feet of the nearest neighboring property to the north. The reduced site size and lot width provides on minimal separation of the proposed use from neighbors. It would not provide sufficient distance to buffer, screen or otherwise mitigate adverse effects associated with the keeping of large numbers of dogs.

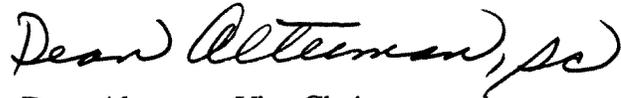
**C(4) *The granting of a variance will not adversely affect the realization of the Comprehensive Plan nor will it establish a use which is not listed in the underlying zone.***

**Staff Comment:** The applicant has not demonstrated that granting Variances to allow this use on a site of substandard size and width would not adversely effect the Comprehensive Plan.

## Conclusions:

1. The proposed dog keeping facility does not satisfy Conditional Use approval criteria due its inconsistency with the area character, the lack of information on effects on natural resources and public services, and conflicts with Comprehensive Plan Policy No.13 (Air, Water, and Noise Quality).
2. The proposed dog keeping facility does not satisfy Animal Keeping–Dogs locational and site size requirements due to potential conflicts with surrounding uses, and substandard lot area and width. The application does not demonstrate consistency with specific design standards for kennels.
3. The application does not demonstrate why the proposal warrants a variance from the lot area and width requirements for dog keeping facilities.
4. The proposed pet grooming commercial use is inconsistent with the rural residential character of the area. There is insufficient information to determine what public service (i.e water or septic system) demands the commercial use may create. The commercial use as proposed will create hazardous conditions along SE 174th (Jenne Road).

Signed July 9, 1990



Dean Alterman, Vice Chairman

Filed With the Clerk of the Board on July 19, 1990

### Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before **4:30 PM. on Monday, July 30 1990** on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

*The Decision on this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, July 31, 1990 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development Division at 248-3043.*

**Decision**  
**July 9, 1990**

12

CU 15-90/HV 10-90

RECEIVED  
SEP 17 1990

Multnomah County  
Zoning Division

SEPTEMBER 17, 1990

TO: MULTNOMAH COUNTY BOARD OF COMMISSIONERS

RE: CU 15-90, #522 CONDITIONAL USE REQUEST  
HV 10-90, #522 LOT WIDTH VARIANCE  
(PRIVATE SHOW DOG KENNEL /  
PET GROOMING FACILITY)

AT THE PUBLIC HEARING CONCERNING THE ABOVE MATTER ON JULY 9, 1990, MY HUSBAND AND I APPEARED TO STATE AN OBJECTION TO THE PRESENCE OF A KENNEL AT THIS LOCATION BECAUSE OF THE NOISE, OUR RESIDENCE IS APPROXIMATELY 175 FEET FROM THE BUILDING IN WHICH THE DOGS ARE HOUSED. ALTHOUGH IT MAY APPEAR THAT WE ARE TOO FAR AWAY TO BE AFFECTED BY IT, WE ARE DISTURBED BY THE NOISE FOR THE FOLLOWING REASONS:

1) THE "METAL BARN STRUCTURE" - AS IT IS DESCRIBED IN THE STAFF REPORT OF THE DEPARTMENT OF ENVIRONMENTAL SERVICES - WAS NOT ORIGINALLY DESIGNED AS A KENNEL. THE SOUND OF THE DOGS AS IT COMES FROM THIS PARTICULAR BUILDING IS AMPLIFIED AND CARRIES OVER A LONG DISTANCE.

2) BECAUSE OF THE NUMBER OF DOGS THAT ARE HOUSED IN THE BUILDING, AND BECAUSE THEY ARE OF A TYPE THAT NOT ONLY BARK BUT HOWL, THE EFFECT - ESPECIALLY WHEN AMPLIFIED BY THE STRUCTURE ITSELF - IS QUITE LOUD AND IRRITATING.

3) THERE IS NO SUFFICIENT BUFFER AROUND THE BUILDING TO MITIGATE THE NOISE OR TO BLOCK IT. EXCEPT FOR A SINGLE LINE OF TREES IN OUR YARD, THERE IS ONLY OPEN SPACE BETWEEN OUR HOUSE AND THE KENNEL.

WE REMAIN OPPOSED TO THE KENNEL FOR THE REASONS STATED ABOVE, AS WELL AS FOR THE REASONS STATED IN THE CONCLUSIONS OF THE STAFF REPORT IN ITS RECOMMENDATION THAT THE VARIANCE BE DENIED.

IF THE KENNEL IS APPROVED, WE ARE CONCERNED THAT THE APPLICANT WOULD THEN BE FREE TO BRING AN INDEFINITE NUMBER OF DOGS ONTO THE PROPERTY. IF THE ORIGINAL DECISION IS REVERSED, WE WOULD LIKE TO REQUEST THAT THE FOLLOWING REQUIREMENTS OR STIPULATIONS BE CONSIDERED:

1) THAT A LIMIT BE PLACED ON THE NUMBER OF DOGS ALLOWED ON THE SITE

2) THAT THE DOGS BE HOUSED IN THE PROPER TYPE OF FACILITY

3) THAT A SUFFICIENT BUFFER BE PLACED AROUND THE KENNEL TO LESSEN THE IMPACT OF NOISE.

THANK YOU FOR ANY ATTENTION YOU  
MAY GIVE TO THIS LETTER.

SINCERELY,  
*Linda Pompey*  
LYNDA POMPEY  
5140 SE CIRCLE AVE.  
PORTLAND, OR 97236  
666-3311

Meeting Date: SEP 18 1990  
Agenda No. : #2

(Above Space for Clerk's Office Use)

**AGENDA PLACEMENT FORM**  
**(For Non-Budgetary Items)**

SUBJECT: Presentation of recent audit - Administering Professional Service Contracts

BCC Informal 9-18-90 BCC Formal \_\_\_\_\_  
(Date) (Date)

DEPARTMENT Auditor's DIVISION \_\_\_\_\_

CONTACT Dan Ivancie TELEPHONE 248-3320

PERSON(S) MAKING PRESENTATION Dan Ivancie

**ACTION REQUESTED**

INFORMATIONAL ONLY  POLICY DIRECTION  APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: Half hour

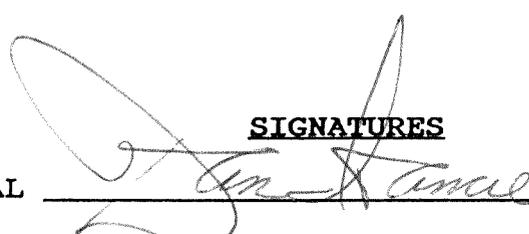
CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: \_\_\_\_\_

**BRIEF SUMMARY** (Include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

**REQUEST TIME CERTAIN, PLEASE!**

1990 SEP 18 10 01 AM  
CLERK OF COUNTY  
OREGON

**SIGNATURES**

ELECTED OFFICIAL  9/5/90

OR

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

(All accompanying documents must have required signatures)

---

# Press Release

from the Office of the  
**Multnomah County Auditor**

August 29, 1990

**Contact: (503) 248-3320**  
**Dan Ivancie,**  
**Multnomah County Auditor**  
**or Craig Mills**

Portland - Multnomah County Auditor, Dan Ivancie, today issued a report recommending improvements in the way the county administers its professional service contracts.

According to county records, the county entered into 578 professional service contracts in Fiscal Year 1988/89 for a total amount exceeding 39 million dollars.

Ivancie said better mechanisms are needed to support the county's decisions to fund professional service contracts. Ivancie also stated that professional service contracts must contain measurable contract objectives. Contractor performance and fiscal well-being should be effectively monitored. Improved communication between the county and its contractors is also needed.

Other issues identified in the audit include:

- The need for a county-wide comprehensive contract information system.
- Policy to address potential conflicts of interest.
- A need for better documentation supporting contract renewal decisions.

Ivancie feels that a Central Contract Administrative unit is needed to assist the county in addressing these matters. A central unit would be best positioned to deal with county-wide contracting concerns noted in the audit.

Ivancie concluded: "I am hopeful county management will work together to address the issues raised in this report."

REPORT BY THE  
COUNTY AUDITOR



**MULTNOMAH COUNTY OREGON**

**ADMINISTERING  
PROFESSIONAL SERVICE CONTRACTS**

AR #2-90  
AUGUST 1990

DANIEL A. IVANCIE  
COUNTY AUDITOR



DANIEL A. IVANCIE

COUNTY AUDITOR  
ROOM 1500, PORTLAND BUILDING  
1120 S.W. 5TH AVENUE  
PORTLAND, OR 97204  
(503) 248-3320

# MULTNOMAH COUNTY OREGON

---

---

August 30, 1990

MEMORANDUM

TO: Gladys McCoy, Chair  
Pauline Anderson, Commissioner  
Rick Bauman, Commissioner  
Gretchen Kafoury, Commissioner  
Sharron Kelly, Commissioner

FROM: Daniel A. Ivancie, *Daniel Ivancie*  
Multnomah County Auditor

RE: Audit Report #2-90  
Administering Professional Service Contracts

=====  
This report focuses on fundamental professional service contract administrative controls. These controls influence how effectively the county's contracting resources are utilized. Well functioning contract administration systems insure dollars spent on professional service contracts are used appropriately and achieve the desired results.

Professional service contracting in Multnomah County has increased substantially over the last decade. Yet, from a county-wide perspective, fundamental administrative functions such as proper contract cost analysis, contract monitoring and contract information maintenance have not fully responded to this growth. Improved standards for measuring county contractor performance and better communication with contractors are needed to insure contract objectives are met.

The quality of contract administrative systems vary throughout the county. In addition to specific recommendations, this report proposes a contract administration unit to better define and coordinate implementation of minimum county-wide contract administrative standards. The proposed unit will assist county departments, divisions and their programs in enhancing control systems needed to effectively administer their professional service contracts.

DAI/db

**AUDIT REPORT #2-90**

**ADMINISTERING  
PROFESSIONAL SERVICE CONTRACTS**

Report Issued by:

**Daniel A. Ivancie**  
Multnomah County Auditor

1120 S.W. 5th, Room 1500  
Portland, Oregon 97204

# TABLE OF CONTENTS

	PAGE
SUMMARY OF CONCLUSIONS . . . . .	ii
INTRODUCTION . . . . .	1
SCOPE . . . . .	4
BACKGROUND . . . . .	7
<b>AUDIT RESULTS:</b>	
Chapter I - CONTRACT FUNDING . . . . .	21
Chapter II - CONTRACT STANDARDS . . . . .	28
Chapter III - CONTRACTOR SELECTION . . . . .	32
Chapter IV - CONTRACT MONITORING . . . . .	40
Chapter V - CONTRACT RENEWAL DECISIONS . . . . .	47
Chapter VI - CONFLICT OF INTEREST . . . . .	50
Chapter VII - RETROACTIVE CONTRACTS . . . . .	56
Chapter VIII - CONTRACT INFORMATION SYSTEMS . . . . .	60
Chapter IX - CONTRACT ADMINISTRATION UNIT . . . . .	66
<b>RESPONSE TO THIS REPORT . . . . .</b>	<b>APPENDIX</b>

---

## SUMMARY OF CONCLUSIONS

---

- |  |              |
|--|--------------|
| 1. Fiscal and performance contract monitoring is deficient in Multnomah County.  | Chapter IV   |
| 2. Performance standards are not always developed and included in professional service contracts.  | Chapter II   |
| 3. Professional service contract funding decisions lack analysis and documentation.  | Chapter I    |
| 4. Multnomah County does not have a comprehensive contract information system.   | Chapter VIII |
| 5. The financial condition of the county's contractors is not always evaluated.  | Chapter III  |
| 6. The county's competitive selection process has been compromised in cases where contractors have multiple contracts under \$10,000.  | Chapter III  |
| 7. Justification for contract renewal decisions are not documented.  | Chapter V    |
| 8. The county lacks contractor selection procedures for professional service contracts under \$10,000.   | Chapter III  |
| 9. Conflict of interest policies are needed to protect the county's competitive process.   | Chapter VI   |
| 10. Contractors are providing services for the county without signed contracts.  | Chapter VII  |
| 11. A Contract Administration Unit will improve county-wide professional service contract standards and install proper contract administrative and information systems for the county. | Chapter IX   |

## INTRODUCTION

Our audit of professional service contracting was conducted as part of our scheduled audit plan. After our initial review of contracting in the Department of Human Services, we found that many procedural issues relating to contracting crossed departmental lines. Therefore, we chose to address contracting from a county-wide perspective in order to increase the audit's relevance to both county managers and the general public.

The county, through its four major departments<sup>1</sup>, provides a variety of services to the public. These departments often face situations that require the services of persons or organizations having special expertise. When it is impractical to provide such services "in-house", the county contracts with external service providers.

The county enters into professional service contracts with corporations, non-profit organizations, individuals, and other governmental agencies. Examples of contracted services include human care services, legal work, financial accounting and organization consulting services.

---

<sup>1</sup> The county's departments are: Department of General Services, Department of Environmental Services, Department of Human Services, and Department of Justice Services. On July 1, 1990, the Department of Justice Services was reorganized and renamed the Department of Community Corrections.

There are a number of reasons why county managers make the decision to contract. These reasons usually include the need to provide services at a lower cost, or the need to acquire special skills not available through the county. Sometimes it is more cost-effective to contract for services than it is to train or hire full-time personnel.

The county might contract for professional services because only the contractor has the necessary knowledge and independence to provide a service. In other cases, contracting out for services may be mandated by a funding source.

The county's reliance on professional service contractors has increased steadily since the early 1980's. This trend is sometimes referred to as "privatization." Privatization in government is not unique to Multnomah County. According to one source, "... states, cities, counties, school districts, and special districts are contracting with private sector suppliers on an unprecedented scale and for a wider range of goods and services than ever before." <sup>2</sup>

Using contractors to deliver program services significantly changes the roles played by county administrators. Instead of directly overseeing operations, management becomes the agent that assures contractors responsibly deliver services.

---

<sup>2</sup> Maney, Ardiath. 1987. Speech before American Society for Public Administration, Boston, MA. April 1987.

### The Importance of Administrative Controls in Contracting

The collection of activities that provide assurance that county contracting objectives will be met make up a system of internal controls. For this audit, we focused our efforts on internal controls and especially administrative controls. We singled out administrative controls as being most important in protecting the quality and effectiveness of contracted services. In addition to providing certain assurances, sound internal controls also help protect county resources and can reduce costs.

Of major interest was the extent to which administrative control systems within the contracting process in Multnomah County had kept pace with the accelerated growth in privatized county services.

## SCOPE

### Our Focus

This audit examines the adequacy and effectiveness of internal controls used by Multnomah County when it contracts for professional services. We focused on elements of the contracting process rather than on the performance of individual contractors.

The audit scope was limited to contracts used to procure professional services. Some of our conclusions, however, may be representative of issues related to other kinds of contracts undertaken by the county.

### Our Objectives

In dealing with the topic, we asked four questions:

- Does the contracting process in Multnomah County provide assurance that the county's contracting objectives are being met?
- Does the contracting process adequately protect county resources?
- Does the contracting process ensure compliance with contracting laws?
- Does the contracting process ensure that contracted services are delivered effectively?

### Our Tests

For testing purposes, we sampled contracts let by all four county departments. Because the Department of Human Services originated a large percentage of contracts, the majority of contracts audited were from this department.

We examined county policies and procedures in effect as of December 1989, and took into account changes in county contracting procedures made in August, 1989.

We audited compliance with applicable statutes and ordinances. For those items which we did not specifically test for compliance, nothing came to our attention which would indicate substantive non-compliance.

We evaluated county objectives that pertained to contracted services, and analyzed methods to reduce risks associated with not meeting those objectives.

We interviewed county personnel as well as contractors to obtain their views on various aspects of county contracting processes.

We limited our audit of contracts to those listed on the county's automated Contract Information System (COINS) for the fiscal years ending June 30, 1988 and June 30, 1989. To manage the scope of our

work, we did not review certain types of contracts. These included:

- Contracts with other governmental entities.
- Revenue contracts.
- Contracts for goods or services not classified by county administrative rules as personal or professional services.

This audit was conducted in accordance with generally accepted governmental audit standards.

## BACKGROUND

The county has increasingly used contracts to provide services to the community, and to secure management assistance and special expertise. In this regard, the county has followed a national trend toward increased use of contractors to provide public services.

In Multnomah County, much of the authority to administer contracts has been delegated to line managers. For example, line managers are responsible for developing proper contract standards and evaluating contractor performance. In many cases, county contracting procedures allow managers to decide who they will contract with, how much they will spend, and what services will be provided.

The amount of discretion given to management reflects the county's decentralized approach to contract administration. Some degree of central contract monitoring and control has nevertheless been retained. For example, the county's budget process provides some external oversight. Department budget requests for professional service contract funds are presented to the County Chair and Board of County Commissioners for approval. Departments must justify their needs before funding is provided.

## Oregon Law

Oregon Revised Statutes Chapter 279 establishes requirements for contracting by public agencies. The law focuses on contracts let through the competitive bidding process. Competitive bidding refers to the solicitation of independent contract offers through a formal process of advertisement, bid, bid opening, and awarding of contracts to the lowest responsible bidder.

The law also gives Oregon counties the authority to create their own procedures for screening and selecting professional service contractors; counties may exempt certain contracts from the competitive bid requirement. In exercising this authority, the Multnomah County Board chose to exempt professional service contracts from competitive bid requirements.

## Public Contract Review Board (PCRB) Administrative Rules

Multnomah County has adopted administrative rules that define the types of contracts the county can consider. Although the rules exclude professional service contracts from competitive bidding, the rules do require competitive bidding for other types of contracts.

The Administrative Rules define professional service contracts as follows:

- Contracts for educational and human custodial care services.

- Contracts for services performed as an independent contractor in a professional capacity, including but not limited to the services of an accountant; attorney; architectural or land-use planning consultant; physician or dentist; registered professional engineer; appraiser or surveyor; passenger aircraft pilot; aerial photographer; timber cruiser; or broadcaster.
- Contracts for services as an artist in the performing of fine arts, including but not limited to photographers; film-makers; painters; weavers; sculptors.
- Contracts for services of a specialized creative and research oriented, non-commercial nature.
- Contracts for services as a consultant.

#### Administrative Procedures

The county's administrative procedures define how county employees are to set up and administer professional service contracts. These procedures are the primary means of control over contracting activities. In lieu of competitive bidding for professional services, the procedures define a "competitive process" to be followed.

There is an important distinction between competitive bidding and a competitive process. Competitive bidding solicits bids through a formal process and awards contracts to the lowest responsible bidder. A competitive process does not require acceptance of the lowest responsible bidder. Instead, a competitive process focuses on accepting the most qualified service provider.

According to county managers, professional service contracts are exempted from competitive bidding because of the qualitative nature of many services needed. Managers said it was more important that contractors have the ability to provide a service than it was to accept a contract just because it was the least costly alternative.

### Classes of Contracts

Administrative procedures separate professional service contracts into three categories. Procedures affecting contractor solicitation and contract processing and approval differ according to the dollar amount and type of contract in question. The three categories of contracts are:

- Class I - Professional Service Contracts under \$10,000.
- Class II - Professional Service Contracts over \$10,000, and all retroactive contracts.
- Class III - Intergovernmental Agreements. (Contracts between government entities i.e., federal, state and local.)

### Controlling the Contract Approval Process

Administering the contract approval process is assisted through use of the Contract Approval Form (CAF). The form requires authorizing signatures to ensure that all responsible parties have reviewed and approved the contract. The form also includes a description of the contract, approval dates, payment terms, and accounting data. The

CAF is the source document for approving and recording contract financial information.

#### Class I Contracts

Professional service contracts under \$10,000 are not generally subject to a competitive process. Department managers can let contracts at their own discretion provided budgeted funds are available. The initiating department prepares the contract and a CAF and forwards these to the department manager for approval.

Once approved by the department manager, the contract and CAF are sent to County Counsel for legal review. After approval by County Counsel, both documents are returned to the initiating manager who obtains the contractor's signature on the contract and distributes copies of the CAF to County Purchasing, Finance, and the Clerk of the Board. Original, signed contracts are sent to the contractor and to Purchasing.

#### Class II Contracts

Class II contracts (those over \$10,000) are procured through a competitive process. The goal is to select the most qualified contractor when price is not the sole determining factor. The main document used to facilitate and control this process is the Request for Proposal (RFP) form. The RFP is used to solicit competitive

proposals from prospective contractors.<sup>3</sup> The RFP is subject to review and approval at various administrative levels, and is required for all professional service contracts which exceed \$10,000, unless exempted. The RFP typically includes:

- A statement which describes the nature of the work to be done.
- A description of services to be performed including available funds and deadlines for work products.
- Minimum contractor qualifications.
- Criteria for contractor selection.

The contracting department submits the RFP to County Purchasing for technical review and approval. Purchasing must ensure the RFP complies with procedural and legal requirements. Purchasing advertises Class II contracts in local newspapers to inform contractors of work opportunities. Interested contractors obtain the RFP from Purchasing in preparation for making a proposal. Purchasing also receives all proposals made in response to RFP's and maintains permanent RFP records. The initiating department is required to establish a committee of at least three objective

---

<sup>3</sup> Also included as Class II contracts are those which require competitive bidding under Oregon law and the Public Contract Review Board (PCRB) Administrative Rules. These include contracts for the purchase, lease, or lease/purchase of goods, equipment, trade-related services, maintenance agreements, and construction or public improvements. The Board has not exempted these types of contracts from requirements of State Law. However, these contracts are usually not considered professional service contracts and therefore were not addressed in this audit.

persons to evaluate RFP responses. The committee ranks the responses and either provides the department manager with their top three choices, or recommends selection of the top ranking proposal.<sup>4</sup> All evaluation information is forwarded to Purchasing where it is reviewed for accuracy and compliance with RFP procedures.

Once the contracting decision is made, the initiating department prepares a contract and CAF. Following approval by the initiating department manager, the CAF and the contract are forwarded to County Counsel. County Counsel provides a legal review before sending the documents to Purchasing for final review and approval. The CAF and contract is then returned to the initiating department. The department obtains the contractor's signature for the contract and distributes copies of the CAF to Purchasing, Finance and the Clerk of the Board. Original, signed contracts are sent to the contractor and to Purchasing.

Upon receipt of the contract and contract approval form, Finance logs contract information into the county's automated Local Government Financial System (LGFS). The contracted amount is referred to as "encumbered" funds. Finance makes periodic disbursements of encumbered funds as invoices are approved by

---

<sup>4</sup> Final contract approval rests with the department manager. However, in certain cases, the County Chair or the Sheriff may need to review and approve the contract documents.

contracting departments. In addition to being accounted for on LGFS, contracts are also recorded by the Division of Administrative Services on a county-wide Contract Information System known as (COINS).

### Exemptions from the Competitive Process

Professional service contracts can be exempted from the competitive process. There are four types of exemptions:

#### Blanket Exemptions:

Professional service contracts which meet any of the following conditions are exempted:

- Contracts for legal services approved by County Counsel.
- Contracts for inpatient or hospital emergency services approved by the County Purchasing Director.
- Contracts with physicians who have admitting privileges to hospitals.
- Contracts in which rates are set by federal, state, county, or other local regulatory authority. This exception applies if an alternate process for soliciting and approving qualified contractors is approved in advance by Purchasing.

#### Sole Source Exemptions:

- This exemption applies if there is only one contractor qualified to provide a particular service.

#### Temporary Exemptions:

- Exemptions up to 12 months may be granted if it is determined the county's economic interests would be better served to delay the RFP process or, if RFP requirements require major unforeseen changes.

Emergency Exemptions:

- An emergency exemption may be granted if circumstances could not have been reasonably foreseen and public health or safety is in immediate jeopardy.

According to FY 1988/89 records, approximately 57 percent of the total Class II professional service contract dollars were exempted from the RFP competitive process. However, most of the exempted amount was concentrated in a small number of contracts for large dollar amounts.

Contracting Activity

Throughout the 1980's, Multnomah County steadily increased its expenditures for professional services. According to information obtained through the Financial Management System (FMS) and COINS system, we estimated funds for contracted professional services grew from \$24 million in FY 1984/85 to \$39 million in FY 1988/89, a 63 percent increase. The \$39 million spent on professional service contracts in FY 1988/89 represented an increase of about 32 percent over the previous fiscal year.

Based on COINS data,<sup>5</sup> professional service contracts in FY 1988/89 made up approximately 15 percent of that year's total county budget of \$256 million. Multnomah County entered into 578 professional

---

<sup>5</sup> The COINS data is only meant to provide the reader with a general knowledge of the extent of professional service contracting in Multnomah County. See Chapter VIII for more information on COINS.

service contracts in FY 1988/89. Of these, 189 (33%) were for more than \$10,000; their average amount was approximately \$200,000. The remaining 389 professional service contracts (67%) in FY 1988/89 were for amounts less than \$10,000.

Much of the growth in professional service contracting was due to Department of Human Services (DHS) activity. In FY 1988/89, DHS spent over 85 percent of the \$39 million used on professional service contracts. Between FY 1984/85 and FY 1988/89, DHS increased funding for professional services from approximately \$19 million to \$33 million, a 74 percent increase.

Much of the increase at DHS was due to the increased reliance on contracting to accomplish the delivery of social services. Examples of social services under contract include programs for those with developmental disabilities, mental/emotional problems, alcohol/drug dependencies, and programs for youth services.

Other county departments have also significantly increased their contracting for professional services. For example, professional service contracts in the Community Corrections Division, within the Department of Justice Services, increased from \$570,000 in FY 1986/87 to \$1.7 million in FY 1989/90, almost a 200 percent increase.

### Source of Contracting Funds

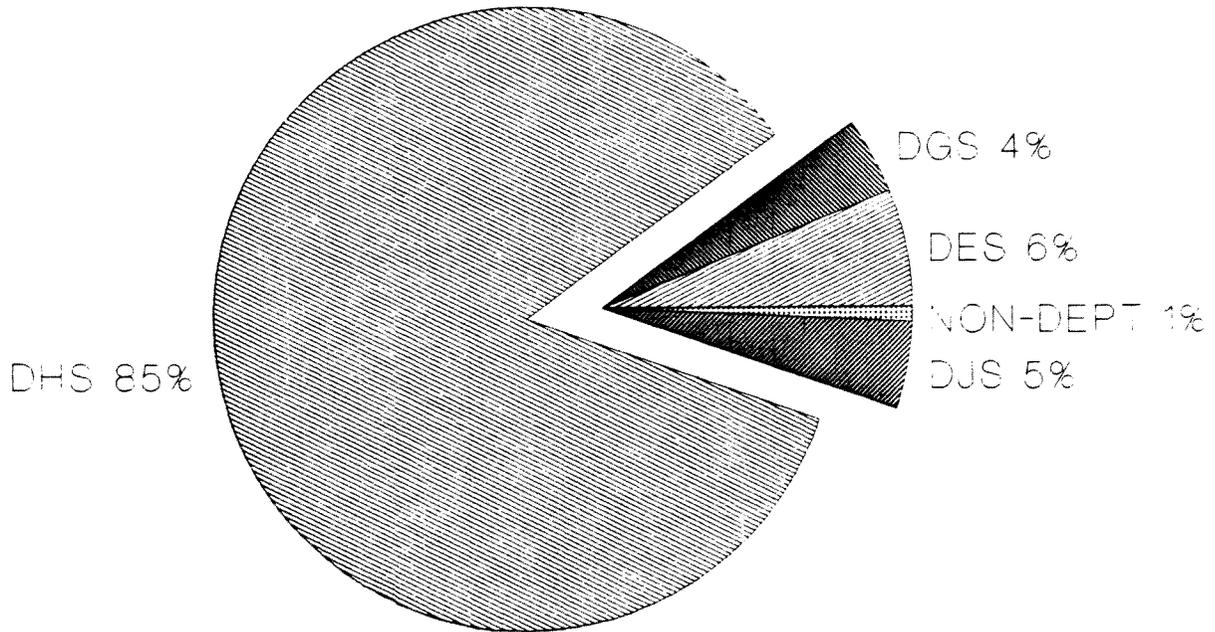
The growth of professional service contracting can be partly explained by increases in funds provided to Multnomah County by state and federal agencies. These funds are referred to as pass-through funds. The county may receive pass-through funds when it enters into intergovernmental agreements (Class III contracts) with federal, state or other local agencies.

In FY 1988/89, we estimate that pass-through payments accounted for approximately 75 percent of all funds spent on contracted professional services. The remaining 25 percent was funded by other local revenue sources.

Pass-through dollars are usually earmarked for specific purposes. Therefore, many decisions concerning county contracts are driven by guidelines set forth in pass-through funding agreements.

The graphs and figures on the following pages show how FY 1988/89 contracts were distributed by department for contracts under and over \$10,000.

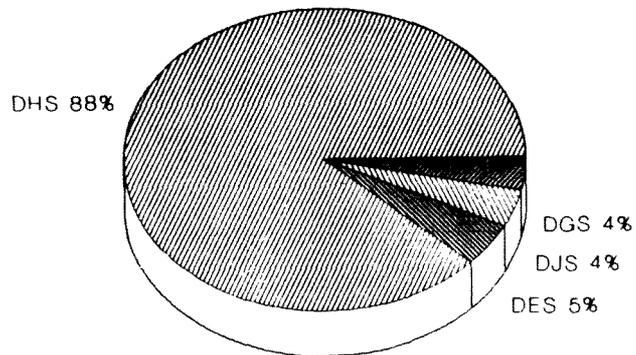
# PROFESSIONAL SERVICE CONTRACTING FY88-89



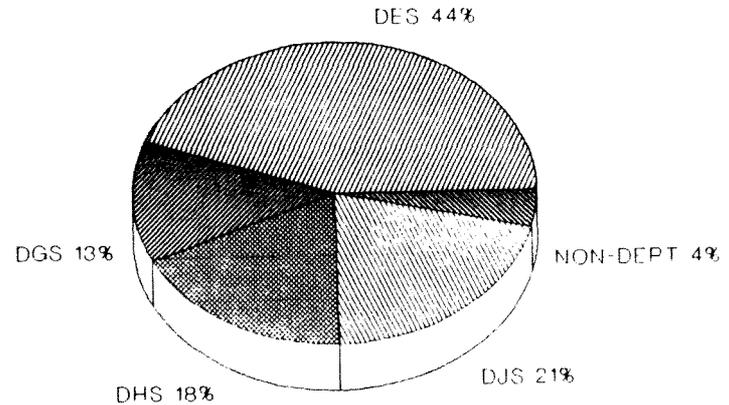
DEPT	NUMBER OF CONTRACTS	AMOUNT
DHS	261	\$ 33,484,414
DES	140	2,376,192
DJS	91	1,780,993
DGS	65	1,543,168
NON-DEPT	21	56,973
TOTAL	578	\$ 39,241,740

SOURCE: COINS REPORT

**PROFESSIONAL SERVICE  
CONTRACTS OVER \$10,000  
FY88-89**



**PROFESSIONAL SERVICE  
CONTRACTS UNDER \$10,000  
FY 88-89**



6T

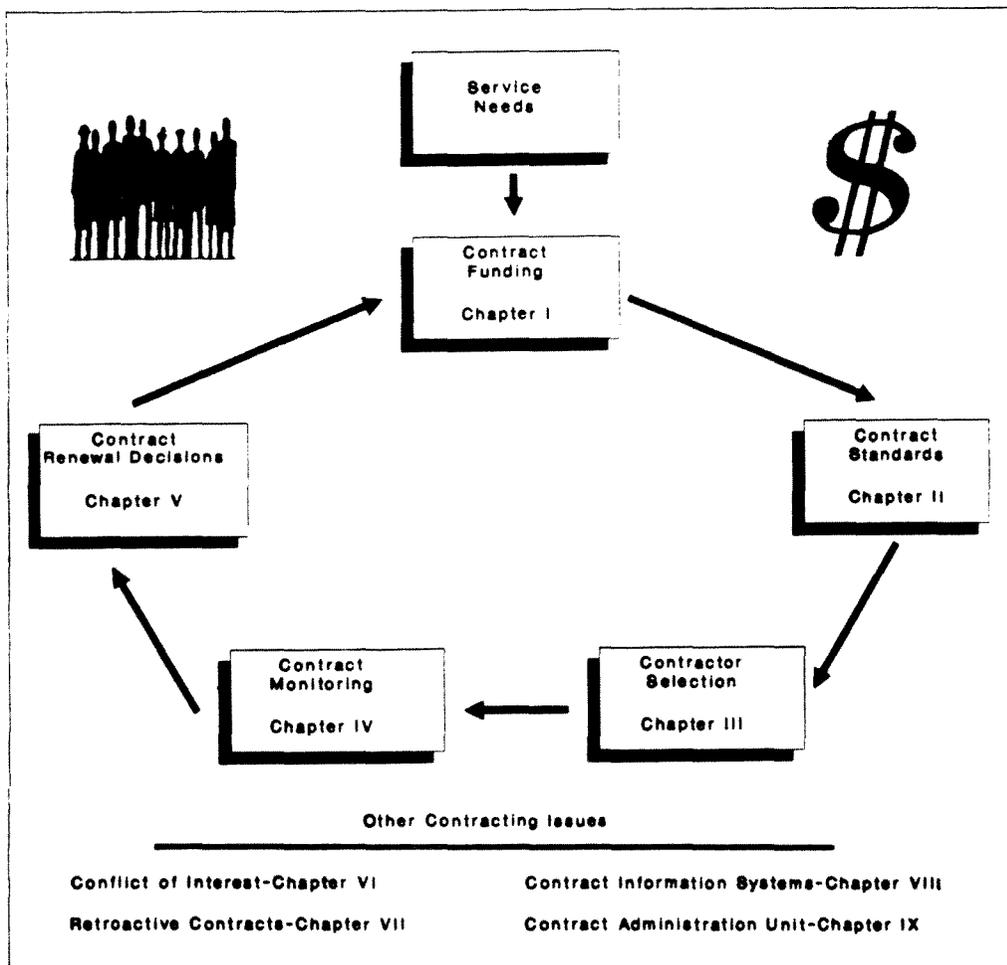
DEPT	NUMBER OF CONTRACTS	AMOUNT
DHS	129	\$ 33,224,380
DES	24	1,744,770
DJS	17	1,481,210
DGS	19	1,357,249
TOTAL	189	\$ 37,807,609

DEPT	NUMBER OF CONTRACTS	AMOUNT
DES	116	\$ 631,422
DJS	74	299,783
DHS	132	260,034
DGS	46	185,919
NON-DEPT	21	56,973
TOTAL	389	\$ 1,434,131

SOURCE: COINS REPORT

# AUDIT RESULTS

The results of the audit are organized into eight chapters. Chapters are presented in a sequence consistent with the contracting process in Multnomah County. Chapter IX deals exclusively with our recommendation for establishing a Contract Administration Unit to oversee county-wide contracting activities.



## CHAPTER I

### CONTRACT FUNDING

#### Overview

Once service needs have been established, county professionals develop specific strategies to meet those needs. Contracting for professional services is one such strategy. In most cases, departments request professional service funds through the annual budget process. The Board of County Commissioner's adoption of the county budget formally approves funds for contracting purposes.

Documentation supporting budget requests often varies. For example, the county currently uses a specific budget document form as one means of providing information about contract funding requests. This document may identify and list anticipated contracts, as well as funds needed.

Department work plans provide another example of documentation supporting contract funding. Work plans may be used by managers to specify program objectives which can be accomplished through contracting. Because managers approach decision making in different ways, we found many variations in the way information supporting contract budget requests was accumulated and presented.

### Cost Analysis is Needed to Make Contracting Decisions

The county must choose between contracting for needed services, providing services with county employees and equipment, or not providing services at all. Cost analysis is an integral part of this choice. Cost analysis should occur before any decision to contract is made.

In order to make the optimal choice, the total cost of contracting for a professional service must be considered. Cost criteria should include both analysis of contract start-up costs, and long-term costs to provide a service.

Contract administrative costs, used mostly to cover contractor monitoring, should also be analyzed. If contract administrative costs are overlooked in the budgeting process, effective contract administration may not occur.

### Qualitative Analysis is Needed to Make Contracting Decisions

Qualitative factors also influence the decision to contract. Some service needs present operational problems for which there are no known solutions. In these cases, managers are called on to use judgment in reaching their contracting decisions. Judgment plays an important role in contracting decisions where service costs and outcomes are difficult to measure.

Because contracting choices normally involve some degree of uncertainty, managers should always document their reasoning about contract decisions. The documentation should be sufficient to help decision makers recognize key issues and trade-offs involved in a contract decision.

## The County Needs to Support its Contract Funding Decisions.

We reviewed contract administrative systems in eight program areas which included 159 contracts. Based on this review, we determined there were few formal processes in place to adequately support contract funding decisions, or ensure that appropriate funding decisions were being made.

Documentation concerning contract funding and analysis was often incomplete or not available. We found no documented cases where the costs of providing contracted services had been clearly determined on a contract by contract basis. We also found little evidence that service delivery alternatives had been fully analyzed.

### Pass-Through Funding

Agreements between the county and other government entities that provide pass-through funds for contracts often contain specific cost and reimbursement rates. According to county managers, pass-through funds were often insufficient to cover both contractor expenses and county administrative costs needed for contract oversight. Some managers felt that contractors were not provided sufficient funds to feasibly accomplish contract objectives.

One manager suggested that insufficient pass-through funding has caused some contractors to hire at low wages. Lower wages can

lead to higher turnover of personnel. Service delivery may suffer due to higher contractor turnover rates.

Because no analysis of contract costs had been documented on a contract by contract basis, we were unable to confirm management's assertion that pass-through funding of contracts and administrative costs was inadequate. Several managers said they did not have the time or the resources to firmly establish what some contracts should cost, or if it would be more cost effective to have the county provide the services. Others said it was up to contractors to find ways to deal with contract funding limitations.

To provide some assurance that decision makers consider all relevant contracting issues, the county has adopted an ordinance No. 406 which states:

Multnomah County will only agree to contracting out a service/program after the Board (Board of County Commissioners) has reviewed the short and long term costs of maintaining quality service and additional funding options.

The county was unable to demonstrate compliance with this ordinance.

Based upon our discussions with county managers, we believe more contract cost analysis takes place than is suggested by available documentation. Nonetheless, we feel this is an area which needs attention. When the county fails to fully consider costs and does not adequately document the reasons for its decisions, it risks choosing an ineffective or more expensive way to meet the public's needs.

**Recommendation No. 1**

**The county should improve its analysis and documentation of professional service contract funding decisions.**

Cost and qualitative analysis should occur at the organizational level where contract funding decisions are made. The analysis should be documented on a contract by contract basis and included in each contract file. For ongoing contractors, cost information should be reviewed and updated when the contract is renewed (See Chapter V). Contract cost analysis should include:

- A. A description of services to be provided, including specific contract objectives.
- B. A determination that the funding source adequately finances both contractor costs and contract administrative costs when contracting is mandated. Supplemental general fund monies for contract costs should be considered if funding deficiencies exist and the county is committed to providing the services.

- C. A study of the total costs to contract for the service. Costs should include both direct provider costs as well as indirect costs associated with the county's proper administration of the contract. Contracted costs should be compared against in-house delivery costs (when in-house delivery is a feasible option).
  
- D. A detailed listing of qualitative factors influencing the decision to fund the contract.

**Recommendation No. 2**

For professional service contracts greater than \$10,000, we recommend expanding contract budget documentation to summarize the results of contract cost analysis.

Contract funding decisions should be made at the time of the budget process. In order to accomplish this objective, budget documentation should provide the following detail on each contract:

- A description of the service to be contracted.
- Specific contract objectives.
- A definition of a successfully completed contract, spelled out in terms of expected contract performance objectives.
- Contract costs.
- County administrative costs related to the contract.

## CHAPTER II

### CONTRACT STANDARDS

Contract standards are measurable criteria included in contract provisions which a contractor agrees to satisfy. The county should use contract standards to determine the extent to which contract objectives have been met.

Contract standards include specific operational requirements the contractor must achieve. Contract standards also include performance objectives; this type of standard defines the effectiveness of service delivery over the term of the contract.

To illustrate, the county has contracted with an organization to provide drug treatment for sentenced offenders having drug problems. The primary objective of the contract is to reduce offenders' drug use. The contract provisions require the contractor to treat 200 offenders per year. Treatment of 200 offenders is an example of a specific operational requirement.

However, to demonstrate effective service delivery, the contractor must also achieve certain performance objectives. In this case, the contractor must show that 60 percent of the treated offenders remain in the program at least 90 days with no crimes committed

during the treatment period. In addition, the offenders must have at least four drug-free urinalysis tests over the same period. These criteria are examples of performance objectives.

Both kinds of contract standards (operational requirements and performance objectives) are most effective when they can be quantified and measured. Measurable standards allow county managers to chart the success of contractor efforts over the term of the contract.

## The County Needs to Strengthen its Contract Standards

The county did a good job of establishing operational requirements to be performed by its contractors. However, audit evidence suggests that management's work in establishing performance objectives by which to measure contractor performance, has not kept pace with the growth of county services provided through contracts.

Based on a county-wide sample of contracts, we found that many contracts did not include specific performance objectives. In one agency, during FY 1988/89, we found that 32 of 52 contracts (62 percent) did not contain performance objectives.

County managers we interviewed acknowledged that most of their contracts did not address performance objectives because it had not been a county priority. This was said to be especially true with contracts for the delivery of human services. According to one manager, the county tended to focus more on operational and compliance issues and less on the outcomes of contracted work.

Without performance objectives included in contract provisions, the county's ability to measure the quality of contracted services is severely restricted. Terminating contracts with non-performing providers may be difficult if measurable criteria have not been included in contract provisions.

### Performance Objectives Make Contractors Accountable

Performance objectives that are cooperatively developed by the county and the contractor make both parties answerable for their use of public dollars. Without performance objectives, it is hard for the county to hold contractors responsible because little criteria exists on which to base an objective evaluation. At the same time, contractors need to know what is expected of them. Contract performance objectives must be stated before they can be met.

### Recommendation No. 3

The county and its contractors should cooperatively develop and use measurable performance objectives in all professional service contracts.

County managers should include performance objectives in both contract and RFP provisions. For new services, performance measures should be developed before the decision to fund a contract is made. Performance objectives should be considered for all contracts. If it is not feasible to establish performance measures for needed services, the county should be aware of the risks associated with the subsequent loss of accountability. In these cases, alternative methods of service delivery should be considered.

## CHAPTER III

### CONTRACTOR SELECTION

County managers need to know if a contractor is qualified and capable of providing services. To determine this, potential contractors submit information about themselves to the county. A contractor's past experience, professional standing, and ability to provide the service should be weighed. Obtaining the right kind of information about a potential contractor can head-off problems and increase the chances of making good contracting decisions.

#### Requirements for Professional Service Contracts Over \$10,000

When contracts exceed \$10,000, the RFP process is used to gather information on potential contractors. The RFP document typically includes a background statement, minimum contractor qualifications, contractor selection criteria, and specific information about the contract work to be performed.

In responding to RFP's, potential contractors may disclose their qualifications, special skills, past experiences, financial status and fee schedules. The information provided by the contractor is then subject to various levels of review and approval. The county's RFP process should provide assurance that contracting for professional services will be fair, competitive and impartial, and that the most qualified contractor will be chosen.

Some contractors may also provide the county with information by responding to a Request for Qualifications (RFQ). The RFQ is not required as part of the RFP process, but is sometimes used by managers as a means of generating a list of qualified service providers available for contracting.

Requirements for Professional Service Contracts Under \$10,000

For professional service contracts under \$10,000, there are few specific county-wide selection procedures. Some divisions choose to obtain competitive quotes from potential providers before choosing a contractor. Other divisions follow no specific or consistently applied procedure. In most cases, division and program managers exercise their own judgment when entering into a professional service contract.

The County Needs to Better Monitor Contractors with Multiple Contracts Under \$10,000.

Our review of contracts under \$10,000 identified administrative control weaknesses for those contractors having multiple contracts in the same department. These weaknesses could allow managers to avoid the RFP process by manipulating contract amounts.

Within a given period, a contractor could have two or more separate contracts in the same department calling for similar services. If each contract is less than \$10,000, no RFP would be required. Together however, the contracts could exceed the RFP requirement of \$10,000. Under these circumstances, the county's contractual relationship with the contractor should have the same level of scrutiny as any single contract exceeding \$10,000.

In FY 1988/89, we estimated the county let 57 contracts within the \$9,000 to \$10,000 range. Of these, 32 contracts were for amounts between \$9750 and \$10,000. These figures suggest that manipulation of contract amounts may be occurring to avoid the county's competitive process.

For our sample period, we identified seven contractors that had multiple contracts which in aggregate exceeded \$10,000. In each case, the contractor had two or more contracts providing for the same services. None of the contractors were required to meet the county's RFP requirements.

When contractors are not required to competitively qualify for contracts which, in aggregate, meet RFP requirements (over \$10,000), departments violate the intent of county administrative procedures. Reduced competition can be the result.

**Recommendation No. 4**

**The county should improve its tracking of multiple contracts with the same contractor.**

When professional service contracts with any one contractor for similar services within a given time interval meet or exceed RFP requirements, (contracts exceeding \$10,000) the contractor should be required to compete for the contract.

The COINS system should be set up to track multiple contracts and managers should be provided with informational reports showing contract concentration activities. Management should use this information to take corrective action.

The County Needs Procedures for Selecting Contractors for Professional Service Contracts Under \$10,000.

We wanted to evaluate the extent to which county managers had documented their contractor selection efforts for professional service contracts under \$10,000. However, our evidence showed there was little if any documentation maintained to support management's choices. Currently, there are no county-wide procedures for selecting professional service contractors for contracts under \$10,000.

Managers indicated their practices for selecting contractors for contracts under \$10,000 were not consistent. Some managers said they seldom obtained competitive quotes when contracting for less than \$10,000. Others said they usually selected contractors they knew of, or that had been given referrals by trusted sources. A few said they chose contractors who either had knowledge of county operations or who had past county contracting experience. Managers also said they seldom checked contractor's references or results of prior contract work.

Recommendation No. 5

County administrative procedures should include minimal standards to be followed by all departments regarding the procurement of professional service contracts under \$10,000.

This policy should require county managers to attempt to obtain three price/rate quotations from potential qualified contractors, and to maintain supporting documentation of these quotations. Information concerning contractor's past performance is also needed. References and qualifications of contractors should be obtained, documented, and maintained in a permanent file.

The County Needs to Better Evaluate the Financial Health of Potential Contractors

Knowing the financial condition of potential contractors enables the county to determine if the contractor has the resources needed to deliver the promised services. In assessing a contractor's financial capabilities, managers should know about a contractor's current financial position, cost of operations, sources of funds and cash flow. For larger contracts, the county should also have a sense of the fiscal controls present within a contractor's organization.

If the county enters into a contract without first determining the financial condition of the contractor, the risk of problems occurring is greatly increased. Fiscal problems may jeopardize service delivery or force the county to provide contingency funds in order to meet promised service levels. The county may unnecessarily assume liability for a contractor's internal control problems when these problems lead to misuse or misappropriation of county dollars.

Our review of 10 contracts totaling \$1,054,996 revealed that in all cases the county did not obtain sufficient financial information about the contractor that was eventually awarded the contract.

We looked for reasons why management had not obtained sufficient financial data on prospective contractors. Some managers suggested that the RFP process was already too cumbersome and time consuming, and they did not want to add extra paperwork. Other managers said increasing information requirements for contractors might discourage qualified contractors from submitting responses to RFPs.

**Recommendation No. 6**

**The county should require sufficient fiscal information from contractors responding to RFPs.**

At a minimum, contractors should be required to provide audited financial statements and any audit management letters. Files on RFPs should show that this information was evaluated for the contractor ultimately awarded the contract. In addition, the county should consider using credit services organizations to find out if contractors have been fiscally responsible. Fiscal information should be regularly updated and evaluated for ongoing contractors (see Chapter IV Contract Monitoring).

The above recommendations should also be considered for those contracts exempt from current RFP requirements. In addition, RFQ information should be updated and properly cross-referenced to RFPs when contracts are considered.

## CHAPTER IV

### CONTRACT MONITORING

Effective contract monitoring is key to the successful delivery of county services. Contract monitoring consists of both fiscal and performance monitoring. Fiscal monitoring assesses a contractor's financial management abilities. Performance monitoring measures a contractor's effectiveness in meeting contract objectives. Contract monitoring helps ensure that contractors deliver the quality of services the county wants to provide.

When managers decide to provide services through contractors, they no longer have direct control of the means to achieve the county's service delivery goals. Because managers are still responsible for contracted results, they need monitoring systems to protect service quality.

#### Fiscal Monitoring

The county needs to know if a contractor is sufficiently capitalized and has the financial management capabilities to deliver the service. In addition, the county must know whether contractors are complying with certain laws and regulations.

Fiscal monitoring may involve on-site reviews of contractor's financial records. Certain internal financial activity reports

provided by the contractor may also be reviewed. If available, independent audits of service provider's financial records should be collected and evaluated.

Without adequate monitoring, weaknesses in a contractor's fiscal operations can go undetected. Problems in fiscal operations can lead to poor decision making and contribute to substandard performance. Contractors lacking reliable systems of internal control can expose public funds to misuse or theft. Failure to effectively monitor compliance with state or federal regulations can jeopardize the continued availability of funds provided by those sources.

#### Performance Monitoring

Performance monitoring includes various methods of contract oversight to assure contractors are effectively delivering services. This kind of monitoring normally includes review of a contractor's records to determine if services have been delivered as promised. Performance monitoring may also involve meeting with contractors on a regular basis to discuss service delivery issues.

Evaluation techniques chosen for monitoring purposes will depend on responsibilities spelled out in contract provisions. However, an effective monitoring system should include written procedures, thorough site visits, regular meetings with contractors, and documented results of reviews. The success of contract monitoring

depends on the county's ability to communicate service delivery expectations and develop a means to evaluate a contractor's performance in meeting those expectations.

## The County Needs to Improve its Contract Monitoring Systems

Throughout the county, we found few examples of well defined or functioning contract monitoring systems. Most often, information gathered by monitoring efforts had not been properly accumulated, or documented.

### Fiscal Monitoring

With notable exceptions, a need for more effective fiscal monitoring was evident. In some instances, fiscal monitoring was comprised of only cursory site reviews of contractor operations. One division, which spent approximately \$2.8 million on professional service contracts in FY 1988/89, had no fiscal monitoring program.

Most divisions which had fiscal monitoring programs were not systematic in their approaches and some did not comply with their own monitoring standards. We found outdated monitoring procedure manuals and unsatisfactory analysis of contractors' audited financial statements. Some divisions had not followed up on problems identified in site visits with contractors.

### Performance Monitoring

We found several county programs were doing a good job of monitoring contractor performance. However, there was a general lack of county-wide emphasis in this area. Eight of 16 county

programs examined in our sample had insufficient or no documentation showing that contract performance monitoring had occurred. Ten of 16 programs examined had not established contract monitoring procedures.

In only a few cases, did we find examples of monitoring or analysis of contract outcomes. Substandard monitoring was characterized by lack of written procedures and rarely conducted field reviews. Often, administrative systems did not exist to effectively organize and use monitoring results to aid in decision making.

Managers said limited funding and other priorities often curtailed performance monitoring. Some managers said few sanctions were available for dealing with poor contractor performance; this was said to be especially true in cases where only one contractor was available to deliver the service. We were also told that performance monitoring was sometimes difficult because money provided for contracts was often insufficient to pay for all services sought by the county, let alone monitoring costs.

#### Working Relationships and Communication With Contractors

In a survey of 24 professional service contractors, we found many were dissatisfied with the county's ability to clearly communicate service delivery goals. Of those surveyed, nine (38 percent) rated the county as unsatisfactory in the way it communicated performance expectations. One frequently cited problem was the inability of

the county to adequately explain contractual requirements to providers. Two-thirds of the respondents indicated their working relationships with the county needed improvement. Unsatisfied providers often indicated a desire to hold regular meetings with the county to improve communication.

County managers seemed aware of the problems resulting from inadequate contract monitoring, and most agree that improvements are needed.

**Recommendation No. 7**

**We recommend county-wide improvement of contract monitoring systems.**

Program and division managers at all levels, and the proposed Contract Administration Unit (see Chapter IX) should work together to develop more formal contract monitoring systems. We recommend the following actions:

- A. Contracts should have the following requirements:
  - 1. All future professional service contracts should have specific provisions that allow appropriate county management, as well as the county auditor, unrestricted access to contractor records pertaining to the contract. This will allow county personnel to expedite reviews of contractor performance.

2. Managers should work with their contractors to cooperatively establish quality assurance programs. The quality assurance program should be incorporated into the contract's provisions.
3. All contracts should provide for sanctions for poor contractor performance.

B. Department managers in cooperation with the Contract Administration Unit should develop and implement contract monitoring plans for their respective divisions and programs. At a minimum, these plans should:

1. Classify professional service contracts within the county according to their monitoring needs. All contracts should be subject to some level of monitoring, though some will require more extensive review than others. At a minimum, an assessment of contract outcomes for all contracts should be considered.
2. Intensify contract monitoring efforts when limited or sole providers are involved.
3. Assess resources needed to monitor contractors' fiscal activities and contract performance.
4. Establish a means of regularly communicating results of monitoring activities to department managers.
5. Organize a means of regularly communicating with contractors. Standard service provider contact intervals should be set.
6. Outline a method to consolidate both fiscal and performance monitoring information for each contract into one place to be maintained as a chronological record.
7. Establish a time-line to develop or update written contract monitoring procedures manuals. Procedures should detail the financial and performance information to be collected and included in the contract's file. Information collected should include audited financial statements and management letters from contractors' CPAs.
8. Provide a means for timely follow-up on identified contract concerns.

## CHAPTER V

### CONTRACT RENEWAL DECISIONS

Contracts can be renewed each year without going through a competitive process. Many of the county's renewed contracts are for human and correctional services, and most of these are made for amounts exceeding \$10,000.

When amounts paid to individual contractors exceed \$10,000, the county either competitively awards contracts through the RFP process, or exempts certain contracts from the RFP process. If a contract is awarded through the RFP process, the contractor may remain the county's provider for up to five years.

County managers believe a high contract renewal rate is expected and desirable for certain types of professional service contracts. For example, if a client has been working with the same mental health contractor for several years, changing contractors may adversely affect service delivery. The county tends to have a high contract renewal rate, especially in the area of human services.

Several managers said that when the county enters into an ongoing contract the assumption is made at the outset that the contract will be renewed up to five years.

## The County Needs to Improve the Basis on Which Contract Renewal Decisions are Made

The decision to renew a contract should include an objective analysis of the contractor's performance. This analysis would provide a justification for making renewal decisions.

Based upon our review of contract files county-wide, we found no cases where renewal decisions had been formally justified and documented.

In addition to a lack of documentation supporting renewal decisions, we found there was no formal process, no procedures, and few internal requirements for obtaining information supporting contract renewal decisions.

### Why is Making a Proper Renewal Decision Important?

Renewal decisions made without objective criteria and reliable performance information may result in the county doing business with substandard contractors over several years. A formal renewal process could help minimize the county's risk of falling into a self-defeating loop.

To illustrate the potential effect of this risk during FY 1989, two county agencies with high contract renewal rates (DHS and DJS) spent about \$34 million on professional service contracts. We estimated that 80 percent (\$27 million) of these contracts were renewals. One division that spent about \$1.3 million on professional contracts had a renewal rate of 91 percent.

Because of the amount of money involved, the county needs to show that contract renewals are made on the basis of objective analysis of contractor performance.

**Recommendation No. 8**

**The county should establish formal professional service contract renewal processes.**

Management should accumulate and use fiscal and performance monitoring information for making objective renewal decisions. A comprehensive evaluation should occur at least annually and be documented for each renewed contract. Documentation should be the bases for all contract renewal decisions. Cost analysis information should be reexamined and updated during the renewal process.

If the annual evaluation used in making a renewal decision indicates substandard contractor performance, a plan for corrective action should be drafted. The plan should become an addendum to any renewed contract.

## CHAPTER VI

### CONFLICT OF INTEREST

A conflict can exist whenever a contractor's interests are at odds with the interests of the county or the public it serves. There are many kinds and degrees of such conflicts.

For example, a conflict of interest can involve someone using confidential information gained through their position with the county to obtain an unfair advantage for themselves or their organization. Conflicts are not limited to the improper use of "insider" knowledge. Conflicts can also exist if someone uses their personal influence in county matters to sway decisions which benefit an organization in which they have a personal interest. Even the perception of a conflict of interest may in some cases be sufficient to pose a conflict.

#### Criteria to Evaluate Organizational Preparedness for Conflicts

It may be difficult to determine if a conflict of interest exists. However, in some cases conflicts can be monitored and controlled. To do this, organizations should have rules which define prohibited situations, and policies which provide guidelines when potential conflicts arise.

### Effect of Unchecked Conflicts of Interest

Conflicts of interest undermine free and open processes needed in making decisions about contracts. As a result, contracting decisions may benefit only a few selected persons at the expense of the organization or other persons.

To illustrate, if a former or current county employee is on the board of directors of a contractor wanting to do business with the county, they may be in a position to influence the county's decision to contract. Even if the contractor does a good job, the restriction of competition could lead to the question of whether or not that contractor was the best choice. Unsolicited contractors may have been better able to perform services for less money.

Conflicts of interest can arise after a contractor is selected. In this case, a lack of independence may cause the county to use more lenient standards when reviewing a particular contractor's performance.

The nature or scope of contracted work to be performed may also be affected by the county being too close to any one contractor. This could result in contract modifications which might benefit the contractor at the expense of meeting county needs.

When the county contracts with former employees, or hires former contractors as permanent employees, competition may be restricted. Such actions leave open the question whether the best person or organization was chosen to meet the county's needs.

**The County's Conflict of Interest Policies and Procedures Need to be Strengthened.**

Based upon a sample of 19 county contractors having contracts over \$10,000, we found nine (47 percent) had at least one board member or manager who was or had been employed by Multnomah County, or had some other close affiliation with the county. Affiliation included current county employees, former county employees, and family members of current county employees.

In another sample of 279 individuals serving on contractors board of directors or in a management capacity, we identified at least 15 (5.4 percent) who were or had been employed by Multnomah County.

We also looked at contracts under \$10,000. Of the 107 individual contractors studied, 14 (13 percent) were either current or former employees, or they were hired as full-time county employees subsequent to their contract period. Several of these contractors had multiple contracts with the county during the study period.

Each of the above conditions suggests a potential conflict of interest or a restriction of competition.

**Recommendation No. 9**

The county should establish administrative procedure which clearly defines conflicts, both real and apparent, as it relates specifically to professional service contracting.

For contracts greater than \$10,000, procedures should prohibit the county from contracting with contractors who do not have written standards of conduct governing the activities of their officers and employees. The procedures should include the following:

- No employee, officer, or agent of the contractor can participate in the selection, award, or administration of a contract with Multnomah County, if a conflict of interest, real or apparent, is involved.
- The county should have procedures which establish minimum time period guidelines for contracting with former county employees, or hiring former contractors as county employees.

**Recommendation No. 10**

The county's Standard of Conduct should provide for penalties or sanctions for violations of the standards.

In addition, the standards should be expanded to require the following:

- To implement the county's Standard of Conduct, county decision makers should be required to complete a Conflict of Interest document.

Disclosure should be required when contract decision makers anticipate contracting with persons or organizations with whom they are affiliated. Affiliation can include organizations the employee or their immediate family own, work for as an employee, or represent as an agent.

- The county's Conflict of Interest document should require contract decision makers to declare, in writing, all real or perceived conflicts in contracting, should they arise.
- The county should establish a means of monitoring potential conflicts to ensure that policy in this area is followed.

## CHAPTER VII

### RETROACTIVE CONTRACTS

In most cases, a contract is not legally binding until all parties have signed the contract document. When contractors begin providing services before a fully approved (signed) contract exists, the contract is referred to as retroactive.

Whenever a contract becomes retroactive, the county requires departments to prepare memos explaining why the contract was approved after its effective date. The memo is submitted to the County Chair or Sheriff.

#### There is Increased Risk Associated with Retroactive Contracts

Retroactive contracts expose the county to certain legal risks. According to County Counsel, when contractors provide services without legally approved contracts, it is more difficult to assert legal remedies for breaches of contract. In addition, the county may be liable for contractor negligence which might occur in the interim period before the contract is approved.

The County Needs to Better Plan for Contract Approval to Avoid Retroactive Contracting.

In a sample of 118 contracts let in FY 1987/88 and FY 1988/89, we found that 45 (38%) were signed after the contract's effective date. In another sample of 43 FY 1989/90 contracts, we found 17 (40%) were signed after the contract's effective date. This information suggests contractors were providing services without a contract.

For new contracts, we were unable to determine if contractors had actually begun providing services before a legally approved contract was in place. However, for renewed contracts where services had not been interrupted, we found 12 of 17 FY 1989/90 renewed contractors (71 percent) had performed services without having an approved contract.

For our 1989/90 sample, we found no documentation which could demonstrate compliance with administrative procedures requiring written explanations for retroactive contracts.

### Untimely Contract Processing May Lead to Retroactive Contracts

According to county managers, renewed contracts can easily become retroactive when processing delays occur. Managers said they usually had no control over final contract authorization once contract documents had left their hands. Under these circumstances, managers said they were often left unaware of the contract's final disposition.

County management has taken steps to address untimely contract processing by changing certain administrative procedures to streamline the way contracts are handled. For example, Class II professional service contracts are no longer approved by the County Chair. In the past, the Chair's involvement added time to processing. Management had hoped this would curtail retroactive contracting.

Our tests identified some problems associated with timely contract processing. For a sample of FY 1988/89 contracts, we determined that it took an average processing time of 22 days for each contract. However, we could not support management's contention that processing delays were the sole cause of retroactive contracting.

Recommendation No. 11

The county should prohibit retroactive contracting and improve planning to ensure retroactive contracts are avoided to the extent possible.

Department managers should develop administrative systems to prevent retroactive contracts. The system should inform contracting managers about pending renewals and report any retroactive contracting for appropriate corrective action.

In addition, administrative procedures should be amended to allow County Counsel the option of not approving retroactive contracts until they receive a satisfactory explanation from department managers.

## CHAPTER VIII

### CONTRACT INFORMATION SYSTEMS

#### Overview

The county uses several different information systems to collect and maintain data about county contracts. The county-wide contract information system is known as COINS (Contract Information System). In addition to COINS, financial information on contracts can be retrieved from the county's local government financial system (LGFS). County departments also maintain individual personal computer (PC) based systems which contain additional contract data.

Information maintained on each of these systems differs according to the needs of the primary users. For example, if someone wanted to know the outstanding contract obligation for a specific contract they would consult the LGFS system. If they were interested in the number of contracts a particular contractor had with the county they would use the COINS system. Information about a contractor's past performance might be stored in the data base of a manager's personal computer.

COINS was developed for the county's Purchasing Division to monitor compliance with certain administrative rules. The COINS system was also set up to give departments computer terminal access to selected county contract information. Purchasing is currently responsible for maintaining COINS.

The COINS system has been functioning since August 1987. Its development costs were about \$20,000. Annual maintenance costs for COINS are approximately \$3,000. Information provided by COINS includes a brief description of the contract, contractors' names, the original contract amount, and the effective date of the contract.

Our purpose in reviewing the COINS system was to determine if it was meeting user's information needs. We also wanted to determine what information contracting managers needed most and how this information is provided.

**The County Needs to Develop a Comprehensive Contract Information System Which Provides Sufficient and Useful Information.**

Based on our discussion with county contracting managers, we found few who used the COINS system. Some managers said they had no knowledge of the system or its capabilities.

Several managers who used COINS said the system did not provide information that met their needs. Others said that information provided by the COINS system was often outdated or inaccurate.

Our review of the COINS system supported many of these criticisms. We found the system contained outdated information, missing data elements, and some classification errors. We also were unable to reconcile the COINS system to the county's general ledger. Because of these problems, we could not verify the accuracy of contract fiscal information contained on the system.

We concluded that the COINS system is not meeting the needs of most county departments because it could not be relied upon to provide managers with enough relevant or accurate information.

In order to meet some of the information needs not met by the COINS system, many managers have developed their own PC based contract information systems. We determined that the Department of Human

Services alone has approximately 21 independently maintained systems which address some elements of contracting.

It is costly to develop and maintain many different PC based systems that perform similar functions. Costs can include personnel expenses to build and update the data bases and development costs to enhance software configurations.

In our opinion had the county developed a comprehensive and reliable contract information system at the start, the county might have avoided costs incurred by having duplicate PC based systems.

In addition to duplicated costs, we found that the fragmented nature of the county's contract data made it impossible to guarantee the accuracy of contract information maintained in other systems. According to management, none of the PC based systems were reconciled to the county's general ledger on a regular basis. In this environment, management may find it hard to make informed decisions when the information provided is inconsistent and unreliable. Routine contracting decisions are also made more difficult when there is no county-wide source of information.

We recognize that certain independently maintained contract monitoring information systems may be necessary. However, department managers should insist that any comprehensive system that is developed be of county-wide use. Any independent

development of alternative contract monitoring or information systems should be closely watched.

**Recommendation No. 12**

**The COINS system should be enhanced and expanded into a system that can better meet the contracting needs of all county agencies.**

Department managers should solicit the views of their contract managers to develop a list of contract information requirements. From this, a comprehensive contract information system should be developed. At a minimum the system should have:

- A. The capability to bridge all financial information with the county's LGFS system. This will assure that the contract information system will accurately reflect encumbered contract amounts, payments made to contractors and any unencumbered contract balances. The system should allow easy reconciliation of the contract information system with the county's LGFS system.
- B. The capability to provide needed contract information. Information provided should be sufficient to allow informed decision making from a county-wide perspective. Management's process of defining county-wide contract information needs should consider the information below.
  - 1. Information to assist managers in monitoring contracts such as:
    - The person who is responsible for monitoring the contract.
    - The contract monitoring dates.

-Contracts with outstanding monitoring concerns for timely follow-up.

-Ongoing risk assessment to prioritize overall monitoring needs.

2. Information concerning the current status of the contract such as:

-Periodic reports for upcoming expirations or renewals.

-In process RFPs, RFQs and contracts.

3. Information concerning contractor status to include:

-All current contractors.

-All prior contractors (with any performance concerns noted).

-All potential contractors to serve as a data base for faster, more reliable contractor selection.

-A field for better tracking of contracts exempted from the RFP competitive process.

**Chapter IX**  
**RECOMMENDATION FOR A**  
**CONTRACT ADMINISTRATION UNIT**

Many concerns noted in this audit are attributable to inadequate county-wide contract administrative systems. Since important aspects of the county's contracting systems are decentralized, different approaches are used by line managers throughout the county to administer professional service contracts. We found the quality of contract administrative systems varied greatly among divisions and their programs.

County resources will be wasted if departments, divisions and programs individually address the concerns identified by this audit. Organizational entities individually addressing these concerns will result in duplication of efforts and a diverse quality of contract standards and administrative systems.

We propose the formation of a central Contract Administration Unit to improve contract administration, support services and information systems. A central unit would be best positioned to respond to county-wide contracting concerns and can also ensure that organizational objectives will be given highest priority.

In addition to assisting in the implementation of county-wide administrative systems, the Unit can verify that systems are in place and functioning. Finally, the Unit will serve as a focal point for establishing uniformity in county-wide contract administrative control systems.

#### An Independent Unit

The Contract Administration Unit should be independent of contracting responsibilities to insure their duties will be carried out objectively. Representing the county as a whole, an independent Contract Administration Unit should be positioned to balance contracting interests of the county with those of individual departments, divisions and programs. In addition, the Unit should be provided with sufficient authority to insure cooperation from all departments and make necessary improvements in contract administration systems.

#### Unit Responsibilities

The Chart on the following page identifies areas where the Contract Administration Unit can effectively address contract administrative needs.<sup>7</sup>

---

<sup>7</sup>Among other professional service contract responsibilities, the Unit will not be responsible for selecting contractors or monitoring contractor performance. The Unit is proposed to improve administrative control systems through which contracting decisions are made.

Contact Administrative Needs	Unit Responsibilities
Improved Cost Analysis (Chapter I)	<ul style="list-style-type: none"> <li>- Develop standard administrative systems to ensure proper contract cost analysis occurs.</li> <li>- Provide technical assistance to contracting managers regarding cost analysis.</li> </ul>
Better Contract Standards (Chapter II)	<ul style="list-style-type: none"> <li>- Develop county-wide guidelines for using measurable contract standards. The objective of such guidelines is to clearly define and successfully measure contractor performance over the term of the contract.</li> </ul>
Improved Contractor Selection Criteria (Chapter III)	<ul style="list-style-type: none"> <li>- Develop county-wide administrative guidelines for selecting contractors when contract amounts are less than \$10,000.</li> <li>- Develop standards for assessing the fiscal stability of potential contractors.</li> </ul>
Sufficient Contract Monitoring Systems (Chapter IV)	<ul style="list-style-type: none"> <li>- Develop or improve contract monitoring administrative control systems throughout the county. Assist in implementing control systems.</li> <li>- Ensure that adequate fiscal and performance monitoring systems are in place and functioning throughout the county.</li> </ul>
Informed Renewal Decisions (Chapter V)	<ul style="list-style-type: none"> <li>- Develop administrative system standards for renewing contracts.</li> </ul>
Adequate Contract Information Systems (Chapter VII)	<ul style="list-style-type: none"> <li>- Develop and maintain a comprehensive contract information system which meets all county departments' needs.</li> </ul>

**RESPONSES TO THIS REPORT**



## GLADYS McCOY, Multnomah County Chair

Room 134, County Courthouse  
1021 S.W. Fourth Avenue  
Portland, Oregon 97204  
(503) 248-3308

**RECEIVED**

AUG 31 1990

**Multnomah County Auditor**

August 23, 1990

Mr. Daniel A. Ivancie  
Multnomah County Auditor  
Portland Building, Room 1500  
1120 S.W. 5th Avenue  
Portland, Oregon 97204

Dear Mr. *Dan* Ivancie:

The Managers and I have reviewed the Final Draft of your Audit Report #2-90. The content of the Report was met with varying degrees of support as outlined in the attached memorandum from the respective County Department Managers.

Generally, the recommendations contained in the Report are helpful to this administration. I will fully study the recommendations and seek to employ corrective actions as necessary. In those cases where we find disagreements, we will seek your assistance in finding alternative methods of rectifying those deficiencies addressed in your report.

You no doubt are aware some deficiencies disclosed by your audit have already been addressed. Solutions to other issues pointed out in the report are currently being reviewed and evaluated.

I am most concerned about the conflict of interest issues and will give them special attention. This is an area where the good work that we do could be adversely affected by a credibility problem. I may call on your office for further assistance in reaching a satisfactory resolution of this matter.

(continued)

Mr. Daniel Ivancie  
August 23, 1990  
Page 2

Many thanks to you and your staff for their valuable work. I trust that you found the same level of professional standards on the part of administration and management staff as demonstrated by the audit staff.

Sincerely,



Gladys McCoy  
Multnomah County Chair



# MULTNOMAH COUNTY OREGON

GLADYS McCOY  
MULTNOMAH COUNTY CHAIR  
1021 S.W. 4th, ROOM 134  
PORTLAND, OREGON 97204

8/7/90  
cc: HR

DEPARTMENT OF HUMAN SERVICES  
7th FLOOR J. K. GILL BUILDING  
426 S.W. STARK STREET  
PORTLAND, OREGON 97204  
(503) 248-3782

BOARD OF COUNTY COMMISSIONERS  
GLADYS McCOY • CHAIR OF THE BOARD  
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER  
GRETCHEN KAFOURY • DISTRICT 2 COMMISSIONER  
RICK BAUMAN • DISTRICT 3 COMMISSIONER  
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

## MEMORANDUM

TO: Gladys McCoy  
Chair, Board of County Commissioners

FROM: Duane Zussy *Duane Zussy (cc)*  
Director, Department of Human Services

DATE: August 3, 1990

SUBJECT: DHS Response to Audit Report #2-90, Contracts Audit

Generally, I found the audit to contain some useful information. It was difficult, however, to draw specific conclusions regarding areas in need of improvement due to the general nature of the audit.

Areas of agreement include:

- The COINS system is not a helpful or useful tool.
- Acknowledgment that DHS is understaffed to deal with the contracts process at an adequate level.
- Conflict of interest regarding the contracting process needs to be addressed, though in stronger terms than it is in the audit.

My primary area of disagreement is in the recommendation for the creation of a contracts administration unit. Any resources to increase staff to deal with contracts should go to the departments doing the actual contracting, not to increased bureaucracy in a central service unit. The process is much too slow now without the addition of another "loop".

I hope you find these comments useful. I encourage you to read the attached responses and contact me with any further questions.

0058k



# MULTNOMAH COUNTY OREGON

*GM*  
GLADYS McCOY  
MULTNOMAH COUNTY CHAIR  
2115 S.E. MORRISON, ROOM 134  
PORTLAND, OREGON 97204  
8/21/90

DEPARTMENT OF ENVIRONMENTAL SERVICES  
2115 S.E. MORRISON  
PORTLAND, OREGON 97214  
(503) 248-5000

BOARD OF COUNTY COMMISSIONERS  
GLADYS McCOY • CHAIR OF THE BOARD  
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER  
GRETCHEN KAFOURY • DISTRICT 2 COMMISSIONER  
RICK BAUMAN • DISTRICT 3 COMMISSIONER  
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

## M E M O R A N D U M

TO: Hank Miggins, Chief Assistant to Chair

FROM: Paul Yarborough, Director, DES *Paul Yarborough*

DATE: August 21, 1990

SUBJECT: Draft Audit Report #2 - 90: Contracting for Professional Services

This report is aimed primarily at professional service contracts that provide for the delivery of on-going services rather than the kinds of finite professional service contracts usually employed within DES. It should clearly focus on its subject rather than shot-gunning the whole spectrum.

Unfortunately the report makes generalizations. It suggests we don't know who we contract with, don't have clear expectations about contract purposes or products, don't monitor or track contractors, haven't evaluated whether contracting is more appropriate or cost-effective than in-house work, and that we therefore need someone watching over our shoulders.

On the contrary, the managers in DES know exactly why we use contracts, what we expect, when we expect it, who the contractors are, and what it should cost.

I have attached comments from Larry Nicholas, Wayne George, and Cecile Pitts. I offer these additional comments.

- The under \$10,000 contracts have not been abused by DES. Many contracts do come just below the ceiling but the need is not to further hobble managers with increased procedure. Instead we need to streamline by raising the limit to something higher than \$10,000. Cecile Pitts suggests \$25,000. I'm not sure that's necessary, but an increase to \$15,000 would recognize the reduced value of the dollar in 1990.

Memo: Draft Audit Report #2 - 90  
August 20, 1990  
Page 2

- I am strongly opposed to the proposal for an independent Contract Administration Unit. This isn't the first time such a proposal has been advanced. At best such a unit would spend our tight resources on something that won't benefit; at worst, such a unit could bottleneck contract processing and harm departmental productivity. No convincing argument has been put forward for this idea.

What we need are specific recommendations for specifically identified problems. This kind of need can be better addressed by having a well staffed professionally run Internal Auditor office to perform operational audits. Let's direct any resources that might be spent on further bureaucracy toward strengthening our auditing function.

memorpt.py



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF JUSTICE SERVICES  
610 S.W. ALDER, SUITE 515  
PORTLAND, OREGON 97205  
(503) 248-3701

*MM*  
GLADYS McCOY  
MULTNOMAH COUNTY CHAIR  
1021 S.W. 4th, ROOM 134  
PORTLAND, OREGON 97204

GLADYS McCOY  
COUNTY CHAIR

*Hand Delivered*

## MEMORANDUM

TO: Dan Ivancie  
Multnomah County Auditor

FROM: Grant Nelson *GN*, Acting Director  
Dept of Community Corrections

THRU: Gladys McCoy  
Multnomah County Chair

DATE: August 2, 1990

SUBJECT: Audit Report #2-90

The Department of Community Corrections, formerly known as the Department of Justice Services, has reviewed the working draft of Audit Report #2-90. I discussed the audit with Craig Mills and the Auditor on July 31st and provided a memorandum with the details of our response.

Generally we felt that the audit presented an accurate picture of the County's current contracting practices. It contained a number of helpful recommendations in the areas of contract funding, contractor selection and on the contract information system. In the area of contractor selection, we would welcome technical assistance from the auditor to help us assess potential contractor's fiscal health. Our contract monitoring could be improved with some additional information from the auditor about danger signals we should be alert for.

In the area of conflict of interest we have concerns about a potentially restrictive procedure on hiring former contractors as county employees that would make it more difficult to recruit qualified candidates for criminal justice or social service casework. Often the experience gained working for a contractor is the kind of experience that qualifies those who deal directly with clients we serve.

Dan Ivancie, Auditor  
August 2, 1990

Page 2

---

Any procedure attempting to deal with this potential problem should avoid being unnecessarily broad.

The audit's recommendation on retroactive contracts appears to have an internal inconsistency. If the County does, as recommendation #11 proposes, prohibit retroactive contracts, there would be no need to "improve planning to ensure retroactive contracts are avoided to the extent possible". We agree that retroactive contracts should be avoided to the extent possible. However, dealing with other bureaucracies often produces delays in the documentation necessary for completing contracts in a timely manner thus creating the unfortunate need for continuing the ability to enter into retroactive contracts in order to avoid potentially disruptive interruptions in vital services.

Finally, it is DCC's position that we support a contract administration unit that ensures the application of county wide contracting standards. These standards should be cooperatively developed with participation including the Departments, Purchasing and the Auditor.

GDN/nbv  
audit



# MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
GLADYS McCOY  
PAULINE ANDERSON  
GRETCHEN KAFOURY  
RICK BAUMAN  
SHARRON KELLEY

DEPARTMENT OF GENERAL SERVICES  
PORTLAND BUILDING  
1120 SW FIFTH, 14TH FLOOR  
PORTLAND, OR 97204-1934

OFFICE OF THE DIRECTOR  
EMPLOYEE SERVICES (503) 248-3303  
FINANCE (503) 248-5015  
LABOR RELATIONS (503) 248-3312  
PLANNING & BUDGET (503) 248-5135  
(503) 248-3883

AT OTHER LOCATIONS:

ADMINISTRATIVE SERVICES (503) 248-5111  
ASSESSMENT & TAXATION (503) 248-3345  
ELECTIONS (503) 248-3720  
INFORMATION SERVICES (503) 248-3749

August 27, 1990

Daniel Ivancie  
Multnomah County Auditor  
1120 SW 5th, Room 1500  
Portland OR 97204

Re: Contracting for Professional Services Audit #2-90

Dear Mr. Ivancie:

Please accept our thanks and appreciation for the professional work your staff performed on the above audit. They were courteous and helpful.

Your recommendations will be helpful as we begin to work through the entire contracting process. As you know, we reorganized our 1990-91 budget in the Administrative Services Division to fund the nucleus of a Contract Administration staff and have hired a Contracts Manager. That manager will begin immediately to incorporate the audit's recommendations into his workplan.

Sincerely,

Linda D. Alexander, Director  
Department of General Services

205A/LDA/lb

c: Gladys McCoy

Meeting Date: SEP 20 1990

Agenda No.: #3

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Briefing on Impact Analysis of  
Ballot Measure #5

BCC Informal 9/18/90 BCC Formal \_\_\_\_\_  
(date) (date)

DEPARTMENT Nondepartmental DIVISION County Chair's Office

CONTACT Fred Neal TELEPHONE 248-3308

PERSON(S) MAKING PRESENTATION Fred Neal, Jack Horner, Dave Warren, Ben Buisman

ACTION REQUESTED:

INFORMATIONAL ONLY  POLICY DIRECTION  APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 20-30 Minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: \_\_\_\_\_

BRIEF SUMMARY (include statement of rationale for action requested,  
as well as personnel and fiscal/budgetary impacts, if applicable):

Briefing on Impact Analysis of Ballot Measure #5

BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
1990 SEP 12 AM 8:44

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL Gladys McCarty

Or

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

(All accompanying documents must have required signatures)



# MULTNOMAH COUNTY OREGON

---

BOARD OF COUNTY COMMISSIONERS	DEPARTMENT OF GENERAL SERVICES	OFFICE OF THE DIRECTOR	(503) 248-3303
GLADYS McCOY	PORTLAND BUILDING	EMPLOYEE SERVICES	(503) 248-5015
PAULINE ANDERSON	1120 SW FIFTH, 14TH FLOOR	FINANCE	(503) 248-3312
GRETCHEN KAFOURY	PORTLAND, OR 97204-1934	LABOR RELATIONS	(503) 248-5135
RICK BAUMAN		PLANNING & BUDGET	(503) 248-3883
SHARRON KELLEY			
	AT OTHER LOCATIONS:	ADMINISTRATIVE SERVICES	(503) 248-5111
		ASSESSMENT & TAXATION	(503) 248-3345
		ELECTIONS	(503) 248-3720
		INFORMATION SERVICES	(503) 248-3749

---

## OVERVIEW OF MEASURE 5, LIMITING PROPERTY TAXES

### A. SUMMARY OF THE MEASURE

The measure amends the State Constitution. It divides property taxes into two categories: taxes for schools, and taxes for all other governments.

Property taxes for schools (including community colleges and education service districts) are limited to no more than \$15 per thousand of property value in 1991-92. Each year thereafter, this limit is reduced until 1995-96 when the limit on property taxes for schools is no more than \$5 per thousand.

Property taxes for all other governments are limited by the measure to no more than \$10 per thousand of property value.

Both limits are likely to affect Multnomah County. The State of Oregon is required to replace from the State general fund any revenue lost by school districts as a result of this measure. Because of this, the County will face a potential loss of State funding for current programs in addition to a loss of property tax revenue.

When the levying authority of taxing districts results in tax rates that exceed the above limits, then the rate for each of the districts is reduced proportionally until the total is within the limits.

Taxes for repayment of bonds (if approved by the voters) are exempt from the limits in the measure. Also exempt are special assessments for local improvements.

### B. PROCESS TO ANALYZE MEASURE 5 IMPACT ON MULTNOMAH COUNTY

Given the levying authority in place for all non-school taxing districts in Multnomah County in 1990-91 and assuming that total assessed value of property increased no less than 6% and no more than 8% since 1989-90, Multnomah County would have lost \$24 million of property tax revenue in 1990-91 if the measure had been in place. This would translate into a 17% reduction in the General Fund.

Given total State general fund support of between \$11 million and \$60 million (much of it comes to the County from the State in combination with Federal money). The measure will endanger between \$1.7 million and \$9 million of Federal/State programs.

County managers will examine the possible impact of the estimated revenue loss on their programs.

The program impact of such a revenue loss will be reviewed with the departmental Citizen Budget Advisory Committees. They will come before the Board of County Commissioners in October to review their findings in a public forum.

September 18, 1990

*PROPERTY TAX LIMITATION 1990-91*

MANDATES SUBTRACTED, ACROSS THE BOARD FOR REMAINDER

	Fixed-Cost Mandates	Net GF	ATB Cuts
DHS	\$1,446,347 (Emergency Holds)	\$33,263,448	\$6,069,195
Comm. Corrections		4,459,815	813,731
District Attorney		6,846,165	1,249,140
Sheriff	190,000 (Emergency Holds)	36,767,106	6,708,467
DES		13,459,903	2,455,872
DGS	5,120,061 (A & T) 1,649,186 (Elections)	9,804,829	1,788,974
Library		15,306,481	2,792,796
Nondepartm'l	230,000 (Tax Supervising) 1,210,810 (School Fund)	11,629,091	2,121,825
TOTAL	\$9,846,404	\$131,536,838	\$24,000,000

September 18, 1990

SEP 18 1990

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

Agenda No.: #4

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Briefing on Resolution Adopting PMCoA's Annual Report  
time certain - 2:45 p.m.  
BCC Informal Tues. Sept. 18 '90 BCC Formal \_\_\_\_\_  
(date) (date)

DEPARTMENT Non-Dept. DIVISION Commissioner Kelley

CONTACT Carolyn Marks Bax TELEPHONE x5085

PERSON(S) MAKING PRESENTATION Becky Wehrli

ACTION REOUESTED:

INFORMATIONAL ONLY       POLICY DIRECTION       APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 20 minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: \_\_\_\_\_

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

The P/MCoA representatives will make a brief presentation on the activities and accomplishments described in P/MCoA's Annual Report. The Board of County Commissioners will consider a resolution to adopt the report on Thursday, Sept. 20, 1990.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL Sharon Kelley (comb)

Or

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

(All accompanying documents must have required signatures)

1990 SEP 12 PM 1:41  
CLERK OF COUNTY  
OREGON

# **ANNUAL REPORT**

of the

# **PORTLAND/MULTNOMAH COMMISSION ON AGING**

September 1989 - July 1990

**Submitted to:** Portland City Council  
Multnomah County Board of Commissioners

**July 18, 1990**

**PORTLAND/MULTNOMAH COMMISSION ON AGING**

**ANNUAL REPORT**

**September 1989 - July 1990**

This past year volunteers and staff of the Portland/Multnomah Commission on Aging have kept up a high level of energy and focused efforts in several critical areas to improve the quality of life for the community's 108,000 elderly and some disabled residents. Activities of notable worth include:

Commission members represented the interests of elders in the negotiations between the City and County to determine local funding responsibilities for aging programs. The Commission initiated a community process to define social and municipal service priorities for both governments. Elder advocates met with commissioners to urge continued sharing of responsibilities for programs.

The Commission's SSI Outreach Project cosponsored by AARP produced tangible and lasting results in the community. Seniors and disabled got linked to critical supplemental income and other benefits for which they were eligible but not receiving. The Portland project received national acclaim for the translation of informational flyers into six languages.

The Aging Advisory Committee Training was fully implemented and 74 advisors to senior service agencies completed training in roles and responsibilities, meeting effectiveness, advocacy, monitoring the expenditure of funds, and leadership development. Eighteen percent of those trained were minorities and the project significantly increased the voice of both minorities and low-income in the aging advocacy network.

The Minority Committee was officially formed and showed steady growth throughout the year. Input was given to a variety of agencies on a full range of issues. The awareness of the special needs of minority elders and a "multi-cultural" approach to service delivery is being incorporated to enrich the lives of all our community's elders.

The outstanding commitment and efforts of 26 volunteer board members, 109 additional committee members, 55 volunteer long-term-care ombudsmen, and staff have been combined to produce the significant accomplishments for this year. These 190 volunteers generously contributed 21,932 hours of service, their experience, ingenuity, and knowledge to make a difference especially in the lives of those elders less able to care for themselves.

Channing Briggs, Chair  
Roberta Anderson, First Vice-Chair  
Olive Ashworth, Second Vice-Chair  
Ellen Glynn, Treasurer

Karen Belding	Nancy Beshear
Ruth Currie	Elizabeth Davis
Kate Drew	Bill French
Jimmie Green	Nancy Gorshe
Elsie Hastings	Bernie Medina
Jean Mitchell	Wanda Moman
Doug Montgomery	Gus Morgan
Marilyn Mork	Sue Sakai
Marian Sarles	Earla Sherwood
Hazel Sherwood	Jim Smith
Jane Spence	Cecil Thompson
Vincent Wannassay	Martha White
Sterling Williams	Chuck Wyland

Becky Wehrli, Director  
Carol Steinel, Community Specialist  
Patti George, Carol Misner, Secretary  
Wil Hansen, Nancy Erckenbrack, Ombudsman Coordinator  
Vivian Grubb, AACT Consultant

PORTLAND/MULTNOMAH COMMISSION ON AGING

AREA AGENCY ON AGING COMMITTEE

EVALUATION

SEPTEMBER 1989 - JULY 1990

GOAL #1 TO PARTICIPATE IN THE DEVELOPMENT AND SUPPORT OF THE 90-91 AREA PLAN AND BUDGET FOR MULTNOMAH COUNTY AGING SERVICES DIVISION AND IMPLEMENTATION OF THE LONG RANGE PLAN.

Activities:

1. Cosponsored with local organizations 13 forums for 449 individuals to solicit input from seniors on their needs for the 1990 Governor's Conference on Aging and 90/91 Area Plan and issued District Issues Report identifying top ten priorities of local seniors.
2. Met with City and County officials regarding local funding for aging programs.
3. Held press conference identifying impact of city budget cuts on the eight district senior service centers and received coverage from 2 television stations, 1 radio station, and The Oregonian.
4. Cosponsored 2 public hearings attended by 350 individuals to give City Commissioners input on city funding for senior programs.
5. Wrote letters and telephoned City Commissioners to urge continued financial support for aging programs.
6. Distributed 285 action alerts to involve other seniors/organizations in City budget decisions.
7. Ten individuals testified at City and County budget hearings on behalf of funding for aging programs.
8. Wrote letters and telephoned County Commissioners to restore proposed cuts in senior services.
9. Met with Senior and Disabled Services Division to provide input on proposed '91-'93 biennium budget.

Accomplishments:

1. Maintained City funding of \$391,000 for senior service centers.
2. Restored County funding of \$215,000 for nursing home case management.

**GOAL #2 TO PARTICIPATE IN REQUEST FOR PROPOSAL AND ON-SITE ASSESSMENTS OF COMMUNITY SERVICES AND LONG-TERM-CARE PROGRAM.**

Activities:

1. Twenty-seven individuals participated in assessments of 11 contractors to provide consumer input on quality of services provided.
2. Fourteen individuals served on Review and Selection Teams for 5 Request for Proposals to develop service policies and identify agency providers.

**GOAL #3 TO ADVOCATE FOR ISSUES THAT IMPACT THE AGING SERVICE SYSTEM AND/OR SERVICES FOR OLDER OR DISABLED PERSONS.**

Activities:

1. Provided representative to Adult Transfer Planning Group.
2. Reviewed options and provided input on decision regarding local provision of service for disabled.
3. Participated in Governor's Conference on Aging and Governor's Conference on Disabilities to identify legislative priorities for the 1991 Legislature.
4. Provided input and approval of revised Public Guardian fee.
5. Monitored the shortage of in-home caregivers and advocated with Senior and Disabled Services Division for a higher in-home services ceiling rate.

**GOAL #4 TO INCREASE COMMUNICATION WITH DISTRICT ADVISORY COMMITTEES AND OTHER AGING ADVOCATES.**

Activities:

1. Maintained liaison with the Governor's Commission on Senior Services, United Seniors, Oregon State Council of Seniors, labor organizations, National Assn. of Social Workers, neighborhood associations, Citizen Involvement Committee, etc.

Accomplishments:

1. Developed stronger ties between aging and disabled advocates.
2. Encouraged and supported increased communication and strengthened cooperative relationships between advocates, Aging Services Division, and aging service contractors.

Chair: Bill French  
Vice Chair: Nancy Beshear  
              Jim Smith

Members:

Linda Cramer  
Janine DeLaunay  
Delanie Delimont  
Lisa Goddard  
William Gordon  
Nancy Gorshe  
Irene Gray  
MaryAnne Hannibal  
Elsie Hastings  
Jennifer Howe  
Loren Kurtz  
Curt Markus

LaVerne Moore  
Augustus Morgan  
Jim Paynter/Joe Payton  
Cecil Posey  
Evelyn Rowlands  
Sue Sakai  
Carolyn Schaefers  
Helen Schaper  
Frances Smith  
Eileen White  
Robert White  
Martha White

July 12, 1990

PORTLAND/MULTNOMAH COMMISSION ON AGING

CONTINUUM OF CARE COMMITTEE

EVALUATION

SEPTEMBER 1989 - JULY 1990

GOAL #1 TO SPONSOR A SUPPLEMENTAL SECURITY INCOME (SSI) OUTREACH PROJECT WITH AARP TO INFORM POTENTIAL BENEFICIARIES OF SSI INCOME BENEFITS FOR WHICH THEY MAY BE ELIGIBLE.

Activities:

1. Formed coalition of 48 local organizations.
2. Provided training for 110 case managers and volunteers from a variety of local agencies on SSI benefits.
3. Distributed 3000 informational flyers and 100 posters.
4. Produced and secured air time for television public service announcement.
5. Organized one day SSI Hotline which used 26 volunteers to respond to incoming calls.
6. Held press conferences, participated in interviews and distributed general press releases which resulted in 3 Oregonian articles, 2 television news spots, 1 television feature, numerous radio spots, and 7 newsletter articles.
7. Translated and distributed 6000 informational brochures into six languages.
8. Applied with Aging Services Division for SSI Outreach grant to further minority outreach.

Accomplishments:

1. Generated 467 requests for information.
2. Referred 121 individuals for SSI benefits and 196 to other organizations for service.
3. Received national attention from AARP for minority outreach efforts.

**GOAL #2 TO MONITOR LEGISLATION PASSED AND ADVOCATE FOR THE DEVELOPMENT OF FUTURE STATE AND FEDERAL LEGISLATION FOR LONG-TERM-CARE INSURANCE AND RESPITE/CAREGIVER SUPPORT SERVICES.**

Activities:

1. Provided input on rule making for HB 2494 LTC insurance regulations.
2. Monitored and advocated with congressional delegation on the repeal of catastrophic care and federal long-term-care legislation.
3. Three participated in the Governor's Conference on Aging which identified legislative proposals on LTC insurance and caregiver respite.
4. Met with State Insurance Consumer Advocate to discuss issues.

**GOAL #3 TO PROMOTE QUALITY LONG-TERM-CARE SERVICES TO SENIORS LIVING IN THEIR OWN HOMES OR WITH FAMILY, AND SUPPORT SERVICES TO THEIR FAMILIES, NEIGHBORS AND CAREGIVERS INCLUDING A RANGE OF SERVICE OPTIONS AT AFFORDABLE COSTS.**

Activities:

1. Advocated with the State to raise the ceiling rate for providing in-home service to seniors.

This goal will be carried over to FY 90/91 for implementation.

**GOAL #4 TO PROTECT THE ELDERLY FROM FINANCIAL IMPOVERISHMENT CAUSED BY EXTENDED LONG-TERM-CARE THROUGH AN INCREASE IN INSURANCE OPTIONS AVAILABLE TO, ACCESSIBLE BY, AND AFFORDABLE FOR THE CONSUMER.**

Activities

1. Supported Elderhelp, Supplemental Health Insurance Counseling in funding requests.
2. Developed with AARP, a new service, Multnomah County Medicare/Medicaid Assistance Program, to provide seniors help with insurance selection and claims to an estimated 500 annually.

3. Monitored types and availability of LTC insurance on the market.

Chair: Marian Sarles  
Vice Chair: Ruth Currie

Members:

Robert Allenbrand  
Olive Ashworth  
Karen Belding  
Ruth Currie  
Elizabeth Davis  
Peggy Davis  
Louise Dunn  
Vivian Grubb  
Jean Hamar  
Loretta Hyde

Frances Johnson  
Linda Luce  
Bernie Medina  
Florence Morton  
Sandi Rightmire/Cindy Jenkins  
Marian Sarles  
Sol Siegel  
Elisabeth Tice  
Charles Wyland

July 12, 1990

PORTLAND/MULTNOMAH COMMISSION ON AGING

HEALTH AND WELLBEING COMMITTEE

EVALUATION

SEPTEMBER 1989 - JULY 1990

**GOAL #1 TO PROMOTE COORDINATION OF SERVICES, IDENTIFY GAPS, AND DEVELOP NEW PROGRAMS WHICH MEET THE NEEDS OF VICTIMS OF ELDER ABUSE AND THEIR CAREGIVERS.**

Activities:

1. Sponsored three meetings of elders with community policing representatives.
2. Wrote letters and testified at City Council in support of Community Policing.
3. Identified representative to serve as PMCoA liaison to Community Policing Workgroup.
4. Assisted in the implementation of Community Policing by providing information on how to access aging services, developing elder abuse and protective services training, and linking other senior organizations with community policing effort.
5. Identified, with Portland Police, methods to get the word out to elders about and prevent fraud.

Accomplishments:

1. Initiated establishment of good working relationship between police and aging service system.
2. Raised awareness of police about special needs and concerns of elders.
3. Identified access to service after hours as a critical need for Aging Services Division.

**GOAL #2 TO PROMOTE THE ABILITY OF ELDERS TO MAKE WISE CONSUMER DECISIONS REGARDING THE USE OF HEALTH CARE BY PROVIDING PUBLIC EDUCATION WHICH INCLUDES HEALTH CARE PROVIDERS IN THE DEVELOPMENT AND PRESENTATION OF INFORMATION.**

**THIS GOAL WILL BE CARRIED OVER TO FY 90/91 FOR IMPLEMENTATION.**

**GOAL #3 TO MONITOR THE COORDINATION AND DEVELOPMENT OF MENTAL HEALTH SERVICES FOR THE ELDERLY INCLUDING ADVOCACY FOR INCREASED FUNDING.**

**Activities:**

1. Participated in mental health workgroup at the Governor's Conference on Aging which identified funding for Mental Health Services as the 4th priority in the state.
2. Supported the ASD mental health grant application to the State to fund Multidisciplinary Teams.
3. Cosponsored Aging '90 - Mental Health and Aging Conference with Good Samaritan.
4. Wrote letters and called the State Department of Human Resources in support of mental health funding for the 91-93 biennium.
5. Provided input to the State Mental Health Division on their comprehensive plan.

**GOAL #4 TO PROVIDE ON-GOING ADVICE TO MULTNOMAH COUNTY AGING SERVICES DIVISION ON THE PROVISION OF PROTECTIVE, MENTAL HEALTH, AND HEALTH SERVICES.**

**Activities**

1. Developed policy assumptions for Request for Proposal and provided consumer representation on selection team for Mental Health provider.
2. Identified liaison to serve as PMCoA representative in and supported development of Multidisciplinary Teams which include case managers, mental health specialists, and nurses in the provision of services to the elderly.
3. Provided input on the development of protective services policies and procedures.

Chair: Kate Drew/Ellen Glynn

Members:

David Berger  
Mihail Czernowicky  
Betty Domas  
Erin Forell  
Jimmie Green  
Judith Hauge  
Vida Hicks  
Marilyn Hoth  
Estella Johnson

Richard Mastbrook  
Andrea Miles  
Anne Montgomery  
Irene Richman  
Mildred Ross  
Virginia Shea  
Peggy West  
Pam Wheeler  
Merie Walker

July 12, 1990

PORTLAND/MULTNOMAH COMMISSION ON AGING

MINORITY COMMITTEE

EVALUATION

SEPTEMBER 1989 - JULY 1990

Activities:

1. Completed the Minority Task Force Final Report with 8 recommendations for action.
2. Participated in the hiring of a Minority Coordinator at Multnomah County Aging Services Division including development of the job description and workplan.
3. Sponsored Local Forums on Aging in preparation for the Governor's Conference on Aging.
4. Nominated and sent 5 delegates to Governor's Conference on Aging and initiated Minority Caucus.
5. Participated in 4 community planning groups/ conferences, such as the National Conference for Education and Advancement of Indochinese and SSI Outreach Coalition, to raise awareness of needs of ethnic elders.
6. Expanded committee membership to increase participation of elders and representation of ethnic groups in aging advocacy network.
7. Advocated for and approved startup of two new services for ethnic elders: Native American outreach and Korean meal site.
8. Identified 5 languages for translation of 6000 SSI information.
9. Recommended Sue Sakai as AARP Minority Spokesperson for Oregon.
10. Encouraged interaction among elders of diverse cultures by invitations to special events and visitations to ethnic service sites.
11. Participated in development of and approved Ethnic Nutrition policy assumptions.

Accomplishments:

1. Increased PMCoA focus on minority issues through establishment of Minority Committee.
2. Succeeded in getting improved service accessibility for ethnic elders as 4th priority in District Issues Report of Governor's Conference on Aging.
3. Led initiative at Statewide Conference on Aging to focus attention of needs of minority elders; succeeded in getting reference to specific service for minority elders in 3 of top 10 resolutions.
4. Increased ethnic membership on PMCoA by two to six total representing 4 minority populations.
5. Increased community awareness of needs of ethnic elders and promoted a sense of "multicultural" programming.

Chair: Sue Sakai  
Vice-Chair: Bernie Medina

Members:

Nene Aguinaldo  
Violet Allman  
Lillian Bell  
Gladys Carlson  
Hongsa Chanthavong  
Elizabeth Davis  
Sung Shin Ko

Sandra Lawver  
Phyllis Lee  
Victor Leo  
Narcisa Pimentel  
Young Woo Shin  
Van Tanovan  
Vince Wannassay

July 12, 1990

PORTLAND/MULTNOMAH COMMISSION ON AGING

OMBUDSMAN COMMITTEE

EVALUATION

SEPTEMBER 1989 - JULY 1990

GOAL #1 TO RECRUIT, SELECT, AND SUPPORT 50 VOLUNTEERS FOR PLACEMENT AS CERTIFIED OMBUDSMEN IN MULTNOMAH COUNTY LONG TERM CARE FACILITIES.

Activities:

1. Formed volunteer teams to implement 4 recruitment strategies.
2. Secured public service space from Ackerley for 7 billboards to run recruitment ads for month of October.
3. Solicited production of television public service announcement from KATU Channel 2 aired June and July.
4. Secured 6 organizations to assist in recruitment efforts - Volunteer Bureau, American Assn. of Retired Persons, Elks #142, Gray Panthers, Older Womens League, and Retired Senior Volunteer Program.
5. Talked to church members, service clubs, resident visitors, friends, etc. to recruit volunteers by word of mouth.
6. Promoted One on One recruitment by supplying brochures and newsletters, providing training and information exchange, and ordering and distributing Ombudsman lapel pins.
7. Made presentations to 575 members of eleven groups on the Multnomah County Ombudsman Program.
8. Responded to 75 inquiries for information about the program.
9. Interviewed and screened 24 applicants to the Long-Term-Care Ombudsmen Program.
10. Solicited \$3,703 of in-kind contributions for the program.

11. Sponsored monthly support meetings for Multnomah County Ombudsman.
12. Wrote grant to develop planned giving campaign for long-term funding of program.
13. Successfully submitted adult foster home pilot project proposal for funding by State in FY 90/91.
14. Completed final report of "In Search of Ombudsmen" Meyer Memorial Trust Grant, distributed 250 copies nationwide, presented recruitment strategies at National Citizens Coalition for Nursing Home reform Conference in Washington, D.C.

Accomplishments:

1. Received 24 applications from individuals to serve as volunteer ombudsmen.
2. Certified 12 new volunteers to serve as long-term-care patient advocates.
3. Supported efforts of 55 volunteer ombudsmen who contributed 10,268 hours of service and investigated 885 complaints.
4. Provided 3,373 residents in 38 nursing homes, 170 residents in 45 adult foster homes, and 205 residents in 6 residential care facilities patient advocates to monitor quality of care.

GOAL #2  
AND #3

**TO MONITOR LONG-TERM CARE LEGISLATION PASSED BY THE 1989 LEGISLATURE INCLUDING STAFF TO PATIENT RATIO, CERTIFIED NURSING ASSISTANTS TRAINING AND PAY, AND FIRE INSPECTIONS OF ADULT FOSTER HOMES.**

Activities:

1. Nominated Jim Smith as the Multnomah County representative on the State Long-Term-Care Ombudsman Advisory board.
2. Participated in local forums on Aging and sent 5 delegates to Governor's Conference on Aging.
3. Met with City Fire Chief to discuss safety issues in adult foster homes.

4. Received information and provided input to State Board of Nursing in writing rules for CNA training and testing.
5. Advocated with Multnomah County for restoration of funds to continue case management for nursing home residents.
6. Met with Senior and Disabled Services Division regarding abuse reporting, facility corrective action, and staff to patient ratio study.

Committee Chair: Earla Sherwood, Jean Mitchell

**Members:**

Wesley Fitzwater	Jean Park
Nancy Girvan	John Polf
Emma Harris	Cecil Posey
Margie Hicks	Mary Pritchard
Sara Karlin	George Quarker
Kathy Labadie/Holly Berman	Trudy Schidleman
Frances Litherland	Hazel Sherwood
Robert Mayhew	Anne Stacey
Shirley McGrew	Virginia Surface
Wanda Moman	Patsy Jean Sweet
John Olson	Grace Szigethy
Adelina Paerini	Cecil Thompson
	Kathleen Vincent

**Thanks to our financial supporters during the year:**

**Meyer Memorial Trust  
Multnomah County Aging Services Division  
Ackerley Communications**

July 12, 1990

PORTLAND/MULTNOMAH COMMISSION ON AGING

TRANSPORTATION COMMITTEE

EVALUATION

SEPTEMBER 1989 - JULY 1990

ACTIVITIES:

1. Advocated for the passage of Ballot Measure 1 in the primary election to provide local option vehicle tax to fund mass transit.
  - Cosponsored Voter Registration Pamphlet Statement
  - Maintained liaison with Transportation 2000 Political Action Committee
2. Established team of five to review and approved Transportation Policies for Aging Services Division.
3. Wrote letters and testified at public hearings to develop administrative rules for the use of the additional 1 cent cigarette tax.
4. Advocated with Tri-Met Board during budget process for adequate funding of the Consumer Information Service.
5. Provided input and liaison with City's Arterial Streets Classification Policy Committee.
6. Met with City transportation officials periodically to review issues of concern to seniors and disabled and identify solutions.
7. Developed proposals for on-street elderly and handicapped parking in downtown Portland.
8. Wrote letters and testified at hearing regarding proposed Tri-Met fare increase for honored citizen bus passes.
9. Represented consumer interests to policymakers on a variety of issues:
  - City crosswalk policy
  - Cab accessibility standards
  - Handicapped/elderly parking for Artquake

10. Advocated with Governor to fill Tri-Met Board position with service consumer.
11. Maintained liaison with District Advisory Committees on Aging and Tri-met Committee on Accessible Transportation.

Chair: Sterling Williams  
Vice Chair: Roberta Anderson

Members:

Gary Boley  
Molly Brown  
Jan Campbell  
Ken Dueker  
Ava Edmonds  
Ruth French  
Loise Hunter  
Margaret Lomacin

Ted McGrew  
Marilyn Mork  
Gene McLaughlin  
Tracy Nelson  
Elfie Richards  
Paul St. Claire  
Gwen Thomas  
Ray Woolbright

July 12, 1990

## Who are Multnomah County's Long-Term Care Residents?

### Those who reside in nursing homes are:

- Often the older and frail elderly. Their average age is in the low 80's and 40% are over 85.
- Widows; only 12% have living spouses.
- Often alone and lonely; over half have no close relatives and most have no regular visitors.
- Non-ambulatory; fewer than half are able to get around on their own.
- Most likely to live at the facility for the remainder of their lives.



Multnomah County's 45 nursing homes care for more than 3,700 elderly and disabled people (4/90).

*They are persons who live in nursing homes, residential care centers, or adult foster homes.*

### In residential care facilities and adult foster homes, residents are:

- Reliant on the care or support of others.
- Isolated or have limited outside contacts.
- Many times unable to speak up for their needs and desires due to limited skills and abilities.
- Unable to advocate for their rights due to a lack of qualified advocates who will speak up for the resident.



There are more than 450 adult foster homes in Multnomah County serving over 2,000 people.

An additional 2,000 people reside in 39 residential care facilities in the county (4/90).

## What Can I Do?

*Become a Certified Ombudsman,*

*or . . .*

*Become an Ombudsman Representative in an adult foster care home,*

*or . . .*

*Join us as a volunteer on the Ombudsman Committee or as a special projects volunteer assisting in program operations.*

## Do I Have Time?

Our most precious resource is your time. We know you are busy too, and we want you to be happy and productive.

As a certified Ombudsman, you will be asked to contribute four hours per week at your facility.

If you choose to be an Ombudsman representative, about two hours per week is expected, depending on how many facilities you serve.

Special projects volunteers and committee members serve at least two hours per month.

**Your Involvement And Time  
Is Up To You.**

## Volunteer to make a Difference

\_\_\_\_\_ Yes, I want to be a Long-Term Care Certified Ombudsman. Please send me an application.

\_\_\_\_\_ I want to be an Ombudsman Representative in Adult Foster Homes. Please send me an application.

\_\_\_\_\_ I cannot be an Ombudsman at this time, but I am interested in other volunteer roles with the Ombudsman Program.

\_\_\_\_\_ Please accept my contribution of \$ \_\_\_\_\_.

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_

COUNTY: \_\_\_\_\_ STATE: \_\_\_\_\_

ZIP: \_\_\_\_\_ PHONE: \_\_\_\_\_

**For more information, please write or call:**

OMBUDSMAN PROGRAM  
Portland/Multnomah  
Commission on Aging  
1120 SW 5th Avenue  
Portland, Oregon 97204-1978  
**(503) 796-5269**

**OR: Oregon State LTCO at:  
1-800-522-2602**

## Be a Long-Term Care

# ōm-būds-man

## Why They Volunteer . . .

*"I like it that someone is keeping an eye on the quality of care the elderly are receiving."*

*"I enjoy helping people . . . letting them know what their rights and options are."*

*"It makes me feel useful."*

*"It's an opportunity to help people who may not have family or friends."*

# ōm-būds-man

*"I like being a part of a program dedicated to making sure our elderly get the respect and care that they deserve."*

*" . . . because I am representing a virtually silent group of very important people . . . (and) helping them maintain their dignity."*

*"The Ombudsman Program has given me a chance to make a difference in someone's life, and to make new friends who also want to share their concern for others."*

MULTNOMAH COUNTY LTC OMBUDSMAN PROGRAM

# ōm-būds-man

Portland/Multnomah Commission on Aging  
MULTNOMAH COUNTY LTC OMBUDSMAN PROGRAM

## Volunteer Advocates

### Committed to the

### Belief that...



### ...Dignity and Quality of Life

### Are a Right,

### Not a Privilege!