

ANNOTATED MINUTES

Tuesday, July 15, 1997 - 9:30 AM
Portland Building, Second Floor Auditorium
1120 SW Fifth Avenue, Portland

LAND USE PLANNING HEARING

Chair Beverly Stein convened the meeting at 9:30 a.m., with Commissioners Sharron Kelley, Tanya Collier and Dan Saltzman present, and Vice-Chair Gary Hansen excused.

P-1 SEC 3-97 DE NOVO HEARING, TESTIMONY LIMITED TO 20 MINUTES PER SIDE on the Hearings Officer Decision Approving a Significant Environmental Concern Permit for a Single Family Dwelling on Property in a Wildlife Habitat Area and Located on Tax Lot 1, Lot 7 and a Portion of Lot 8, SHOPPE ACRES, Section 5, T1N, R1W

CHAIR STEIN EXPLAINED QUASI-JUDICIAL PROCESS. AT CHAIR STEIN'S REQUEST FOR DISCLOSURE, NO EX PARTE CONTACTS WERE REPORTED. AT CHAIR STEIN'S REQUEST FOR CHALLENGES AND/OR OBJECTIONS, NONE WERE OFFERED. PLANNER CHUCK BEASLEY PRESENTED CASE HISTORY AND RESPONDED TO BOARD QUESTIONS. HEARINGS OFFICER DENIECE WON PRESENTED CONDITIONS, FINDINGS OF FACT AND CRITERIA USED IN DETERMINATION AND RESPONDED TO BOARD QUESTIONS. CHRIS FOSTER AND ARNOLD ROCHLIN TESTIMONY AND RESPONSE TO BOARD QUESTIONS. JACK ORCHARD AND JOHN REIMANN TESTIMONY AND RESPONSE TO BOARD QUESTIONS. MR. ROCHLIN, MR. ORCHARD, MR. REIMANN AND MR. BEASLEY COMMENTS AND RESPONSE TO TESTIMONY AND BOARD QUESTIONS. COUNTY COUNSEL LAURIE CRAGHEAD EXPLANATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. COMMISSIONER COLLIER MOVED AND

COMMISSIONER SALTZMAN SECONDED, TO OVERTURN THE HEARINGS OFFICER DECISION. FOLLOWING DISCUSSION WITH MS. CRAGHEAD AND MR. BEASLEY, BOARD CONSENSUS. UPON MOTION OF COMMISSIONER COLLIER, SECONDED BY COMMISSIONER SALTZMAN, THE HEARINGS OFFICER DECISION WAS OVERTURNED, WITH COMMISSIONERS COLLIER, SALTZMAN AND STEIN VOTING AYE, AND COMMISSIONER KELLEY VOTING NO.

P-2 PLA 2-97 DE NOVO HEARING, TESTIMONY LIMITED TO 20 MINUTES PER SIDE on the Hearings Officer Decision Regarding Denial of an Appeal of the Planning Director's Decision Which Found that the Application for a Lot Line Adjustment Did Not Meet All of the Approval Criteria, for Property Located at 14007 NW SKYLINE BOULEVARD, PORTLAND

UPON REQUEST OF CHAIR STEIN AND MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER SALTZMAN, IT WAS UNANIMOUSLY APPROVED TO RESCHEDULE PLA 2-97 TO 10:30 AM, TUESDAY, SEPTEMBER 16, 1997. CHAIR STEIN ADVISED APPELLANT'S ATTORNEY HAS PROVIDED WRITTEN WAIVER OF THE 150 DAY CLOCK.

CHAIR STEIN REOPENED THE MEETING TO COMPLETE THE PROCEDURAL PROCESS OF THE SEC 3-97 DE NOVO HEARING. IN RESPONSE TO CHAIR STEIN'S REQUEST FOR CONTINUANCE OR OBJECTION TO THE HEARING, NONE WERE OFFERED. CHAIR STEIN ADVISED ALL PARTIES WILL RECEIVE A COPY OF THE BOARD'S WRITTEN DECISION, WHICH MAY BE APPEALED TO LUBA.

There being no further business, the meeting was adjourned at 11:30 a.m.

Wednesday, July 16, 1997 - 6:00 PM
Sauvie Island School District #19 Gymnasium
14445 NW Charlton Road, Portland

LAND USE PLANNING HEARING

Chair Beverly Stein convened the meeting at 6:10 p.m., with Commissioners Sharron Kelley, Tanya Collier and Dan Saltzman present, and Vice-Chair Gary Hansen excused.

P-3 First Reading of an ORDINANCE Adopting the Sauvie Island/Multnomah Channel Rural Area Plan, a Portion of the Multnomah County Comprehensive Framework Plan

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. CHAIR STEIN EXPLAINED PROCESS FOR HEARING. LAURIE CRAGHEAD EXPLANATION AND RESPONSE TO QUESTION OF COMMISSIONER KELLEY. COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF FIRST READING. JANE HART, JULIE CLEVELAND, GINGER CURTIS, DONNA MATRAZZO, BILL CASSELMAN, JAN HAMER, BETSY CHARLTON POWELL, AND SHIRLEY LARSON TESTIMONY. MS. CRAGHEAD AND PLANNER GORDON HOWARD RESPONSE TO TESTIMONY, BOARD QUESTIONS AND DISCUSSION. UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER SALTZMAN, AMENDMENTS TO POLICIES 15, 17, 20, 33, 38 AND 39 WERE UNANIMOUSLY APPROVED. STAFF TO PREPARE SPECIFIC LANGUAGE BEFORE SECOND READING. UPON MOTION OF COMMISSIONER SALTZMAN, SECONDED BY COMMISSIONER KELLEY, IT WAS UNANIMOUSLY APPROVED THAT THE CELL TOWER ISSUE BE POSTPONED UNTIL A POLICY IS DEVELOPED. COMMISSIONER SALTZMAN TO DISCUSS HAPPY ROCK ISSUE WITH SANDRA DUFFY BEFORE OFFERING AN AMENDMENT. COMMISSIONER SALTZMAN COMMENTS IN SUPPORT OF

**PROCESS. FIRST READING UNANIMOUSLY
APPROVED, AS AMENDED. SECOND READING
THURSDAY, AUGUST 7, 1997.**

There being no further business, the meeting was adjourned at 7:26 p.m.

Thursday, July 17, 1997 - 9:30 AM
Portland Building, Second Floor Auditorium
1120 SW Fifth Avenue, Portland

REGULAR MEETING

Chair Beverly Stein convened the meeting at 9:30 a.m., with Commissioners Sharron Kelley, Tanya Collier and Dan Saltzman present, and Vice-Chair Gary Hansen excused.

PUBLIC COMMENT

R-1 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

CHAIR STEIN AND THE BOARD WELCOMED ROBERT HUGHLEY AND ST. ANDREWS SUMMER DAY CAMP STUDENTS. MR. HUGHLEY THANKED THE BOARD FOR THE DONATED COUNTY SURPLUS COMPUTERS USED AT THE CHURCH FOR JOB SKILL DEVELOPMENT.

DEPARTMENT OF SUPPORT SERVICES

R-2 Presentation of Employee Service Awards Honoring 23 Multnomah County Employees with 5 to 25 Years of Service

WITH THE ASSISTANCE OF SHERY STUMP AND LARRY BARTASAVICH, THE BOARD GREETED, ACKNOWLEDGED AND PRESENTED 5 YEAR AWARDS TO MEHRAN NABAVI, JULIE RAMOS AND JUDY ROBISON OF DFCS; SHIRLEY MOFFET OF DA; NOREEN GRANNEMAN AND SCOTT ROSENBERGER OF DES; GAIL FOSTER OF DSS;

AND NICOLE MITCHELTREE OF DLS; 10 YEAR AWARDS TO CHERYL MORGAN OF ASD; MICHELE GARDNER AND ROBERT LILLY OF DES; ELLEN ULLRICK OF DSS; GLORIA MAIER, AND JULIA STONE AND ALANDRIA TAYLOR OF DJACJ; 15 YEAR AWARDS TO MARCIA GARTRELL OF DCFS; AND KEVIN BOWERS OF DJACJ; 20 YEAR AWARDS TO JAN THOMPSON AND DON WINKLEY OF DSS; AND 25 YEAR AWARDS TO SHERRY WILLMSCHEN OF ASD; KATHLEEN GRAHAM OF DA; AND CATHEY KRAMER OF DES.

CONSENT CALENDAR

AT THE REQUEST OF COMMISSIONER COLLIER AND UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER COLLIER, CONSENT CALENDAR ITEMS C-1 AND C-3 THROUGH C-5 WERE UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

C-1 Re-appointments of Suzanne Bader, Beverly Stein, Dan Saltzman and Gussie McRobert to the MULTNOMAH COUNTY COMMUNITY ACTION COMMISSION

DEPARTMENT OF ENVIRONMENTAL SERVICES

C-3 ORDER Authorizing Execution of Real Estate Purchase and Sale Agreement for the Sale of Certain Foreclosed Real Property to Teresita M. Duffy and Timothy Ray

ORDER 97-147.

C-4 ORDER Authorizing Execution of Real Estate Purchase and Sale Agreement for the Sale of Certain Foreclosed Real Property to Penny L. Shepperd and Michelle A. Shepperd

ORDER 97-148.

DISTRICT ATTORNEY'S OFFICE

C-5 Budget Modification DA 1 Appropriating Additional \$13,596 VOCA Grant Funds for 2 .50 FTE Victim Advocates for the 1997/98 Fiscal Year

REGULAR AGENDA

SHERIFF'S OFFICE

C-2 Package Store Liquor License Renewal for ROCKY POINTE MARINA, LLC, 23586 NW ST HELENS HWY, PORTLAND

AT COMMISSIONER COLLIER'S REQUEST, THE LIQUOR LICENSE RENEWAL WAS CONTINUED TO THE REGULAR AGENDA ON THURSDAY, JULY 24, 1997.

NON-DEPARTMENTAL

R-3 First Reading of an ORDINANCE Relating to County Organization; Creating a Department of County Counsel

UPON MOTION OF COMMISSIONER COLLIER, SECONDED BY COMMISSIONER KELLEY, R-3 WAS UNANIMOUSLY POSTPONED INDEFINITELY. COMMISSIONER COLLIER ADVISED SHE WILL SUBMIT A DIFFERENT ORDINANCE FOR FIRST READING ON THURSDAY, AUGUST 21, 1997

DEPARTMENT OF ENVIRONMENTAL SERVICES

R-4 ORDER Setting a Hearing Date to Consider Surrendering Jurisdiction to the City of Portland All County Roads Annexed to the City Effective June 30, 1996

COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-4. BOB THOMAS EXPLANATION AND RESPONSE TO BOARD QUESTIONS. ORDER 97-149 UNANIMOUSLY APPROVED.

There being no further business, the regular meeting was adjourned and the briefing convened at 9:50 a.m.

Thursday, July 17, 1997 - 10:00 AM
Portland Building, Second Floor Auditorium
1120 SW Fifth Avenue, Portland

BOARD POLICY DISCUSSION

- B-1 Policy Discussion About a Budget Policy to Encourage Departments to Save Money by Allowing Them to Use the Under-spending in the Next Year. Presented by Dan Saltzman, Bill Farver and Dave Warren.

COMMISSIONER DAN SALTZMAN AND WING-KIR CHUNG, PORTLAND COMMUNITY COLLEGE DIRECTOR OF FINANCIAL SERVICES PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. DAVE WARREN AND BILL FARVER COMMENTS AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION.

There being no further business, the meeting was adjourned at 10:40 a.m.

BOARD CLERK FOR MULTNOMAH COUNTY, OREGON

Deborah L. Bogstad



MULTNOMAH COUNTY OREGON

BOARD CLERK

OFFICE OF BEVERLY STEIN, COUNTY CHAIR
1120 SW FIFTH AVENUE, SUITE 1515
PORTLAND, OREGON 97204-1914
TELEPHONE • (503) 248-3277
FAX • (503) 248-3013

BOARD OF COUNTY COMMISSIONERS

BEVERLY STEIN •	CHAIR	•248-3308
DAN SALTZMAN •	DISTRICT 1	•248-5220
GARY HANSEN •	DISTRICT 2	•248-5219
TANYA COLLIER •	DISTRICT 3	•248-5217
SHARRON KELLEY •	DISTRICT 4	•248-5213

**MEETINGS OF THE MULTNOMAH
COUNTY BOARD OF COMMISSIONERS**

AGENDA

FOR THE WEEK OF

JULY 14, 1997 - JULY 18, 1997

Tuesday, July 15, 1997 - 9:30 AM - Land Use Planning Hearing.....Page 2

Wednesday, July 16, 1997 - 6:00 PM - Land Use Planning Hearing..... Page 2

Thursday, July 17, 1997 - 9:30 AM - Regular Meeting Page 3

Thursday, July 17, 1997 - 10:00 AM - Board Policy Discussion..... Page 4

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

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

Friday, 10:00 PM, Channel 30

Sunday, 1:00 PM, Channel 30

Produced through Multnomah Community Television

INDIVIDUALS WITH DISABILITIES MAY CALL THE BOARD CLERK AT (503) 248-3277, OR MULTNOMAH COUNTY TDD PHONE (503) 248-5040, FOR INFORMATION ON AVAILABLE SERVICES AND ACCESSIBILITY.

AN EQUAL OPPORTUNITY EMPLOYER

Tuesday, July 15, 1997 - 9:30 AM
Portland Building, Second Floor Auditorium
1120 SW Fifth Avenue, Portland

LAND USE PLANNING HEARING

- P-1 SEC 3-97 DE NOVO HEARING, TESTIMONY LIMITED TO 20 MINUTES PER SIDE on the Hearings Officer Decision Approving a Significant Environmental Concern Permit for a Single Family Dwelling on Property in a Wildlife Habitat Area and Located on Tax Lot 1, Lot 7 and a Portion of Lot 8, SHOPPE ACRES, Section 5, T1N, R1W. ONE HOUR REQUESTED.
- P-2 PLA 2-97 DE NOVO HEARING, TESTIMONY LIMITED TO 20 MINUTES PER SIDE on the Hearings Officer Decision Regarding Denial of an Appeal of the Planning Director's Decision Which Found that the Application for a Lot Line Adjustment Did Not Meet All of the Approval Criteria, for Property Located at 14007 NW SKYLINE BOULEVARD, PORTLAND. ONE HOUR REQUESTED.
-

Wednesday, July 16, 1997 - 6:00 PM
Sauvie Island School District #19 Gymnasium
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LAND USE PLANNING HEARING

- P-3 First Reading of an ORDINANCE Adopting the Sauvie Island/Multnomah Channel Rural Area Plan, a Portion of the Multnomah County Comprehensive Framework Plan
-

Thursday, July 17, 1997 - 9:30 AM
Portland Building, Second Floor Auditorium
1120 SW Fifth Avenue, Portland

REGULAR MEETING

CONSENT CALENDAR

NON-DEPARTMENTAL

- C-1 Re-appointments of Suzanne Bader, Beverly Stein, Dan Saltzman and Gussie McRobert to the MULTNOMAH COUNTY COMMUNITY ACTION COMMISSION

SHERIFF'S OFFICE

- C-2 Package Store Liquor License Renewal for ROCKY POINTE MARINA, LLC, 23586 NW ST HELENS HWY, PORTLAND

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-3 ORDER Authorizing Execution of Real Estate Purchase and Sale Agreement for the Sale of Certain Foreclosed Real Property to Teresita M. Duffy and Timothy Ray
- C-4 ORDER Authorizing Execution of Real Estate Purchase and Sale Agreement for the Sale of Certain Foreclosed Real Property to Penny L. Shepperd and Michelle A. Shepperd

DISTRICT ATTORNEY'S OFFICE

- C-5 Budget Modification DA 1 Appropriating Additional \$13,596 VOCA Grant Funds for 2 .50 FTE Victim Advocates for the 1997/98 Fiscal Year

REGULAR AGENDA

PUBLIC COMMENT

- R-1 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

DEPARTMENT OF SUPPORT SERVICES

- R-2 Presentation of Employee Service Awards Honoring 23 Multnomah County Employees with 5 to 25 Years of Service

NON-DEPARTMENTAL

- R-3 First Reading of an ORDINANCE Relating to County Organization; Creating a Department of County Counsel - (Continued from May 22, 1997) - PLEASE NOTE: COMMISSIONER TANYA COLLIER WILL REQUEST A MOTION TO POSTPONE THIS ITEM INDEFINITELY AND WILL SUBMIT A DIFFERENT ORDINANCE FOR FIRST READING ON THURSDAY, AUGUST 21, 1997

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-4 ORDER Setting a Hearing Date to Consider Surrendering Jurisdiction to the City of Portland All County Roads Annexed to the City Effective June 30, 1996

Thursday, July 17, 1997 - 10:00 AM
(OR IMMEDIATELY FOLLOWING REGULAR MEETING)
Portland Building, Second Floor Auditorium
1120 SW Fifth Avenue, Portland

BOARD POLICY DISCUSSION

- B-1 Policy Discussion About a Budget Policy to Encourage Departments to Save Money by Allowing Them to Use the Under-spending in the Next Year. Presented by Dan Saltzman, Bill Farver and Dave Warren. 20 MINUTES REQUESTED.

GARY HANSEN
Multnomah County Commissioner
District 2



1120 S.W. Fifth Avenue, Suite 1500
Portland, Oregon 97204
(503) 248-5219

MEMORANDUM

TO: CHAIR, BEVERLY STEIN
COMMISSIONER SHARRON KELLEY
COMMISSIONER DAN SALTZMAN
COMMISSIONER TANYA COLLIER
CLERK OF THE BOARD, DEB BOGSTAD

FROM: JUANA ARREDONDO

SUBJECT: LEAVE OF ABSENCE FROM BOARD MEETING

DATE: JULY 1, 1997

CC: COMMISSIONER HANSEN'S OFFICE

Commissioner Hansen will be unable to attend any of the Board meetings for the week of July 9th-18th 1997. He will be out of the office attending the annual NACO "98" Conference in Baltimore MD.

BOARD OF
COUNTY COMMISSIONERS
97 JUL - 1 AM 11:52
MULTNOMAH COUNTY
OREGON

MEETING DATE: JUL 17 1997

AGENDA #: C-1

ESTIMATED START TIME: 9:30 am

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Reappointments to Community Action Commission

BOARD BRIEFING:

DATE REQUESTED:

REQUESTED BY:

AMOUNT OF TIME NEEDED:

REGULAR MEETING:

DATE REQUESTED:

7/17/97

AMOUNT OF TIME NEEDED:

Consent Calendar

DEPARTMENT: Nondepartmental

DIVISION: Chair's Office

CONTACT: Delma Farrell

TELEPHONE #: 248-3953

BLDG/ROOM #: 106/1515

PERSON(S) MAKING PRESENTATION:

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Reappointment of Suzanne Bader, Seat 1 Private Sector; Beverly Stein, Seat 3 Public Sector; Dan Saltzman, Seat 1 Public Sector; and Gussie McRobert, Seat 5 Public Sector on the Multnomah County Commission Action Commission. All for terms ending June 30, 1999.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

Beverly Stein

(OR)

DEPARTMENT

MANAGER: _____

BOARD OF
COUNTY COMMISSIONERS
97 JUN 25 PM 1:29
MULTNOMAH COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk 248-3277

MEETING DATE: JUL 17 1997

AGENDA #: C-2

ESTIMATED START TIME: 9:30am

(Above space for Board Clerk's Use Only)

AGENDA PLACEMENT FORM

SUBJECT: OLCC License Application

BOARD BRIEFING: DATE REQUESTED: _____

REQUESTED BY: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: _____

AMOUNT OF TIME NEEDED: _____

DEPARTMENT: Sheriff's Office DIVISION: _____

CONTACT: Sergeant Jim Dusevoir TELEPHONE: 251-2414
BLDG/ROOM #: 313/120

PERSON(S) MAKING PRESENTATION: Sergeant Jim Dusevoir

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

This is an OLCC Package Store License for:

Rocky Pointe Marina, LLC
23586 NW St. Helens Hwy
Portland, Oregon 97231

The backgrounds have been checked on applicants: Janis V. Tonneson and Richard T. Tonneson and no criminal history can be found on the above.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)
DEPARTMENT MANAGER: James Dusevoir

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURE

97 JUL - 3 PM 3:01
MULTNOMAH COUNTY
OREGON
BOARD OF
COUNTY COMMISSIONERS

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

GENERAL INFORMATION

A non-refundable processing fee is assessed when you submit this completed form to the Commission (except for Druggist and Health Care Facility Licenses). The filing of this application does not commit the Commission to the granting of the license for which you are applying nor does it permit you to operate the business named below.

(THIS SPACE IS FOR OLCC OFFICE USE)	(THIS SPACE IS FOR CITY OR COUNTY USE)
Application is being made for: <input type="checkbox"/> DISPENSER, CLASS A <input type="checkbox"/> DISPENSER, CLASS B <input type="checkbox"/> DISPENSER, CLASS C <input checked="" type="checkbox"/> PACKAGE STORE - <i>pumps</i> <input type="checkbox"/> RESTAURANT <input type="checkbox"/> RETAIL MALT BEVERAGE <input type="checkbox"/> SEASONAL DISPENSER <input type="checkbox"/> WHOLESALE MALT BEVERAGE & WINE <input type="checkbox"/> WINERY OTHER: _____ <i>Receipt # 4848</i> <i># 12.50 Processing fee</i>	NOTICE TO CITIES AND COUNTIES: Do not consider this application unless it has been stamped and signed at the left by an OLCC representative. THE CITY COUNCIL, COUNTY COMMISSION, OR COUNTY COURT OF <u>MULTNOMAH COUNTY COMMISSION</u> <small>(Name of City or County)</small> RECOMMENDS THAT THIS LICENSE BE: GRANTED _____ DENIED _____ DATE _____ BY _____ <small>(Signature)</small> TITLE <u>BEVERLY STEIN, COUNTY CHAIR</u>
<input type="checkbox"/> Add Partner <input type="checkbox"/> Additional Privilege <input type="checkbox"/> Change Location <input type="checkbox"/> Change Ownership <input type="checkbox"/> Change of Privilege <input type="checkbox"/> Greater Privilege <input checked="" type="checkbox"/> Lesser Privilege <input type="checkbox"/> New Outlet <input type="checkbox"/> Other MAY 20 1997 RECEIVED REGULATORY FIELD SERVICES Oregon Liquor Control Commission	

CAUTION: If your operation of this business depends on your receiving a liquor license, OLCC cautions you not to purchase, remodel, or start construction until your license is granted.

- Name of Corporation, Partnership, or Individual Applicants:
 - Rocky Pointe Marina, L.L.C.
 - _____
 - _____
 - _____
 - _____
 - _____(EACH PERSON LISTED ABOVE MUST FILE AN INDIVIDUAL HISTORY AND A FINANCIAL STATEMENT)
- Present Trade Name Rocky Pointe Marina
- New Trade Name _____ Year filed _____ with Corporation Commissioner
- Premises address 23586 N.W. St. Helens Hwy. Portland, Multnomah, Oregon 97231
(Number, Street, Rural Route) (City) (County) (State) (Zip)
- Business mailing address 23586 N.W. St. Helens Hwy. Portland, Or 97231
(P.O. Box, Number, Street, Rural Route) (City) (State) (Zip)
- Was premises previously licensed by OLCC? Yes _____ No Year _____
- If yes, to whom: _____ Type of license: _____
- Will you have a manager: Yes _____ No Name _____
(Manager must fill out Individual History)
- Will anyone else not signing this application share in the ownership or receive a percentage of profits or bonus from the business? Yes _____ No
- What is the local governing body where your premises is located? Multnomah County
(Name of City or County)
- OLCC representative making investigation may contact: Janis or Rich Tenneson
(Name)
23586 N.W. St. Helens Hwy. Portland, Or, 97231 503.543-7003 Bus & Home
(Address) (Tel. No. — home, business, message)

CAUTION: The Administrator of the Oregon Liquor Control Commission must be notified if you are contacted by anybody offering to influence the Commission on your behalf.

DATE 5-20-97

Applicant(s) Signature (In case of corporation, duly authorized officer thereof)

- Richard H. Tenneson
- Janis V. Johnson
- _____
- _____
- _____
- _____

**INDIVIDUAL HISTORY
& TIED HOUSE DISCLOSURE**

**STATE OF OREGON
OREGON LIQUOR CONTROL COMMISSION**

TRADE NAME Rocky Pointe Marina
CITY/COUNTY Multnomah

You must fill in all the blanks. If the question does not apply write N/A in the space.

1. Name Tonneson Richard Hans
(Last) (First) (Middle)

2. Other names used None
(Maiden) (Other)

3. Home Address 23586 N.W. St. Helens Hwy. Portland Or 97231
(Number and Street) (City) (State) (Zip)

4. SSN 540-38-6303 Place of Birth Portland Or Date of Birth 2-20-37

5. Sex M Height 6'2" Weight 190 Hair Color Brown Eye Color Brown Age 60

6. US Citizen: Yes No Alien Reg. # _____ Spouse Name Janis V. Johnson-Tonneson

7. Home phone 503 543-7003 Business phone 503-543-7003

CRIMINAL RECORD

OLCC makes a criminal offender records check through the Oregon State Police on all liquor license applicants. ORS 181.555(3) provides that you can contact the Oregon State Police or challenge inaccurate criminal offender information. OLCC may require fingerprints.

8. Have you ever been convicted of any crime, violation, or infraction of any law? Include probation or bail forfeiture. (Include traffic violations for which a fine or bail forfeiture of more than \$50.00 was imposed.)
Yes _____ No
9. Do you have arrests or citations pending? Yes _____ No
10. If you have answered "Yes" to 8 or 9 list below:

OFFENSE	DATE	CITY & STATE	RESULT

(ATTACH ADDITIONAL SHEET IF NECESSARY)

DIVERSION/TREATMENT

11. Have you ever entered into a Diversion Agreement? Yes _____ No
Where and When? _____
12. Have you ever been treated or in a treatment program for alcohol or other drug use/abuse? Yes _____ No
Where and When? _____

EMPLOYMENT & RESIDENCE HISTORY

13. List current and former employers or occupations during the past ten years:
Dates by Month/Year Employer or Business Occupation City & State
From 1971 To Present Rocky Pointe Marina LLC owner Portland, Or.
From 1977 To 1977 West Coast Ceramic Supply Owner Portland, Or.
From _____ To _____
14. List other cities and states where you have lived in the past ten years other than those noted in Question 13 above.
From 1987 To 1991 Sannon Beach, Or.
From _____ To _____

(ATTACH ADDITIONAL SHEET IF NECESSARY)

ACTIVITY IN LIQUOR INDUSTRY (INSIDE OR OUTSIDE OREGON)

15. Are you presently or have you been licensed or employed in the liquor business?
Yes _____ No Where & When? _____
16. Is your spouse or any family member(s) working in any area of the liquor industry?
Yes _____ No If Yes, give: _____
(Name) (Name of Business) (City & State)
17. Have you ever received a warning, a notice of violation, suspension, fine, or revocation as a licensee or permittee? Yes _____ No Where & When? _____
18. Have you ever been refused a permit or license to sell, serve, or dispense beer, wine, or distilled spirits?
Yes _____ No Where & When? _____
19. Is a manufacturer or wholesaler of alcoholic liquor financing or furnishing your business with money or property? Yes _____ No Where & When? _____
20. Do you have any right, title, lien, claim, or other interest, financial or otherwise in, upon or to the premises, equipment, business or merchandise of any retailer, wholesaler, or manufacturer of alcoholic liquor?
(Do not include this business) Yes _____ No Where & When? _____

CAUTION: OLCC MAY DENY YOUR APPLICATION IF YOU LEAVE OUT INFORMATION OR GIVE FALSE ANSWERS ON THIS FORM.

SIGNATURE: Richard H. Tonneson, member DATE 5-20-97
TITLE (Manager, Owner, Corp. Officer)

**INDIVIDUAL HISTORY
& TIED HOUSE DISCLOSURE**

**STATE OF OREGON
OREGON LIQUOR CONTROL COMMISSION**

TRADE NAME Rocky Pointe Marina
CITY/COUNTY MULTNOMAH

You must fill in all the blanks. If the question does not apply write N/A in the space.

1. Name JOHNSON-TOWNESON James William
(Last) (First) (Middle)

2. Other names used CANTOR James
(Maiden) (Other)

3. Home Address 2556 NW 11th Ave Portland OR 97231
(Number and Street) (City) (State) (Zip)

4. SSN 542-40-0586 Place of Birth Portland, Oregon Date of Birth 1/8/38

5. Sex F Height 5'4" Weight 130 Hair Color Brown Eye Color Blue Age 59

6. US Citizen: Yes No Alien Reg. # _____ Spouse Name Richard H. Towneson

7. Home phone (503) 543-7003 Business phone (503) 543-7003

CRIMINAL RECORD

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Yes _____ No

9. Do you have arrests or citations pending? Yes _____ No

10. If you have answered "Yes" to 8 or 9 list below:

OFFENSE	DATE	CITY & STATE	RESULT

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Where and When? _____

12. Have you ever been treated or in a treatment program for alcohol or other drug use/abuse? Yes _____ No
Where and When? _____

EMPLOYMENT & RESIDENCE HISTORY

13. List current and former employers or occupations during the past ten years:

Dates by Month/Year	Employer or Business	Occupation	City & State
From <u>1991</u> To <u>PRESENT</u>	<u>Rocky Pointe Marina LLC</u>	<u>Owner</u>	<u>Portland, OR</u>
From <u>1990</u> To <u>1990</u>	<u>Psychology Dept, WTS Minn.</u>	<u>Secretary</u>	<u>Portland, OR</u>
From <u>1982</u> To <u>1989</u>	<u>FIRST FARMSTEINS</u>	<u>Executive Secretary</u>	<u>Portland, OR</u>

14. List other cities and states where you have lived in the past ten years other than those noted in Question 13 above.

From N/A To _____
From _____ To _____
City State

(ATTACH ADDITIONAL SHEET IF NECESSARY)

ACTIVITY IN LIQUOR INDUSTRY (INSIDE OR OUTSIDE OREGON)

15. Are you presently or have you been licensed or employed in the liquor business?
Yes _____ No Where & When? _____

16. Is your spouse or any family member(s) working in any area of the liquor industry?
Yes _____ No If Yes, give: (Name) (Name of Business) (City & State)

17. Have you ever received a warning, a notice of violation, suspension, fine, or revocation as a licensee or permittee? Yes _____ No Where & When? _____

18. Have you ever been refused a permit or license to sell, serve, or dispense beer, wine, or distilled spirits?
Yes _____ No Where & When? _____

19. Is a manufacturer or wholesaler of alcoholic liquor financing or furnishing your business with money or property? Yes _____ No Where & When? _____

20. Do you have any right, title, lien, claim, or other interest, financial or otherwise in, upon or to the premises, equipment, business or merchandise of any retailer, wholesaler, or manufacturer of alcoholic liquor?
(Do not include this business) Yes _____ No Where & When? _____

CAUTION: OLCC MAY DENY YOUR APPLICATION IF YOU LEAVE OUT INFORMATION OR GIVE FALSE ANSWERS ON THIS FORM.

SIGNATURE: James V. Johnson Towneson DATE 5/20/97
TITLE (Manager, Owner, Corp. Officer)

MEETING DATE: JUL 17 1997

AGENDA NO: C-3

ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Request Approval of Real Estate Purchase & Sale Agreement to Auction Purchaser.

BOARD BRIEFING: Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: 5 minutes

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Kathy Tuneberg TELEPHONE #: 248-3590

BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Kathy Tuneberg

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

Request approval of REAL ESTATE PURCHASE & SALE AGREEMENT to Auction Purchaser TERESITA M. DUFFY AND TIMOTHY RAY. (TERESITA M. DUFFY AND TIMOTHY RAY purchased property at 6/13/97 auction, paid 10% down at time of sale, balance due September 11, 1997).

Real Estate Purchase & Sale Agreement and Board Order attached.

SIGNATURES REQUIRED:

7/17/97 ORIGINAL AGREEMENT & COPIES OF ALL TO TAX TITLE

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
97 JUL - 7 AM 11:11

ELECTED OFFICIAL: _____
OR
DEPARTMENT MANAGER: *Robert Ellis, County Commissioner*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Authorizing Execution of Real
Estate Purchase and Sale Agreement
for the Sale of Certain Foreclosed
Real Property to Teresita M. Duffy
and Timothy Ray

} ORDER
97-147
}

It appearing that heretofore Multnomah County acquired the real property hereinafter described through the foreclosure of liens for delinquent taxes, and thereafter, after due notice and advertisement as by law provided, offered said property at public sale, and did receive from TERESITA M. DUFFY and TIMOTHY RAY, a bid for the sum of \$106,000.00 which said sum was the highest and best bid for said property; payable as follows: \$10,600.00 in cash upon the execution of this agreement, and the balance of \$95,400.00 to be paid in full on or by September 11, 1997. Said Agreement to prevent the use of the property for any "prohibited conduct" as that term is defined in 1989 Or Law Ch 791, § 1-4 and 22, or any "nuisance" as defined in ORS 105.555; comply with all laws ordinances, regulations, directions, rules and other requirements of all governmental authorities applicable to the use or occupancy of the property and prohibit and prevent any act or omission on or about the property that could subject the property or the County's or Purchaser's interest therein to forfeiture or the risk of forfeiture.

It further appearing that the said bidder has surrendered the certificate of purchase, tendered the down payment due under said certificate, and that a Real Estate Purchase & Sale Agreement containing the terms and conditions of said sale should be entered into by Multnomah County;

NOW THEREFORE, it is ORDERED that the Multnomah County Board of Commissioners hereby enters into a Real Estate Purchase & Sale Agreement with TERESITA M. DUFFY for the sale of the following described real property:

LOT 39, BLOCK 14 ALBINA, a recorded subdivision in the City of Portland, County of Multnomah, and State of Oregon:

DATED this 17th day of July, 1997.

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By Beverly Stein
Beverly Stein, Chair



REVIEWED:
THOMAS SPONSLER, COUNTY COUNSEL
MULTNOMAH COUNTY, OREGON

By Matthew O. Ryan
Matthew O. Ryan, Asst. County Counsel

REAL ESTATE PURCHASE AND SALE AGREEMENT

Timothy Ray + Teresita M DUFFY, or assigns, (hereinafter referred to as "Purchaser"), hereby agree to purchase, and Multnomah County, Oregon (hereinafter referred to as "Seller"), hereby agrees to sell, all in accordance with the following terms, provisions and conditions, that certain real property described as follows:

LOT 39, BLOCK 14, ALBINA, a recorded subdivision in the City of Portland, County of Multnomah, and State of Oregon.

1. **Purchase Price and Terms of Payment:** The price shall be 106,000, of which the sum of 10,000 by way of deposit is now paid, the receipt whereof the Seller acknowledges, and the balance of 95,400 shall be paid in full on September 11, 1997 for completion of the purchase.
2. **Conveyance of Title:** Title to the Property shall be conveyed by Seller to Purchaser at closing by Bargain and Sale Deed, with no warranties of title.
3. **Right of Entry Prior to Closing:** Prior to closing, Purchaser or its agents may enter the property from time to time to inspect the Property, as needed. Purchaser shall indemnify and hold harmless Seller from the against any claim arising from work performed on the property, at Purchaser's request, prior to closing.
4. **Property Sold "AS IS":** Seller makes no representations or warranties with respect to the physical condition or any other aspect of the Property, including, without limitation, that the Property may have conformed to past, current, or future applicable zoning or building code requirements, the existence of soil and stability, past soil repair, soil additions, or conditions of soil fill of susceptibility to land slides, the sufficiency of any undershoring, the sufficiency of any drainage, whether the Property is located either wholly or partially in a flood plain or a flood hazard boundary or similar area, or any other matter affecting the stability or integrity of the Property. Purchaser expressly acknowledges that the Property is being sold and accepted AS-IS, and Purchaser hereby unconditionally and irrevocably waives any and all actual or potential rights Purchaser may have regarding any form of warranty, except as set forth in this Agreement, express or implied, of any kind or type, relating to the Property. Such waiver is absolute, complete, total, and unlimited in any way.
5. **Statutory Land Use Disclaimer:** The Property described in this instrument may not be within a fire protection district protecting structures. The Property is subject to land use laws and regulations, which in farm and forest zones, may not authorize construction or siting of a residence and which limit lawsuits against farming or forest practices as defined in ORS 30.930 in all zones. Before signing or accepting this instrument, the person acquiring fee title to the Property should check with the appropriate city or county planning department to verify approved uses and the existence of fire protection for structures.
6. **Closing Date:** This transaction shall close on or before September 11, 1997 however, on such date either party may by written notice to the other party postpone the closing date, but in no event shall that day be more than 15 days later than the above date of closing.
7. **Possession:** Upon closing of the purchase the Purchaser shall be entitled to possession.
8. **Legal Fees and Modifications To This Agreement:** In the event of any litigation arising out of this agreement, the losing party shall pay "all attorneys" fees and costs reasonably incurred by the prevailing party in connection with the litigation, and in the appeal of same. Any modification to the terms of this Agreement shall only be in writing, properly executed by both of the Seller and Purchaser.
9. **Severability:** If any term or provision of this Agreement or the application thereof to any person or circumstances shall to any extent be invalid or unenforceable, the remainder of this Agreement and the application of such term or provision to person or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby, and each term or provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

10. **Integration:** This Agreement contains the entire agreement and understanding of the parties with respect to the purchase and sale of the property and supersedes all prior and contemporaneous agreements between them with respect to such purchase and sale.
11. **Remedies:** If Purchaser fails, through no fault of Seller, to close its acquisition of the Property, or otherwise fails to observe or comply with any of the foregoing terms and conditions, Seller shall retain \$1,000 of the deposit paid by Purchaser. In the event Seller fails, through no fault of Purchaser, to close its sale of the Property, the Purchaser shall be entitled to repayment of the deposit with interest, at the statutory rate, from the date of deposit, in full satisfaction of all claims under this agreement or otherwise.
12. **Governing Law:** This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon.
13. **Time is of the Essence:** Time is of the essence of this Agreement.
14. **Notices:** All notices required or permitted to be given hereunder shall be in writing and shall be sent by U.S. Certified Mail, return receipt requested, or by facsimile transmission addressed as set forth below:

Notices to Seller:

Name: MULTNOMAH COUNTY
TAX TITLE UNIT

Address: PO Box 2716
Portland OR 97208

Notices to Purchaser:

Teresita M. DUFFY
2615 NE 20th Ave.
Portland OR 97212

AGREED AND ACCEPTED:

SELLER:
MULTNOMAH COUNTY, OREGON

BY: Beverly Stein
Beverly Stein, Chair
Board of Multnomah County Commissioners



AGREED AND ACCEPTED:

PURCHASER:
Teresita M. DUFFY
(print)
Teresita M. Duffey
(signature)

Timothy Ray
[Signature]

REVIEWED

BY: [Signature]
Multnomah County Counsel

MEETING DATE: JUL 17 1997

AGENDA NO: C-4

ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Request Approval of Real Estate Purchase & Sale Agreement to Auction Purchaser.

BOARD BRIEFING: Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: 5 minutes

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Kathy Tuneberg TELEPHONE #: 248-3590

BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Kathy Tuneberg

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

Request approval of REAL ESTATE PURCHASE & SALE AGREEMENT to Auction Purchaser PENNY L. SHEPPERD AND MICHELLE A. SHEPPERD. (PENNY L. SHEPPERD AND MICHELLE A. SHEPPERD purchased property at 6/13/97 auction, paid 10% down at time of sale, balance due September 11, 1997).

Real Estate Purchase & Sale Agreement and Board Order attached.

SIGNATURES REQUIRED:

7/17/97 ORIGINAL AGREEMENT & COPIES OF ALL TO TAX TITLE

BOARD OF COUNTY COMMISSIONERS
97 JUL -7. AM 11: 11
MULTNOMAH COUNTY OREGON

ELECTED OFFICIAL: _____
OR
DEPARTMENT MANAGER: *Robert J. Ellis* *Laurel C. Nicholas*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Authorizing Execution of Real Estate Purchase and Sale Agreement for the Sale of Certain Foreclosed Real Property to Penny L. Shepperd and Michelle A. Shepperd)
ORDER
97- 148

It appearing that heretofore Multnomah County acquired the real property hereinafter described through the foreclosure of liens for delinquent taxes, and thereafter, after due notice and advertisement as by law provided, offered said property at public sale, and did receive from PENNY L. SHEPPERD and MICHELLE A. SHEPPERD, a bid for the sum of \$61,000.00 which said sum was the highest and best bid for said property; payable as follows: \$6,100.00 in cash upon the execution of this agreement, and the balance of \$54,900.00 to be paid in full on or by September 11, 1997. Said Agreement to prevent the use of the property for any "prohibited conduct" as that term is defined in 1989 Or Law Ch 791, § 1-4 and 22, or any "nuisance" as defined in ORS 105.555; comply with all laws ordinances, regulations, directions, rules and other requirements of all governmental authorities applicable to the use or occupancy of the property and prohibit and prevent any act or omission on or about the property that could subject the property or the County's or Purchaser's interest therein to forfeiture or the risk of forfeiture.

It further appearing that the said bidder has surrendered the certificate of purchase, tendered the down payment due under said certificate, and that a Real Estate Purchase & Sale Agreement containing the terms and conditions of said sale should be entered into by Multnomah County;

NOW THEREFORE, it is ORDERED that the Multnomah County Board of Commissioners hereby enters into a Real Estate Purchase & Sale Agreement with PENNY L. SHEPPERD for the sale of the following described real property:

LOT 3, BLOCK 55 VERNON, a recorded subdivision in the City of Portland, County of Multnomah, and State of Oregon:

DATED this 17th day of July, 1997.

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By Beverly Stein
Beverly Stein, Chair



REVIEWED:
THOMAS SPONSLER, COUNTY COUNSEL
MULTNOMAH COUNTY, OREGON

By Matthew O. Ryan
Matthew O. Ryan, Asst. County Counsel

REAL ESTATE PURCHASE AND SALE AGREEMENT

PENNY L. SHEPPERD AND MICHELLE A. SHEPPERD or assigns, (hereinafter referred to as "Purchaser"), hereby agree to purchase, and Multnomah County, Oregon (hereinafter referred to as "Seller"), hereby agrees to sell, all in accordance with the following terms, provisions and conditions, that certain real property described as follows:

LOT 3, BLOCK 55, VERNON, a recorded subdivision in the City of Portland, County of Multnomah, and State of Oregon.

1. **Purchase Price and Terms of Payment:** The price shall be 41,000, of which the sum of 4100.00 by way of deposit is now paid, the receipt whereof the Seller acknowledges, and the balance of 54,900.00 shall be paid in full on September 11, 1997 for completion of the purchase.
2. **Conveyance of Title:** Title to the Property shall be conveyed by Seller to Purchaser at closing by Bargain and Sale Deed, with no warranties of title.
3. **Right of Entry Prior to Closing:** Prior to closing, Purchaser or its agents may enter the property from time to time to inspect the Property, as needed. Purchaser shall indemnify and hold harmless Seller from the against any claim arising from work performed on the property, at Purchaser's request, prior to closing.
4. **Property Sold "AS IS":** Seller makes no representations or warranties with respect to the physical condition or any other aspect of the Property, including, without limitation, that the Property may have conformed to past, current, or future applicable zoning or building code requirements, the existence of soil and stability, past soil repair, soil additions, or conditions of soil fill of susceptibility to land slides, the sufficiency of any undershoring, the sufficiency of any drainage, whether the Property is located either wholly or partially in a flood plain or a flood hazard boundary or similar area, or any other matter affecting the stability or integrity of the Property. Purchaser expressly acknowledges that the Property is being sold and accepted AS-IS, and Purchaser hereby unconditionally and irrevocably waives any and all actual or potential rights Purchaser may have regarding any form of warranty, except as set forth in this Agreement, express or implied, of any kind or type, relating to the Property. Such waiver is absolute, complete, total, and unlimited in any way.
5. **Statutory Land Use Disclaimer:** The Property described in this instrument may not be within a fire protection district protecting structures. The Property is subject to land use laws and regulations, which in farm and forest zones, may not authorize construction or siting of a residence and which limit lawsuits against farming or forest practices as defined in ORS 30.930 in all zones. Before signing or accepting this instrument, the person acquiring fee title to the Property should check with the appropriate city or county planning department to verify approved uses and the existence of fire protection for structures.
6. **Closing Date:** This transaction shall close on or before September 11, 1997 however, on such date either party may by written notice to the other party postpone the closing date, but in no event shall that day be more than 15 days later than the above date of closing.
7. **Possession:** Upon closing of the purchase the Purchaser shall be entitled to possession.
8. **Legal Fees and Modifications To This Agreement:** In the event of any litigation arising out of this agreement, the losing party shall pay "all attorneys" fees and costs reasonably incurred by the prevailing party in connection with the litigation, and in the appeal of same. Any modification to the terms of this Agreement shall only be in writing, properly executed by both of the Seller and Purchaser.
9. **Severability:** If any term or provision of this Agreement or the application thereof to any person or circumstances shall to any extent be invalid or unenforceable, the remainder of this Agreement and the application of such term or provision to person or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby, and each term or provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

10. **Integration:** This Agreement contains the entire agreement and understanding of the parties with respect to the purchase and sale of the property and supersedes all prior and contemporaneous agreements between them with respect to such purchase and sale.
11. **Remedies:** If Purchaser fails, through no fault of Seller, to close its acquisition of the Property, or otherwise fails to observe or comply with any of the foregoing terms and conditions, Seller shall retain \$1,000 of the deposit paid by Purchaser. In the event Seller fails, through no fault of Purchaser, to close its sale of the Property, the Purchaser shall be entitled to repayment of the deposit with interest, at the statutory rate, from the date of deposit, in full satisfaction of all claims under this agreement or otherwise.
12. **Governing Law:** This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon.
13. **Time is of the Essence:** Time is of the essence of this Agreement.
14. **Notices:** All notices required or permitted to be given hereunder shall be in writing and shall be sent by U.S. Certified Mail, return receipt requested, or by facsimile transmission addressed as set forth below:

Notices to Seller:

Name: MULTNOMAH COUNTY
TAX TITLE UNIT

Address: PO Box 2716
Portland OR 97208

Notices to Purchaser:

PENNY L. SHEPPERD AND
MICHELLE A. SHEPPERD
2850 SW CEDAR HILLS #346
BEAVERTON, OR 97005

AGREED AND ACCEPTED:

SELLER:
MULTNOMAH COUNTY, OREGON

BY: *Beverly Stein*
Beverly Stein, Chair
Board of Multnomah County Commissioners

AGREED AND ACCEPTED:

PURCHASER:

PENNY L. SHEPPERD
(print)
Penny L. Shepperd
(signature)



REVIEWED

BY: *William O. Spear*
Multnomah County Counsel

Budget Modification Number _____

DA # 1 _____

(For Clerk's Use) Meeting Date JUL 17 1997
Agenda No. C-5

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR _____

(Date)

DEPARTMENT District Attorney
CONTACT Lisa Moore

DIVISION Family Justice/VOCA Grant
TELEPHONE 248-3133

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

SUGGESTED

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

Renewal award for the VOCA grant for 10/1/97 through 9/30/98.

(Estimated Time Needed on the Agenda)

2. DESCRIPTION OF MODIFICATION

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

Personnel changes are shown in detail on the attached sheet

This provides continued funding for 2 - .50 FTE victim advocates in the VOCA grant during the 1997/98 fiscal year. The higher grant award allows for an additional .28 FTE victim advocate in the VOCA program. A copy of the new award is attached.

A copy of the new grant award is attached.

3. REVENUE IMPACT

(Explain revenues being changed and reason for the change)

The 1997/98 VOCA grant award was \$53,596, which is \$13,596 higher than originally anticipated.

4. CONTINGENCY STATUS

(to be completed by Budget & Planning)

_____ Fund Contingency before this modification (as of _____) \$ _____

Date

After this modification \$ _____

Originated By <u>Lisa Moore</u>	Date <u>07/07/97</u>	Department Director <u>Michael Schunk</u>	Date <u>07/07/97</u>
Plan/Budget Analyst <u>Karlynne Dungen</u>	Date <u>7/7/97</u>	Employee Services <u>C. R. Umbras</u>	Date <u>7/9/97</u>
Board Approval <u>Deborah C. Bogstad</u>	Date <u>7/17/97</u>		

MULTNOMAH COUNTY
OREGON
BOARD OF
COUNTY COMMISSIONERS
97 JUL -9 PM 12:55

PERSONNEL DETAIL FOR BUDGET MODIFICATION NO.

DA # 1

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

FTE Increase (Decrease)	POSITION TITLE	BASE PAY Increase (Decrease)	ANNUALIZED		TOTAL Increase (Decrease)
			Increase/(Decrease)		
			Fringe	Ins.	
0.28	Victim Advocate	\$11,317	\$2,033	\$246	\$13,596
0.28	TOTAL CHANGE (ANNUALIZED)	\$11,317	\$2,033	\$246	\$13,596

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

Permanent Positions, Temporary, Overtime, or Premium	Explanation of Change	BASE PAY Increase (Decrease)	CURRENT FY		TOTAL Increase (Decrease)
			Increase/(Decrease)		
			Fringe	Ins.	
0.28	Victim Advocate	\$11,317	\$2,033	\$246	\$13,596
TOTAL CURRENT FISCAL YEAR CHANGES		\$11,317	\$2,033	\$246	\$13,596

MYERS
ATTORNEY GENERAL

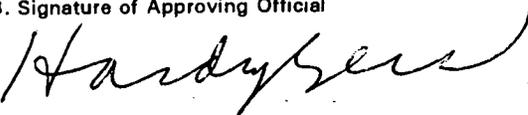
DAVID SCHUMAN
DEPUTY ATTORNEY GENERAL



100 Justice Building
1162 Court Street NE
Salem, Oregon 97310
FAX: (503) 378-5738
TDD: (503) 378-5938
Telephone: (503) 378-5348

DEPARTMENT OF JUSTICE
CRIME VICTIMS' ASSISTANCE SECTION

VICTIMS OF CRIME ACT
CONTINUATION
GRANT AWARD

1. Grantee Agency and Address Multnomah County District Attorney Victim Assistance Program 1021 SW 4th Avenue, Room 804 Portland OR 97204		2. Special Conditions: This grant project is approved subject to such conditions or limitations as set forth in the Certified Assurances on the attached page.	
		3. Statutory Authority for Grant: Victims of Crime Act of 1984, as amended, 42 U.S.C. 1061 ET SEQ.	
4. Award Number 97 00622	5. Award Date 10/01/97	6. Total Grant Award Amount / Match Amount \$53,596.00 / \$13,399.00	
7. VOCA Service Model General Victim Assistance Previously Underserved		8. Type of Recipient COUNTY	
9. Previous Award Amount(s) \$49,674.00		10. Project Period 10/01/97 - 09/30/98	
AGENCY APPROVAL		GRANTEE ACCEPTANCE	
11. Typed Name and Title of Approving Official HARDY MYERS Attorney General		12. Typed Name and Title of Authorized Grantee Official Michael D. Schrunk District Attorney	
13. Signature of Approving Official 		14. Signature of Authorized Grantee Official 	
15. Date 06/24/97		16. Date 6-30-97	

JMU0213.CON 6/97

Comments:

Office Memorandum

MICHAEL D. SCHRUNK, District Attorney

TO: Board of County Commissioners

FROM:

Michael D. Schrunk



DATE: July 7, 1997

REQUESTED PLACEMENT DATE: July 24, 1997 Consent Calendar

RE: VOCA grant renewal for 1997/98

I. Recommendation/Action Requested:
Approval

II. Background/Analysis:
The VOCA grant is a component of the District Attorney's Victims Program. Victim Advocates assigned to the VOCA programs work with victims and witnesses of juvenile and gang related crimes.

III. Financial Impact:
The 1997/98 grant award is \$53,596. Originally, the District Attorney's office included \$40,000 in the 1997/98 budget. The attached budget modification appropriates the additional \$13,596 grant funds and related indirect costs.

IV. Legal Issues:
None

V. Controversial Issues:
None

VI. Link to Current County Policies:
Multnomah County's Urgent Benchmark to reduce crime and impose sanctions is furthered by providing additional support to victims of juvenile and gang related crimes.

VIII. Other Government Participation:
This on-going grant is funded by an award from the State of Oregon, Department of Justice, Crime Victims Assistance Section.

MEETING DATE: JUL 17 1997
AGENDA #: R-2
ESTIMATED START TIME: 9:30am

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: SECOND QUARTER 1997 SERVICE AWARDS

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

REGULAR MEETING: DATE REQUESTED: July 17, 1997
AMOUNT OF TIME NEEDED: 15 Minutes

DEPARTMENT: Support Services DIVISION: Employee Services

CONTACT: Shery Stump or Gail Foster TELEPHONE #: 22203 or 22538
BLDG/ROOM #: 106/1430

PERSON(S) MAKING PRESENTATION: Shery Stump

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

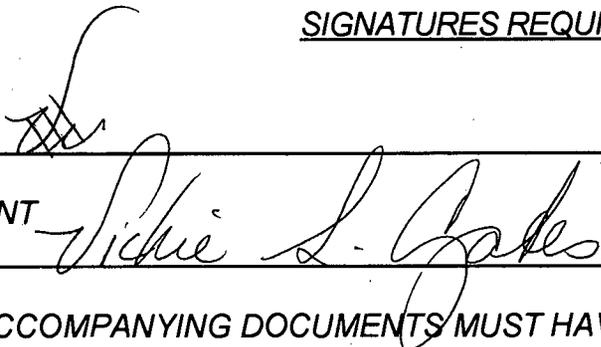
SUGGESTED AGENDA TITLE:

Presentation of Service Awards for five to twenty-five years of service. Twenty-three employees have indicated they will be able to attend in person to receive their awards.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

(OR) DEPARTMENT MANAGER: _____



BOARD OF COUNTY COMMISSIONERS
97 JUL -8 PM 5:05
MULTNOMAH COUNTY OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

SERVICE AWARDS - 1997 - SECOND QUARTERNE) 05/97

Board Presentation Attendees

CFS - Five Year

Mehran Nabavi
Julie Ramos
Judy Robison

DA - Five Year

~~Thomas Cleary~~
Shirley Moffet

DES - Five Year

Noreen Granneman
Scott Rosenberger

DSS - Five Year

Gail Foster

LIB - Five Year

Nicole Mitcheltree

ASD - Ten

Cheryl Morgan

DES - Ten Year

Michele Gardner
Robert Lilly

DSS - Ten Year

Ellen Ullrick

JACJ - Ten Year

Gloria Maier
Julia Stone
Alandria Taylor

CFS - Fifteen Year

Marcia Gartrell

JACJ - Fifteen Year

Kevin Bowers

DSS - Twenty Year

Jan M. Thompson
Don Winkley

ASD - Twenty-Five Year

Sherry Willmschen

DA - Twenty-Five Year

Kathleen Graham

DES - Twenty-Five Year

Cathey Kramer

JUL 17 1997
MEETING DATE: MAY 22 1997
AGENDA #: RBR-3
ESTIMATED START TIME: 10:10am
9:45am

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Department of County Counsel

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

REGULAR MEETING: DATE REQUESTED: May 22, 1997
AMOUNT OF TIME NEEDED: 30 Minutes

DEPARTMENT: Commissioner #3 DIVISION: _____
CONTACT: Don Carlson TELEPHONE #: 248-5126
BLDG/ROOM #: _____

PERSON(S) MAKING PRESENTATION: Commissioner Collier

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

An ordinance relating to county organization; creating a Department of County Counsel

ELECTED OFFICIAL: _____
(OR) DEPARTMENT MANAGER: _____
Signature

SIGNATURES REQUIRED:

BOARD OF
COUNTY COMMISSIONERS
97 MAY 15 PM 3:10
MULTNOMAH COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM STAFF REPORT**

TO: BOARD OF COUNTY COMMISSIONERS
FROM: Commissioner Collier/Don Carlson
TODAY'S DATE: May 15, 1997
REQUESTED PLACEMENT DATE: May 22, 1997

RE: REQUEST APPROVAL OF AN ORDINANCE TO CREATE A DEPARTMENT OF COUNTY COUNCIL.

I. Recommendation/Action Requested:

Request the Board of County Commissioners approve the attached ordinance creating the Department of County Counsel.

II. Background/Analysis:

The County has recently appointed a new County Counsel. It is important at the start of this new relationship to define the duties and responsibilities of the County Counsel and to define the relationship of the County Council to all parts of the county government. The County Counsel is the chief legal advisor for the county and works for both the executive branch including all administrative departments and units and the legislative branch, the board of commissioners. There is no adopted county policy which states the duties and responsibilities of the County Counsel and defines the relationship with the administration, board and other elected officials. The only duty defined in the Code is a requirement for the County Counsel to codify ordinances adopted by the board. The ordinance establishes the County Counsel's office as a department and makes the appointment of future County Counsel's subject to confirmation by the board.

III. Financial Impact:

Adoption of this ordinance has no immediate financial impact.

IV. Legal Issues:

The ordinance is in conformance with the County Charter and no legal issue is expected to develop as a result of this action.

V. Controversial Issues:

This ordinance deals with the relationship of the executive branch with the legislative branch and as such can lead to controversial discussions.

VI. Link to Current County Policies:

This ordinance is being processed and is in conformance with the policies set forth in the Multnomah County Charter.

VII. Citizen Participation:

The notice of the public hearing on this ordinance is being given following normal county procedures. The public hearing allows for public testimony.

VIII. Other Government Participation:

There was no direct participation by any other government in the preparation of the ordinance. Similar provisions of the Metro Code and the City of Gresham Code were used in the preparation of the ordinance.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

An ordinance relating to county organization; creating a Department of County Counsel.

Multnomah County ordains as follows:

Section 1. Purpose

The purpose of this ordinance is to establish a Department of County Counsel to provide legal services to the county.

Section 2. Department of County Counsel Created; Appointment and Discharge of County Counsel

The Department of County Counsel is established. It shall consist of a county counsel and such subordinate employees as the board may provide. It shall be an administrative department of the county pursuant to Chapter VI of the County Charter. The county counsel shall be the department head. The county counsel shall be appointed by the chair of the board of commissioners subject to consent of a majority of the board of commissioners. The county counsel shall appoint a chief assistant county counsel to act in the absence of county counsel. The county counsel may be discharged by the chair of the board of commissioners. Prior to discharge, the chair of the board of commissioners shall first consult with the other members of the board of commissioners concerning the decision. In the event the chair of the board of commissioners discharges the county counsel, the chair of the board of commissioners shall report the discharge to the other members of the board of commissioners at the next regularly scheduled board meeting.

Section 3. Duties of the Department of County Counsel

The Department of County Counsel shall:

(a) Have general control and supervision of all civil actions and legal proceedings in which the county may be a party or may be interested.

(b) Have full charge and control of all the legal business of all departments and commissions of the county, or of any office thereof, which requires the services of counsel in order to protect the interests of the county. No county officer, elected official, board, commission, or department shall employ or be represented by any other counsel except as may be provided for in this chapter.

(c) Give legal advice and opinions orally and in writing and prepare documents and ordinances concerning any matter in which the county is interested when requested by a member of the board of commissioners, the auditor, the sheriff or a department head.

(d) Review and approve as to form all written contracts, ordinances, resolutions, executive or board orders, bonds, or other legally binding instruments of the county;

(e) Except as provided by any insurance policy or indemnification agreement obtained by the county, appear for, represent, and defend the county and its departments, officers, commissions and employees and other persons entitled to representation under the Oregon Tort Claims Act in all appropriate legal matters;

(f) Submit quarterly reports to the board concerning the status of all tort claims and legal actions in which the county is a party and, at the request of the board or any member thereof, the board chair, the auditor, or the sheriff, report on the status of any or all matters being handled by the Department;

(g) Appear, commence, prosecute, defend or appeal any action, suit, matter, cause or proceeding in any court or tribunal when requested by the board or the board chair;

(h) Maintain custody of the records of the department including, 1) pleadings of all legal actions in which the county, the board, the board chair, the auditor, the sheriff, or any county commission or employee thereof is a party, (unless the legal action is being conducted by private legal counsel retained by the county in which case the county counsel shall keep those records as the county counsel deems advisable), and, 2) all significant written opinions of the County Counsel furnished to the County; and

(i) Codify ordinances of the county as provided by chapter 1.20 of the Multnomah County Code.

Section 4. Attorney-Client Relationship

The relationship between the county and the county counsel and other attorneys employed by the Department of County Counsel shall be an attorney-client relationship, with the county being entitled to all benefits thereof. For the purpose of this chapter, the county is recognized as a single entity whose elected officials and department heads collectively perform and exercise the county's duties and authority.

Section 5. Employment of Outside Legal Counsel

When the county counsel deems it necessary or appropriate to do so, the county counsel may employ outside legal counsel on behalf of the county. A majority of the board may also employ outside legal counsel on any matter concerning the county. Employment of outside counsel is subject to the general requirements of this Code.

Section 6. Opinions

The county counsel shall prepare formal written opinions regarding interpretations of federal and Oregon law, the county charter, and county ordinances and regulations. These opinions shall be official guidance to the county except as superseded by courts of law, legislative action, administrative rules, or actions of other superior tribunals or bodies. Formal opinion requests may be made by any county

elected official and department head. All requests for such opinions shall be in writing. Upon receipt of a written request for a formal opinion the county counsel shall furnish a copy of the request to each county elected official.

Section 7. Codification

Sections 1 through 6 of this ordinance shall be codified as part of chapter 2.3 of the Multnomah County Code.

Section 8. Effective Date

This ordinance shall take effect shall take effect on the thirtieth (30th) day after its adoption, pursuant to Section to 5.50 of the Charter of Multnomah County.

ADOPTED this _____ day of _____, 1997, being the date of its second reading before the Board of County Commissioners of Multnomah County, Oregon.

(SEAL)

Beverly Stein, Chair
Multnomah County, Oregon

REVIEWED :

By: _____
John Thomas, Assistant County Counsel

MEETING DATE: JUL 17 1997
AGENDA NO: R-4
ESTIMATED START TIME: 9:50am

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Resolution to Set Hearing Date / Surrender Jurisdiction of County Roads to the city of Portland

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

REGULAR MEETING: DATE REQUESTED: July 17, 1997
AMOUNT OF TIME NEEDED: 5 minutes

DEPARTMENT: Env Svcs DIVISION: Transp. & Land Use Plan'g

CONTACT: Cathey Kramer TELEPHONE #: 248-5050 (X22589)
BLDG/ROOM #: 425 / Cathey Kramer

PERSON(S) MAKING PRESENTATION: Bob Thomas

ACTION REQUESTED:

[] INFORMATIONAL ONLY [] POLICY DIRECTION [X] APPROVAL [] OTHER

SUGGESTED AGENDA TITLE:

Recommendation of the Director of Environmental Services in the matter of Surrendering Jurisdiction to the city of Portland of all county roads in the areas annexed between July 1, 1994 and June 30, 1996.

Resolution setting August 21, 1997 as the date of public hearing and directing the Environmental Services Director to cause notice of hearing to be published five (5) different occasions in *The Oregonian*.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)
DEPARTMENT MANAGER: *Lee E. Nicholas*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES
Any Questions: Call the Board Clerk @ 248-3277

RTVH2626.AGD

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY OREGON
97 JUL 10 PM 9 28



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
TRANSPORTATION AND LAND USE PLANNING DIVISION
1620 SE 190TH AVENUE
PORTLAND, OREGON 97233
(503) 248-5050

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

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

**FROM: Larry Nicholas,
Environmental Services Director**

TODAY'S DATE: July 7, 1997

REQUESTED PLACEMENT DATE: July 17, 1997

RE: Recommendation for surrendering jurisdiction to the city of Portland all county roads that were annexed to the city of Portland prior to June 30, 1996. This resolution also sets a Public Hearing for August 21, 1997 to discuss these matters. If approved, a notice for transferring jurisdiction and announcing the public hearing will be advertised for five consecutive Mondays in *The Oregonian*.

I. Recommendation/Action Requested:

It is requested that the Board of County Commissioners approve the Department of Environmental Services' recommendation for the surrender of jurisdiction to the city of Portland all county roads annexed to the city prior to June 30, 1996. The effective date of this proposed road transfer would be August 30, 1997.

II. Background/Analysis:

The transfer of these segments of roads is in accordance with the Intergovernmental Agreement between Multnomah County and the city of Portland approved March 8, 1984, Section IIIB, and in accordance with ORS 373.270, which initiated the transfer of jurisdiction of certain roads lying within the boundaries of the city of Portland. The Boundary Commission Final Order #3556 authorizing annexation of a portion of unincorporated western Multnomah County was tied up in litigation until earlier this year. Thus the delay in this road transfer process.

III. Financial Impact:

This road transfer will have an impact upon the transfer of funds to the city of Portland. This transfer includes approximately 1.3 miles of roadway. For calculation of the quarterly Shared Motor Vehicle Revenue Payment to the city of Portland, these miles transferred will be credited as city streets. The annualized financial impact for FY1997-98 would be approximately \$26,100 per mile of roadway transferred, for a total of approximately \$33,930. For the ten month period between September 1st and June 30th, the actual cost to the county will be approximately \$28,274.

IV. Legal Issues:

The surrender of jurisdiction is in accordance with the executed Intergovernmental Agreement and ORS 373.270.

V. Controversial Issues:

None

VI. Link to Current County Policies:

Refer to Background/Analysis and Legal Issues.

VII. Citizen Participation:

In accordance with requirements of the Oregon Revised Statutes, a Public Hearing will be set in this matter for August 21, 1997.

VIII. Other Government Participation:

The city of Portland is preparing appropriate City Council action to accept jurisdiction over these roads.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Setting a Hearing Date to Consider)	
Surrendering Jurisdiction to the City)	ORDER
of Portland All County Roads)	97-149
Annexed to the City Effective)	
June 30, 1996)	

WHEREAS, the Board of County Commissioners of Multnomah County, Oregon, having determined to initiate proceedings to surrender jurisdiction over all county roads to the City of Portland within the areas annexed to the City of Portland effective June 30, 1996, as described in Boundary Change Final Order No. 3556 of the Portland Metropolitan Area Local Government Boundary Commission; and

WHEREAS ORS 373.270 grants authority for the county governing body to surrender jurisdiction of county roads lying within the corporate limits of any City; now therefore

IT IS ORDERED that pursuant to the authority granted in ORS 373.270, the Board of County Commissioners of Multnomah County, Oregon, hereby declares it is necessary, expedient, and in the best interest of the County to surrender jurisdiction over said county roads to the City of Portland; and

IT IS FURTHER ORDERED that a hearing is set for 9:30 a.m. on Thursday, August 21, 1997, in the Second Floor Auditorium, 1120 SW Fifth Avenue, Portland, Oregon, to consider any objections or testimony offered by any interested persons, and to determine whether it is necessary, expedient, or for the best interest of the County to surrender jurisdiction over the following county roads to the City of Portland within the areas annexed to the City of Portland, effective June 30, 1996, as described in Boundary Change Final Order No. 3556 of the Portland Metropolitan Area Local Government Boundary Commission;

List of county roads to be transferred to the City of Portland within the areas annexed to the City of Portland effective June 30, 1996:

SW FAIRVIEW BOULEVARD, COUNTY ROAD NO. 1133

- From SW Highland Road South 55 feet, more or less
- Half street, east half

(From SW Highland Road North to the centerline of vacated SW Fairview Court)

- Half street, southerly half
(From a point 215 ft. southerly of SW Highland Road to a point 384 feet southerly of Highland Road)

SW HIGHLAND ROAD, COUNTY ROAD NO. 1330

- From a point 89.78 feet westerly of SW Fairview Blvd. southwesterly 1,070 feet, more or less
- From the north line of SW Torr Lane northerly 800 feet, more or less
- From a point 60 feet, more or less, south of SW Torr Lane southerly 1,050 feet, more or less
- From SW Canyon Court northerly 412 feet, more or less
- Half street, south half
(From SW Fairview Blvd. westerly 89.78 feet)

SW CANYON COURT, COUNTY ROAD NO. 1138-c, 3819, 3901

- From a point 475 feet, more or less, east of SW Highland Road to a point 250 feet, more or less, west of SW Highland Road
- From a point 465 feet, more or less, west of SW Highland Road westerly to the Washington County line

SW 61ST DRIVE, COUNTY ROAD NO. 1384

- From SW Canyon Court northerly 880 feet, more or less

SW RAAB ROAD, COUNTY ROAD NO. 3820

- From Washington County line easterly 572 feet more or less

SW 64TH AVENUE, COUNTY ROAD NO. 4016

- From SW Raab Road southerly 270 feet, more or less

SW HEWETT BOULEVARD, COUNTY ROAD NO. 405

- From the south right-of-way line of SW Humphrey Blvd. south and east 725 feet, more or less

SW SCHOLLS FERRY ROAD, COUNTY ROAD NO. 1202, 2355

- From SW Hewett Blvd. southerly 700 feet, more or less

SW HIGHLAND PARKWAY

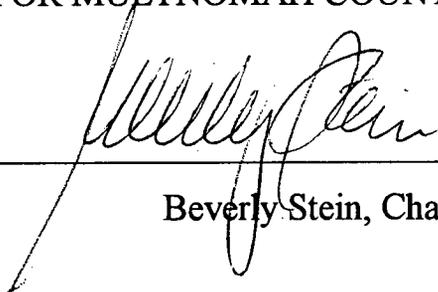
- Half street, East half
(From SW Canyon Court northerly 105 feet, more or less)

IT IS FURTHER ORDERED that Larry F. Nicholas, Environmental Services Director, or his designated representative, is hereby directed to give legal notice of this hearing by causing the notice to be published on July 21, July 28, August 4, August 11, and August 18, 1997, in the Oregonian, a newspaper of general circulation, in accordance with the provisions of the Oregon Revised Statutes.

DATED this 17th day of July, 1997.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Beverly Stein, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By: 

Sandra N. Duffy, Chief Assistant Counsel

MEETING DATE: July 17, 1997
AGENDA #: B-1
ESTIMATED START TIME: 10:00 am

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Policy Discussion about Use of Unspent Appropriations

BOARD BRIEFING: DATE REQUESTED: Thursday, July 17, 1997

REQUESTED BY: Chair's Office / Commissioner Saltzman

AMOUNT OF TIME NEEDED: 20 minutes

REGULAR MEETING: DATE REQUESTED: _____

AMOUNT OF TIME NEEDED: _____

DEPARTMENT: Non-Departmental DIVISION: Chair Beverly Stein

CONTACT: Dave Warren TELEPHONE #: 248-3822

BLDG/ROOM #: 106/1400

PERSON(S) MAKING PRESENTATION: Dan Saltzman / Bill Farver / Dave Warren

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Board policy discussion about a budget policy to encourage departments to save money by allowing them to use the underspending in the next year.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: Beverly Stein

(OR)
DEPARTMENT
MANAGER: _____

BOARD OF
COUNTY COMMISSIONERS
MULTI-NOMAH COUNTY
OREGON
97 JUL -9 PM 12:26

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277



Beverly Stein, Multnomah County Chair

Room 1515, Portland Building
1120 S.W. Fifth Avenue
Portland, Oregon 97204

Phone: (503) 248-3308
FAX: (503) 248-3093
E-Mail: mult.chair@co.multnomah.or.us

MEMORANDUM

To : Board of County Commissioners
From : Bill Farver *B.F.*
Date : July 8, 1997 *B.F.*
Re : Commissioner Saltzman's Unspent Appropriations proposal

I originally wrote this memo in response to the discussion the Board was going to have on Commissioner Saltzman's proposal on reallocation of unspent Departmental revenues. In talking with him in advance, I realized that one of his goals in this effort was to recognize and review cost savings or efficiency measures Departments took. I discussed his original proposal and his goal of recognizing innovation with the Direct Report Managers today and would like to share my thoughts in advance of our discussion on Thursday, July 17.

In terms of his original proposal, I wanted to share my thoughts with you from the viewpoint of one who has now spent a dozen years working on County budgets, first as a board staffer and now as coordinator of the policy side of the process for Beverly.

When Martin Winch and I worked for Pauline Anderson in the late 1980's, our office gave very serious consideration to a similar proposal which would have allowed Departments to maintain 1/3 of their unspent balance. After several months of research by Martin and conversations with Departments and jurisdictions, we decided to not go forward with the idea.

When I was hired by Beverly as her Executive Assistant, I was determined to help change some of the dynamics between Departments (including the Sheriff and District Attorney) and Board members and among Departments themselves in how budgets are developed and managed. Specifically, I wanted to try to promote the following objectives:

1. The Board wants the Departments (and Elected Officials) to spend what has been appropriated.
2. The Board wants to review and approve the Department's spending plans.
3. The Board would concentrate on the major policy issues presented by each Department.



4. Departments should ask for and defend what they need to do their job adequately and professionally.
5. Departments need to be treated equitably in the Board's consideration of their budgets.
6. The Board and Departments need to build trust about what is in their budgets and how it is spent.

I know Commissioner Saltzman and the Board share in these goals and I believe we would all agree we have made progress in all areas. Commissioner Saltzman and I are not in agreement on the possible consequences of this proposal on these goals. Specifically, I fear:

1. The proposal would encourage the Departments not to spend money that has been appropriated for a specific use.
2. The proposal would encourage Departments to spend saved money on items that have not gone through the regular budget process.
3. The proposal encourages Departments to concentrate their attention on relatively small amounts of money for relative small needs, rather than the major policy issues.
4. The proposal encourages Departments to try to spend money on items they think they may have trouble justifying to the Board with their "saved" money.
5. The proposal would work to the advantage of Departments who have more spending latitude. Staff intensive operations such as the Sheriff and District Attorney would have difficulty saving much money.
6. Most importantly, the proposal has the potential to create a "budget game" whereby Departments would make a calculation about spending certain money this year versus holding off and spending the same money for different items without Board review and approval the second year.

Finally, the other practical impact this will have is to reduce the discretionary revenue we have counted on in the past few years to help set reasonable constraints at the start of the budget process and balance the budget at the end of the process. Because more revenue will be "dedicated" to Departments, ironically those same Departments may have to take reductions to accommodate for the "loss" of that money for all the Departments.

In discussions with Managers, we identified that current County practices actually encourage the behavior that Commissioner Saltzman supports. Unlike the State which sometimes reduces Departmental appropriations based on the amount of unspent revenue, the Board has traditionally given Departments wide latitude by approving requests to carryover funds for projects still in process. In addition, some County Departments receive biennial appropriations which allow them flexibility between the two years.

However, our discussions with the Managers did highlight an area we don't discuss well with the Board - how management innovation saves money and improves service. Rather than create a system of criteria and applications for rewarding good management practices, I would suggest we periodically highlight for the Board managers and/or employers who have provided leadership in improving how we do business. Those briefings could be in a similar format to our periodic RESULTS briefings by process improvement teams.

In conclusion, I believe Commissioner Saltzman's proposal runs counter to the values we are striving for of mutual trust, open review and discussion of potentially controversial items, and early and full disclosure of issues. The proposal is premised on a notion that Departments would benefit from certain incentives to make them more prudent in their expenditures. I would rather use the incentive that if Departments fairly identify what they need to spend and bring it to the table, the Board will respectfully discuss and determine whether the expenditure is justified. In addition, we should make a greater effort to recognize public management innovation and good stewardship of County funds.

Cc: Department Managers; Sheriff; District Attorney; Auditor, Budget Staff

danunspent.doc



DAN SALTZMAN, Multnomah County Commissioner, District One

1120 S.W. Fifth Avenue, Suite 1500 • Portland, Oregon 97204 • (503) 248-5220 • FAX (503) 248-5440

July 17, 1997

PROPOSED BUDGET POLICY CONCERNING INCENTIVES FOR INCREASING YEAR-END SAVINGS .

GOAL: To avoid the “spend it or lose” dynamic prior to fiscal year end. To encourage departments by incentive and flexibility to use savings and not be penalized in next fiscal year.

The Board will authorize additional spending to each department that underspends its appropriation in the previous fiscal year. Department will be allowed to spend an amount equal to the savings from the prior year at the department's discretion. Departments can save these authorizations over multiple years for a large purchase, use the increased authorization to soften future budget reductions, or spend them for whatever purpose best meets the needs of the department.

Spending authority that is rolled forward for a department will not have a bearing on the budget allocations for that fiscal year. The authorization will not be reduced as part of a budget reduction measure. However, a department might choose to use the “rolled” spending authority to meet short-term budget cuts in lieu of making these reductions elsewhere.

Future policy might involve looking for a consistent pattern of unspent funds as a means to identify cost centers which may be able to withstand budget reductions without impacting operations. If this occurs, any “rolled” appropriations will not be affected.

The Board will reduce the appropriations for each department that overspends its appropriation in the previous fiscal year. Departments will have reduced spending authorization equal to the overspending in the prior year. Departments so penalized will choose how to absorb the reduction.

UNSPENT FUNDS

Any budgeted monies that remain unspent at the conclusion of the fiscal year will be returned to the Executive Officer to whom the funds were budgeted. The Executive Officer may choose to return the funds to multiple cost centers or retain them at a more comprehensive level within the organizational structure. Funds might be "saved" for a large purchase, used to soften future budget reductions or expended for whatever purpose best meets the needs of the cost center, campus, etc.

Any unspent funds budgeted for contingency, utilities, legal fees, insurance, college-wide staff development and election charges will be retained centrally.

Any funds overspent by an Executive Officer will be deducted from the Executive Officer's budget allocation for the following year. This will occur if the ending balances of all the cost centers assigned to an Executive Officer tally to an overall, over-expended total. The Executive Officer may choose to penalize the cost center(s) which caused the over-expenditure or absorb the pay-back at a broader level within the organizational structure.

Funds rolled forward to the next fiscal year to the benefit of an Executive Officer will not have a bearing on budget allocations for that fiscal year.

Any rolled funds cannot be taken away from an Executive Officer as part of a budget reduction measure. However, an Executive Officer might choose to use "rolled" funds to meet short-term budget cuts in lieu of making these cuts elsewhere.

Future policy might involve looking for a consistent pattern of unspent funds as a means to identify cost centers which may be able to withstand budget reductions without impacting operations. If this occurs, any rolled funds will not be affected.