



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

BOARD OF COMMISSIONERS

Ted Wheeler, Chair

501 SE Hawthorne Boulevard, Suite 600
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Lonnie Roberts, Commission Dist. 4

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DECEMBER 11 & 13, 2007 BOARD MEETINGS FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:00 a.m. Tuesday Executive Session
Pg 2	10:00 a.m. Tuesday Options for Improving the Administration of Multnomah County Corrections Facilities
Pg 4	9:30 a.m. Thursday Public Comment
Pg 4	9:45 a.m. Thursday Siting New Library Branches in Troutdale and North Portland
Pg 5	10:20 a.m. Thursday Proposed Ordinance Amending Multnomah County Code, Chapter 12, Business Income Tax
Pg 5	10:40 a.m. Thursday County Green Team Annual Presentation
Pg 5	11:10 a.m. Thursday Briefing on Emerging Public Health Policy Issue: Fast Food and Chain Restaurant Menu Labeling

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

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

Saturday, 10:00 AM, Channel 29

Sunday, 11:00 AM, Channel 30

Tuesday, 8:15 PM, Channel 29

Produced through MetroEast Community Media
(503) 667-8848, ext. 332 for further info
or: <http://www.metroeast.org>

Tuesday, December 11, 2007 - 9:00 AM
Multnomah Building, First Floor Commissioners Conference Room 112
501 SE Hawthorne Boulevard, Portland

EXECUTIVE SESSION

- E-1 The Multnomah County Board of Commissioners will meet in Executive Session Pursuant to ORS 192.660(2)(d),(e) and/or (h). Only Representatives of the News Media and Designated Staff are allowed to attend. News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Session. No Final Decision will be made in the Session. Presented by County Attorney Agnes Sowle. 15-55 MINUTES REQUESTED.
-

Tuesday, December 11, 2007 - 10:00 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BOARD BRIEFING

- B-1 Options for Improving the Administration of Multnomah County Corrections Facilities. Presented by Bill Farver, Chief Operating Officer; Agnes Sowle, County Attorney, Invited Others. 2 HOURS REQUESTED.
-

Thursday, December 13, 2007 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

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

- C-1 ORDER Appointing Geoffrey Gullo, Pat Hellberg and Michael Sasolo as Commissioners to the RAMSEY-WALMAR SPECIAL ROAD DISTRICT
- C-2 Appointment of Patricia Martinez-Orozco to the Multnomah County COMMISSION ON CHILDREN, FAMILIES AND COMMUNITY

DEPARTMENT OF COMMUNITY JUSTICE

- C-3 Budget Modification DCJ-15 Reclassifying a Project Manager to a Program Coordinator in the Adult Services Division, as Determined by the Class/Comp Unit of Central Human Resources
- C-4 Budget Modification DCJ-17 Reclassifying a Finance Supervisor to a Community Justice Manager in the Employee, Community and Clinical Services Division, as Determined by the Class/Comp Unit of Central Human Resources

SHERIFF'S OFFICE

- C-5 Off-Premises Sales and Limited On-Premises Sales Liquor License Renewals for BIG BEAR'S CROWN POINT MARKET, 31815 E Columbia River Highway, Troutdale
- C-6 Full On-Premises Sales Liquor License Renewal for BOTTOMS UP TAVERN, 16900 NW St Helens Road, Portland
- C-7 Off-Premises Sales Liquor License Renewal for CRACKER BARREL GROCERY, 15005 NW Sauvie Island Road, Portland
- C-8 Off-Premises Sales Liquor License Renewal for FRED'S MARINA, 12800 NW Marina Way, Portland
- C-9 On-Premises Sales, Off-Premises Sales and Limited On-Premises Sales Liquor License Renewals for HISTORIC SPRINGDALE PUB AND EATERY, 32302 E. Crown Point Highway, Corbett
- C-10 Full On-Premises Sales Liquor License Renewal for MULTNOMAH FALLS LODGE, Scenic Highway and Columbia Gorge, Bridal Veil
- C-11 Off-Premises Sales Liquor License Renewal for ORIENT COUNTRY STORE, 29822 SE Orient Drive, Gresham
- C-12 Off-Premises Sales Liquor License Renewal for PLAINVIEW GROCERY, 11800 NW Cornelius Pass Road, Portland
- C-13 Full On-Premises Sales Liquor License Renewal for PLEASANT HOME SALOON, 31637 SE Dodge Park Boulevard, Gresham

- C-14 Off-Premises Sales Liquor License Renewal for ROCKY POINTE MARINA, 23586 NW St Helens Highway, Portland
- C-15 Off-Premises Sales Liquor License Renewal for TENLY'S JACKPOT FOODMART, 28210 SE Orient Drive, Gresham
- C-16 Off-Premises Sales Liquor License Renewal for WEECE'S MARKET, 7310 SE Pleasant Home Road, Gresham
- C-17 Limited On-Premises Sales Liquor License Renewal for WILDWOOD GOLF COURSE, 21881 NW St. Helens Road, Portland

REGULAR AGENDA
PUBLIC COMMENT - 9:30 AM

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

DEPARTMENT OF COMMUNITY JUSTICE – 9:30 AM

- R-1 Budget Modification DCJ-11 Adding Back a Full-Time Community Works Leader to the Adult Community Service Program
- R-2 Budget Modification DCJ-12 Decreasing the Fiscal Year 2008 Revenue from State of Oregon Department of Corrections for Adult Housing and Treatment Services to High-risk Offenders in the Amount of \$42,803

DEPARTMENT OF COMMUNITY SERVICES – 9:35 AM

- R-3 RESOLUTION Vacating Certain Portions of Public Roads, Situated in the Greenoe Heights Subdivisions, Located in Unincorporated Northwest Multnomah County, Pursuant to ORS 368.326 to 368.366

NON-DEPARTMENTAL - 9:40 AM

- R-4 Approval of Multnomah/Washington County Regional Investment Board Six Year Plan
- R-5 Siting a New Multnomah County Branch Library in Troutdale
- R-6 Siting a New Multnomah County Library Branch in North Portland

R-7 First Reading of a Proposed Ordinance Amending Multnomah County Code, Chapter 12, Business Income Tax

DEPARTMENT OF COUNTY MANAGEMENT – 10:30 AM

R-8 Approval of the 2007-2012 Labor Agreement between Multnomah County and International Brotherhood of Electrical Workers “IBEW” Local 48, AFL-CIO

R-9 Approval of the 2007-2012 Labor Agreement between Multnomah County and International Union of Painters and Allied Trades District Council 5, AFL-CIO Local Union 1094

R-10 Multnomah County Green Team Annual Presentation. Presented by Kat West, Terry Baxter, Steve Wright, Heidi Leibrandt, Stuart Farmer and Grant Swanson. 20 MINUTES REQUESTED.

DEPARTMENT OF HEALTH – 11:00 AM

R-11 NOTICE OF INTENT to Submit a Proposal to the National Institutes of Health/National Cancer Institute “Small Grants for Behavior Research in Cancer Control” Funding Opportunity Announcement (PAR-06-458)

R-12 NOTICE OF INTENT to Request a \$40,000 Grant from the Environmental Protection Agency to Support Environmental Health Education in Local Schools

R-13 Budget Modification HD-22 Appropriating \$9,072 from the National Association of County and City Health Officials for Addressing Health Equity through Social Justice in Public Health Preparedness

R-14 Briefing on Emerging Public Health Policy Issue: Fast Food and Chain Restaurant Menu Labeling. Presented by Lillian Shirley and Sonia Manhas. 25 MINUTES REQUESTED.

BOARD COMMENT

Opportunity (as time allows) for Commissioners to provide informational comments to Board and public on non-agenda items of interest or to discuss legislative issues.



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

	Corrected
Board Clerk Use Only	
Meeting Date:	<u>12/13/07</u>
Agenda Item #:	<u>C-1</u>
Est. Start Time:	<u>9:30 AM</u>
Date Submitted:	<u>12/05/07</u>

Agenda Title: ORDER Appointing Geoffrey Gullo, Pat Hellberg and Michael Sasolo Fasolo as Commissioners to the Ramsey-Walmar Special Road District

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

Requested Meeting Date:	<u>December 13, 2007</u>	Amount of Time Needed:	<u>N/A</u>
Department:	<u>Non-Departmental</u>	Division:	<u>County Attorney</u>
Contact(s):	<u>Matthew O. Ryan, Assistant County Attorney</u>		
Phone:	<u>503 988-3138</u>	Ext.:	<u>83138</u>
		I/O Address:	<u>503/500</u>
Presenter(s):	<u>Consent Calendar</u>		

General Information

1. What action are you requesting from the Board?

Adoption of an Order Appointing Geoffrey Gullo, Pat Hellberg and **Michael Sasolo Fasolo** as Commissioners to the Ramsey-Walmar Special Road District.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

The Multnomah County Board of Commissioners formed the Ramsey-Walmar Special Road District by Order on September 19, 1985, in accordance with ORS 371.305 to 371.360 for the purpose of providing regular maintenance of roads within the District no maintained by Multnomah County because such roads do not meet County standards.

ORS 371.338 provides the powers of the special road district vested in a Board of three Commissioners appointed by the Multnomah County Board of Commissioners.

The term of Dana Garrett Barron expired December 31, 2005; the term of G. Warren Heathman expired December 31, 2006 and the term of Melvin Y. Zucker expires December 31, 2007.

Ramsey-Walmar Special Road District residents Geoffrey Gullo, Pat Hellberg and **Michael Sasolo Fasolo** have been nominated to fill the vacant positions and they have indicated they are willing and able to serve as Commissioners.

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

None to Multnomah County.

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

Pursuant to ORS 371.338(3), before entering upon the duties of office, Geoffrey Gullo, Pat Hellberg and **Michael Sasolo Fasolo** shall take and subscribe an oath to support the Constitution and laws of the State of Oregon and of the United States, and to well and faithfully perform the duties of the office to the best of their knowledge and ability.

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

The Ramsey-Walmar Special Road District files appropriate documents with the Multnomah County Assessment and Taxation Division. Typically, the appointees do not attend the County Commission meeting when the Board considers and votes on their appointments.

Required Signature

**Elected Official or
Department/
Agency Director:**



Date: 12/05/07

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

Appointing Geoffrey Gullo, Pat Hellberg and **Michael Sasele Fasolo** as Commissioners to the Ramsey-Walmar Special Road District Commissioners to the Ramsey-Walmar Special Road District

The Multnomah County Board of Commissioners Finds:

- a. The Multnomah County Board of Commissioners formed the Ramsey-Walmar Special Road District by Order on September 19, 1985, in accordance with ORS 371.305 to 371.360 for the purpose of providing regular maintenance of roads within the District not maintained by Multnomah County because such roads do not meet County standards.
- b. ORS 371.338 provides the powers of the special road district vested in a board of three commissioners appointed by the Board of Commissioners.
- c. The term of Dana Garrett Barron expired December 31, 2005; the term of G. Warren Heathman expired December 31, 2006 and the term of Melvin Y. Zucker expires December 31, 2007.
- d. Ramsey-Walmar Special Road District residents Pat Hellberg, Geoffrey Gullo and **Michael Sasele Fasolo** have been nominated to fill the three positions; and they have all indicated they are willing and able to serve

The Multnomah County Board of Commissioners Orders:

1. Pursuant to ORS 371.338(1), Pat Hellberg, Geoffrey Gullo and **Michael Sasele Fasolo** are appointed as follows:
 - a) Pat Hellberg is appointed as a commissioner of the Ramsey-Walmar Special Road District, for a three year term to beginning January 1, 2008 and ending December 31, 2010.
 - b) Geoffrey Gullo is appointed as a commissioner of the Ramsey-Walmar Special Road District, for a two year term to beginning January 1, 2008 and ending December 31, 2009.
 - c) **Michael Sasele Fasolo**, is appointed as a commissioner of the Ramsey-Walmar Special Road District, for a one year term to beginning January 1, 2008 and ending December 31, 2008

2. Pursuant to ORS 371.338(3), before entering upon the duties of office, Pat Hellberg, Geoffrey Gullo and **Michael Sasele Fasolo** shall each take and subscribe an oath to support the Constitution and laws of the State of Oregon and of the United States, and to well and faithfully perform the duties of office to the best of his knowledge and ability.

ADOPTED this 13th day of December, 2007.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:
Agnes Sowle, Multnomah County Attorney

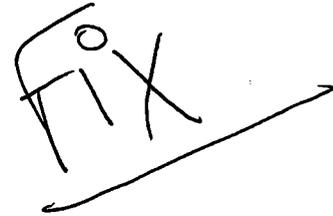
BOGSTAD Deborah L

From: Mel Zucker [myz7@comcast.net]
Sent: Thursday, December 13, 2007 9:43 PM
To: BOGSTAD Deborah L
Subject: Re: Ramsey-Walmar Special Road District

Deb:

One name is spelled incorrectly. It is Michael Fasolo.

Mel Zucker



BOGSTAD Deborah L wrote:

- >
- > Mr. Zucker, attached is Order 07-186 unanimously adopted by the Board
- > this morning appointing Geoffrey Gullo, Pat Hellberg and Michael
- > Sasolo as Commissioners to the Ramsey-Walmar Special Road District
- > Commissioners to the Ramsey-Walmar Special Road District.
- >
- >
- >
- > I get letters, copies and the oaths off to your Commissioners on
- > Monday. Let me know if there is anything else I can do! Take care.
- >
- > ****Deb Bogstad, Board Clerk****
- > ****Multnomah County Commissioners****
- > ****501 SE Hawthorne Boulevard, Suite 600****
- > ****Portland, Oregon 97214-3587****
- > **** (503) 988-3277 phone****
- > **** (503) 988-3013 fax****
- > *****deborah.l.bogstad@co.multnomah.or.us****
- > **<mailto:deborah.l.bogstad@co.multnomah.or.us>**
- > ****http://www.co.multnomah.or.us/cc/index.shtml****
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- >
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MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 12/13/07
Agenda Item #: C-1
Est. Start Time: 9:30 AM
Date Submitted: 12/05/07

Agenda Title: **ORDER Appointing Geoffrey Gullo, Pat Hellberg and Michael Sasolo as Commissioners to the Ramsey-Walmar Special Road District**

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

Requested Meeting Date: December 13, 2007 **Amount of Time Needed:** N/A
Department: Non-Departmental **Division:** County Attorney
Contact(s): Matthew O. Ryan, Assistant County Attorney
Phone: 503 988-3138 **Ext.** 83138 **I/O Address:** 503/500
Presenter(s): Consent Calendar

General Information

1. What action are you requesting from the Board?

Adoption of an Order Appointing Geoffrey Gullo, Pat Hellberg and Michael Sasolo as Commissioners to the Ramsey-Walmar Special Road District.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

The Multnomah County Board of Commissioners formed the Ramsey-Walmar Special Road District by Order on September 19, 1985, in accordance with ORS 371.305 to 371.360 for the purpose of providing regular maintenance of roads within the District no maintained by Multnomah County because such roads do not meet County standards.

ORS 371.338 provides the powers of the special road district vested in a Board of three Commissioners appointed by the Multnomah County Board of Commissioners.

The term of Dana Garrett Barron expired December 31, 2005; the term of G. Warren Heathman expired December 31, 2006 and the term of Melvin Y. Zucker expires December 31, 2007.

Ramsey-Walmar Special Road District residents Geoffrey Gullo, Pat Hellberg and Michael Sasolo have been nominated to fill the vacant positions and they have indicated they are willing and able to serve as Commissioners.

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

None to Multnomah County.

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

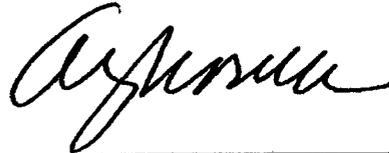
Pursuant to ORS 371.338(3), before entering upon the duties of office, Geoffrey Gullo, Pat Hellberg and Michael Sasolo shall take and subscribe an oath to support the Constitution and laws of the State of Oregon and of the United States, and to well and faithfully perform the duties of the office to the best of their knowledge and ability.

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

The Ramsey-Walmar Special Road District files appropriate documents with the Multnomah County Assessment and Taxation Division. Typically, the appointees do not attend the County Commission meeting when the Board considers and votes on their appointments.

Required Signature

**Elected Official or
Department/
Agency Director:**



Date: 12/05/07

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

Appointing Geoffrey Gullo, Pat Hellberg and Michael Sasolo as Commissioners to the Ramsey-Walmar Special Road District Commissioners to the Ramsey-Walmar Special Road District

The Multnomah County Board of Commissioners Finds:

- a. The Multnomah County Board of Commissioners formed the Ramsey-Walmar Special Road District by Order on September 19, 1985, in accordance with ORS 371.305 to 371.360 for the purpose of providing regular maintenance of roads within the District not maintained by Multnomah County because such roads do not meet County standards.
- b. ORS 371.338 provides the powers of the special road district vested in a board of three commissioners appointed by the Board of Commissioners.
- c. The term of Dana Garrett Barron expired December 31, 2005; the term of G. Warren Heathman expired December 31, 2006 and the term of Melvin Y. Zucker expires December 31, 2007.
- d. Ramsey-Walmar Special Road District residents Pat Hellberg, Geoffrey Gullo and Michael Sasolo have been nominated to fill the three positions; and they have all indicated they are willing and able to serve

The Multnomah County Board of Commissioners Orders:

1. Pursuant to ORS 371.338(1), Pat Hellberg, Geoffrey Gullo and Michael Sasolo are appointed as follows:
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 - b) Geoffrey Gullo is appointed as a commissioner of the Ramsey-Walmar Special Road District, for a two year term to beginning January 1, 2008 and ending December 31, 2009.
 - c) Michael Sasolo, is appointed as a commissioner of the Ramsey-Walmar Special Road District, for a one year term to beginning January 1, 2008 and ending December 31, 2008

2. Pursuant to ORS 371.338(3), before entering upon the duties of office, Pat Hellberg, Geoffrey Gullo and Michael Sasolo shall each take and subscribe an oath to support the Constitution and laws of the State of Oregon and of the United States, and to well and faithfully perform the duties of office to the best of his knowledge and ability.

ADOPTED this 13th day of December, 2007.

**BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

Ted Wheeler, Chair

REVIEWED:

**AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON**

By

Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:

Agnes Sowle, Multnomah County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 07-186

Appointing Geoffrey Gullo, Pat Hellberg and Michael Fasolo as Commissioners to the Ramsey-Walmar Special Road District Commissioners to the Ramsey-Walmar Special Road District

The Multnomah County Board of Commissioners Finds:

- a. The Multnomah County Board of Commissioners formed the Ramsey-Walmar Special Road District by Order on September 19, 1985, in accordance with ORS 371.305 to 371.360 for the purpose of providing regular maintenance of roads within the District not maintained by Multnomah County because such roads do not meet County standards.
- b. ORS 371.338 provides the powers of the special road district vested in a board of three commissioners appointed by the Board of Commissioners.
- c. The term of Dana Garrett Barron expired December 31, 2005; the term of G. Warren Heathman expired December 31, 2006 and the term of Melvin Y. Zucker expires December 31, 2007.
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The Multnomah County Board of Commissioners Orders:

1. Pursuant to ORS 371.338(1), Pat Hellberg, Geoffrey Gullo and Michael Fasolo are appointed as follows:
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 - b) Geoffrey Gullo is appointed as a commissioner of the Ramsey-Walmar Special Road District, for a two year term to beginning January 1, 2008 and ending December 31, 2009.
 - c) Michael Fasolo, is appointed as a commissioner of the Ramsey-Walmar Special Road District, for a one year term to beginning January 1, 2008 and ending December 31, 2008

2. Pursuant to ORS 371.338(3), before entering upon the duties of office, Pat Hellberg, Geoffrey Gullo and Michael Fasolo shall each take and subscribe an oath to support the Constitution and laws of the State of Oregon and of the United States, and to well and faithfully perform the duties of office to the best of his knowledge and ability.

ADOPTED this 13th day of December, 2007.

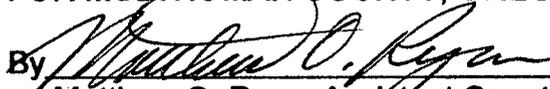


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:

Agnes Sowle, Multnomah County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 07-186

Appointing Geoffrey Gullo, Pat Hellberg and Michael Fasulo as Commissioners to the Ramsey-Walmar Special Road District Commissioners to the Ramsey-Walmar Special Road District

The Multnomah County Board of Commissioners Finds:

- a. The Multnomah County Board of Commissioners formed the Ramsey-Walmar Special Road District by Order on September 19, 1985, in accordance with ORS 371.305 to 371.360 for the purpose of providing regular maintenance of roads within the District not maintained by Multnomah County because such roads do not meet County standards.
- b. ORS 371.338 provides the powers of the special road district vested in a board of three commissioners appointed by the Board of Commissioners.
- c. The term of Dana Garrett Barron expired December 31, 2005; the term of G. Warren Heathman expired December 31, 2006 and the term of Melvin Y. Zucker expires December 31, 2007.
- d. Ramsey-Walmar Special Road District residents Pat Hellberg, Geoffrey Gullo and Michael Fasulo have been nominated to fill the three positions; and they have all indicated they are willing and able to serve

The Multnomah County Board of Commissioners Orders:

1. Pursuant to ORS 371.338(1), Pat Hellberg, Geoffrey Gullo and Michael Fasulo are appointed as follows:
 - a) Pat Hellberg is appointed as a commissioner of the Ramsey-Walmar Special Road District, for a three year term to beginning January 1, 2008 and ending December 31, 2010.
 - b) Geoffrey Gullo is appointed as a commissioner of the Ramsey-Walmar Special Road District, for a two year term to beginning January 1, 2008 and ending December 31, 2009.
 - c) Michael Fasulo, is appointed as a commissioner of the Ramsey-Walmar Special Road District, for a one year term to beginning January 1, 2008 and ending December 31, 2008

2. Pursuant to ORS 371.338(3), before entering upon the duties of office, Pat Hellberg, Geoffrey Gullo and Michael Fasulo shall each take and subscribe an oath to support the Constitution and laws of the State of Oregon and of the United States, and to well and faithfully perform the duties of office to the best of his knowledge and ability.

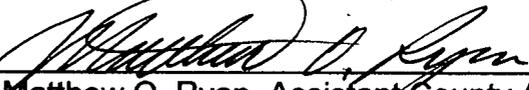
ADOPTED this 13th day of December, 2007.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:

Agnes Sowle, Multnomah County Attorney



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only	
Meeting Date:	<u>12/13/07</u>
Agenda Item #:	<u>C-2</u>
Est. Start Time:	<u>9:30 AM</u>
Date Submitted:	<u>12/05/07</u>

Agenda Title:	Appointment of Patricia Martinez-Orozco to the Multnomah County Commission on Children, Families and Community
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Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Requested Meeting Date:	<u>December 13, 2007</u>	Amount of Time Needed:	<u>Consent Agenda</u>
Department:	<u>Non-Departmental</u>	Division:	<u>Chair's Office</u>
Contact(s):	<u>Tara Bowen-Biggs</u>		
Phone:	<u>(503)988-3308</u>	Ext.	<u>83953</u>
Presenter(s):	<u>N/A</u>	I/O Address:	<u>503/600</u>

General Information

1. What action are you requesting from the Board?

Request board approval of appointment of Patricia Martinez-Orozco to the Multnomah County Commission on Children, Families and Community.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

The purpose of the Multnomah county Commission on Children, Families and Community (CCFC) is to develop and prepare in accordance with State law a comprehensive plan for the delivery of services to be provided for children and families in the county. The CCFC oversees implementation of the plan and monitors the outcomes, including State and County benchmarks. They receive and distribute Federal and State community services funds for the County and ensure the effectiveness of community involvement in the poverty program planning process. The CCFC reviews and approves local poverty program policy, and monitors and evaluates poverty program effectiveness. The CCFC has a board of at least nine but no more than 33 members that reflect the diverse County population. One-third of the CCFC board members are elected public officials or their designees. At least one-third

of the CCFC board members represent persons in poverty in the County. The remainder of the CCFC board members have a commitment to the well-being of children, youth and families. Members are appointed by the County Chair with approval of the Board of County Commissioners.

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

No fiscal impact

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

No legal and/or policy issues involved.

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

N/A

Required Signature

**Elected Official or
Department/
Agency Director:**

TED WHEELER

Date: 12/5/2007



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (long form)

APPROVED : MULTNOMAH COUNTY
 BOARD OF COMMISSIONERS
 AGENDA # C-3 DATE 12-13-07
 DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only	
Meeting Date:	<u>12/13/07</u>
Agenda Item #:	<u>C-3</u>
Est. Start Time:	<u>9:30 AM</u>
Date Submitted:	<u>11/28/07</u>

BUDGET MODIFICATION: DCJ - 15

Agenda Title:	Budget Modification DCJ-15 Reclassifying a Project Manager to a Program Coordinator in the Adult Services Division, as Determined by the Class/Comp Unit of Central Human Resources
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Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Requested Meeting Date:	<u>December 13, 2007</u>	Amount of Time Needed:	<u>N/A</u>
Department:	<u>Dept. of Community Justice</u>	Division:	<u>Adult Services Division</u>
Contact(s):	<u>Shaun Coldwell</u>		
Phone:	<u>503-988-3961</u>	Ext.	<u>83961</u>
Presenter(s):	<u>Consent Calendar</u>	I/O Address:	<u>503 / 250</u>

General Information

1. What action are you requesting from the Board?

The Department of Community Justice (DCJ) requests approval of a budget modification to reclassify a vacant Project Manager position which has been reviewed by the Class/Comp Unit of Central Human Resources.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

Reclassification of a vacant 0.50 Project Manager position to a Program Coordinator was approved for recommendation to the Board of County Commissioners by the Class/Comp Unit of Central Human Resources on November 26, 2007, to be effective December 1, 2007.

This position will be assigned to examine the judicial docketing/scheduling practice and coordinate services between the department and a selected vendor to support the Court Appearance Notifications System (CANS). The majority of duties will be to assist in the strategic planning, coordination, enhancement, and implementation of the automated calling program; monitor the

program to ensure progress towards completion and modify the project as necessary. Upon review the Class/Comp Unit determined that the Program Coordinator classification was most appropriate.

This position is located in the Adult Services Division (ASD), CANS Program (10031). This program was shifted to DCJ from LPSCC after the FY 2008 budget was adopted and was expanded in September 2007 for Phase 1 of the project which was funded by CGF contingency.

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

There is no fiscal impact for FY 2008 as the personnel costs for these two positions overlap. This position will be ongoing and be included in the FY 2009 budget submittal.

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

Local 88 represented employees have a contractual right to appeal and arbitrate the outcome of a reclassification request, which would include Board action to disapprove the request. It is the policy of Multnomah County to make all employment decisions without regard to race, religion, color, national origin, sex, age marital status, disability, political affiliations, sexual orientation, or any other non-merit factor.

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

N/A

ATTACHMENT A

Budget Modification

If the request is a **Budget Modification**, please answer all of the following in detail:

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

N/A

- **What budgets are increased/decreased?**

N/A

- **What do the changes accomplish?**

Approval of a reclassification decision from the Class/Comp Unit of Central Human Resources.

- **Do any personnel actions result from this budget modification? Explain.**

No, because this position is currently vacant.

- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**

N/A

- **Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?**

N/A

- **If a grant, what period does the grant cover?**

N/A

- **If a grant, when the grant expires, what are funding plans?**

N/A

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

ATTACHMENT B

BUDGET MODIFICATION: DCJ - 15

Required Signatures

**Elected Official or
Department/
Agency Director:**

John Anderson for Scott Taylor

Date: 11/28/07

Budget Analyst:

[Handwritten Signature]

Date: 11/27/07

Department HR:

James J. Opoka

Date: 11/27/07

Countywide HR:

Ruth Nutting

Date: 11/28/07

EXPENDITURES & REVENUES

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

Budget/Fiscal Year: 2008

Line No.	Fund Center	Fund Code	Program #	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Internal Order	Cost Center	WBS Element						
1									0				
2									0				
3									0				
4									0				
5									0				
6									0				
7									0				
8									0				
9									0				
10									0				
11									0				
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25									0				
26									0				
27									0				
28									0				
29									0				
										0	0	Total - Page 1	
										0	0	GRAND TOTAL	

No fiscal impact, therefore no changes to FY-2008 Budget.

Description:
Re-class a 6063-Project Manager position to a 6022-Program Coord effective 12/1/07.
Position is located in ASD CANS Program.

ANNUALIZED PERSONNEL CHANGE

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

						ANNUALIZED			
Fund	Job #	HR Org	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
50	6063	65200	Project Manager (non-exempt)	713226	(0.50)	(33,293)	(10,684)	(7,167)	(51,144)
50	6022	65200	Program Coordinator	713226	0.50	33,293	10,684	7,167	51,144
									0
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									0
TOTAL ANNUALIZED CHANGES					0.00	0	0	0	0

CURRENT YEAR PERSONNEL DOLLAR CHANGE

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

						CURRENT YEAR			
Fund	Job #	HR Org	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
50	6063	65200	Project Manager (non-exempt)	713226	(0.29)	(9,655)	(3,098)	(2,078)	(14,832)
50	6022	65200	Program Coordinator	713226	0.29	9,655	3,098	2,078	14,832
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									0
									0
									0
									0
TOTAL CURRENT FY CHANGES					0.00	0	0	0	0

Re-class effective Dec 1, 2007



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (long form)

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-4 DATE 12-13-07
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 12/13/07
Agenda Item #: C-4
Est. Start Time: 9:30 AM
Date Submitted: 11/29/07

BUDGET MODIFICATION: DCJ - 17

**Budget Modification DCJ-17 Reclassifying a Finance Supervisor to a
Agenda Community Justice Manager in the Employee, Community and Clinical Services
Title: Division, as Determined by the Class/Comp Unit of Central Human Resources**

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

Requested Meeting Date:	<u>December 13, 2007</u>	Amount of Time Needed:	<u>N/A</u>
Department:	<u>Dept. of Community Justice</u>	Division:	<u>Employee, Community & Clinical Services Division</u>
Contact(s):	<u>Shaun Coldwell</u>		
Phone:	<u>503-988-3961</u>	Ext.	<u>83961</u>
Presenter(s):	<u>Consent Calendar</u>	I/O Address:	<u>503 / 250</u>

General Information

1. What action are you requesting from the Board?

The Department of Community Justice (DCJ) requests approval of a budget modification to reclassify a vacant Finance Supervisor position which has been reviewed by the Class/Comp Unit of Central Human Resources.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

Reclassification of a vacant 1.00 FTE Finance Supervisor position to a Community Justice Manager was approved for recommendation to the Board of County Commissioners by the Class/Comp Unit of Central Human Resources on November 26, 2007, to be effective November 1, 2007.

This position will be responsible for internal investigations, department-wide safety coordination and policy and procedures development. The majority of the duties will be to conduct internal investigations regarding employees, citizen and client complaints in accordance with applicable policies and laws; service as liaison with police and county attorneys as necessary, administer and

maintain department wide safety plan to assure consistency and implement safety and health policies/procedures applicable to designated areas. Upon review the Class/Comp Unit determined that the Community Justice Manager - 9620 classification was most appropriate.

This position is located in the Employee, Community & Clinical Services Division (ECCS), program offer # 50002.

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

There is no fiscal impact for FY 2008 as the personnel costs for these two positions overlap. This position is expected to be ongoing and included in the FY 2009 budget.

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

It is the policy of Multnomah County to make all employment decisions without regard to race, religion, color, national origin, sex, age marital status, disability, political affiliations, sexual orientation, or any other nonmerit factor.

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

N/A

ATTACHMENT A

Budget Modification

If the request is a **Budget Modification**, please answer **all** of the following in detail:

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

N/A

- **What budgets are increased/decreased?**

N/A

- **What do the changes accomplish?**

Approval of a reclassification decision from the Class/Comp Unit of Central Human Resources.

- **Do any personnel actions result from this budget modification? Explain.**

No, because this position is currently vacant.

- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**

N/A

- **Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?**

N/A

- **If a grant, what period does the grant cover?**

N/A

- **If a grant, when the grant expires, what are funding plans?**

N/A

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

ATTACHMENT B

BUDGET MODIFICATION: DCJ - 17

Required Signatures

**Elected Official or
Department/
Agency Director:**

John Anderson for Scott Taylor

Date: 11/29/07

Budget Analyst:

[Handwritten Signature]

Date: 11/29/07

Department HR:

James J. Opoka

Date: 11/28/07

Countywide HR:

Ruth Nutting

Date: 12/05/07

EXPENDITURES & REVENUES

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

Budget/Fiscal Year: 2008

Line No.	Fund Center	Fund Code	Program #	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Internal Order	Cost Center	WBS Element						
1										0			
2										0			
3										0			
4										0			
5										0			
6										0			
7										0			
8										0			
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23										0			
24										0			
25										0			
26										0			
27										0			
28										0			
29										0			
										0	0	Total - Page 1	
										0	0	GRAND TOTAL	

No fiscal impact, therefore no changes to FY-2008 Budget.

Description:
 Re-class a 9335-Finance Supervisor position to a 9620-Community Justice Manager effective 11/1/07. Position is located in ECCS Management (cc 500200).

ANNUALIZED PERSONNEL CHANGE

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

						ANNUALIZED			
Fund	Job #	HR Org	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
50-05	9335	65077	Finance Supervisor	713076	(1.00)	(62,691)	(20,118)	(14,024)	(96,833)
50-05	9620	65077	Community Justice Manager	713076	1.00	62,691	20,118	14,024	96,833
									0
									0
									0
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									0
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									0
TOTAL ANNUALIZED CHANGES					0.00	0	0	0	0

500200

CURRENT YEAR PERSONNEL DOLLAR CHANGE

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

						CURRENT YEAR			
Fund	Job #	HR Org	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
50-05	9335	65077	Finance Supervisor	713076	(0.67)	(41,794)	(13,412)	(9,350)	(64,556)
50-05	9620	65077	Community Justice Manager	713076	0.67	41,794	13,412	9,350	64,556
									0
									0
									0
									0
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									0
									0
									0
TOTAL CURRENT FY CHANGES					0.00	0	0	0	0

Reclass effective November 1, 2007 (8 months in FY 2008)



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 12/13/07
 Agenda Item #: C-5
 Est. Start Time: 9:30 AM
 Date Submitted: 12/05/07

Agenda Title: Off Premises and Limited On Premises Sales Liquor License Renewal for Big Bear's Crown Point Market, 31815 E. Columbia River Highway, Troutdale, OR

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

Date Requested:	<u>December 13, 2007</u>	Time Requested:	<u>N/A</u>
Department:	<u>Sheriff's Office</u>	Division:	<u>Enforcement</u>
Contact(s):	<u>Kathy Walliker</u>		
Phone:	<u>(503) 251-2520</u>	Ext.:	<u>I/O Address: 313/122</u>
Presenter(s):	<u>Consent Calendar</u>		

General Information

1. What action are you requesting from the Board?

Board approval of liquor license application

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

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address of 31815 E. Columbia River Hwy, Troutdale, Oregon, is in compliance with the Assessment and Taxation Office. The Land Use Planning Division reported that they have no objection to renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

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

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

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

Required Signature

**Elected Official or
Department/
Agency Director:**

A handwritten signature in cursive script, appearing to read "Bernice Lipton". The signature is written in black ink on a white background.

Date: 12/05/07



MULTNOMAH COUNTY SHERIFF'S OFFICE

12240 NE GLISAN ST., • PORTLAND, OR 97230

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BERNIE GIUSTO
SHERIFF

(503) 255-3600 PHONE
(503) 251-2484 TTY
www.sheriff-mcso.org

December 6, 2007

Board of County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, OR 97214-3587

Oregon Liquor Control Commission
9079 SE McLoughlin Boulevard
Portland, OR 97222-7355

Regarding: Big Bear's Crown Point Market
31815 E Columbia River Hwy
Troutdale, OR 97060

Subject: Liquor License Applicant
On and Off Premises Sales

Owner: Phillip J. DuFresne
11/28/45
1550 NE Brower Road
Corbett, OR 97060

Judy K. DuFresne
09/19/45
1550 NE Brower Road
Corbett, OR 97060

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address listed 31815 E Columbia River Hwy is in compliance with the Assessment and Taxation Office. The Land Use Planning Division has reported that they have no objection to the renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed, the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

Sincerely,

A handwritten signature in cursive script that reads "Bernie Giusto".

Bernie Giusto
Sheriff



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/13/07
 Agenda Item #: C-6
 Est. Start Time: 9:30 AM
 Date Submitted: 12/05/07

Agenda Title: Full On Premises Sales Liquor License Renewal for Bottoms Up Tavern, 16900 NW St. Helens Rd., Portland, OR

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

Date Requested:	<u>December 13, 2007</u>	Time Requested:	<u>N/A</u>
Department:	<u>Sheriff's Office</u>	Division:	<u>Enforcement</u>
Contact(s):	<u>Kathy Walliker</u>		
Phone:	<u>(503) 251-2520</u>	Ext.:	<u>I/O Address: 313/122</u>
Presenter(s):	<u>Consent Calendar</u>		

General Information

1. What action are you requesting from the Board?
Board approval of liquor license application
2. Please provide sufficient background information for the Board and the public to understand this issue.

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address of 16900 NW St. Helens Rd, Portland, Oregon, is in compliance with the Assessment and Taxation Office. The Land Use Planning Division reported that they have no objection to renewal of the liquor license.

While conducting the background check of the owner/s, it was discovered that Mr. Bassam Moussa currently has a stalking order issued out of Washington County. The order was issued in 2000 with an unlimited duration, prohibiting applicant from possessing firearms and/or ammunition. This information was not disclosed on his original application with OLCC. Due to this information, the background check raises concerns.

With the investigation completed the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

3. Explain the fiscal impact (current year and ongoing).
4. Explain any legal and/or policy issues involved.
5. Explain any citizen and/or other government participation that has or will take place.

Required Signature

**Elected Official or
Department/
Agency Director:**

A handwritten signature in cursive script, appearing to read "Bernice Zifato". The signature is written in black ink on a white background.

Date: 12/05/07



MULTNOMAH COUNTY SHERIFF'S OFFICE

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503 255-3600 PHONE
503 251-2484 TTY
www.sheriff-mcso.org

December 6, 2007

Board of County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, OR 97214-7355

Oregon Liquor Control Commission
9079 SE McLoughlin Boulevard
Portland, OR 97222-7355

Regarding: Bottoms Up Tavern
16900 NW St. Helens Rd
Portland, OR 97231

Subject: Liquor License Application
Full On-Premises

Owner: Bassam Moussa
12/06/72
16900 NW St. Helens Rd
Portland, OR

The Multnomah County Sheriff's Office has completed its investigations for the above liquor license. Assessment and Taxation reported that the address of 16900 NW St. Helens Rd, Portland, Oregon is in compliance with the Assessment and Taxation Office. The Land Use Planning Division reported that they have no objection to the liquor license.

In conducting the background check of the owner/s, it was found that Mr. Bassam Moussa currently has a stalking order issued out of Washington County with an unlimited duration, prohibiting applicant from possessing firearms and/or ammunition. According to OLCC, this information was not disclosed on his original application. The background check on the owner raises concerns.

With a **FAVORABLE RECOMMENDATION** for the liquor license.

Sincerely,

BERNIE GIUSTO
Sheriff



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/13/07
Agenda Item #: C-7
Est. Start Time: 9:30 AM
Date Submitted: 12/05/07

Agenda Off Premises Sales Liquor License Renewal for Cracker Barrel Grocery, 15005
Title: NW Sauvie Island Road, Portland, OR 97231

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

Date Requested: December 13, 2007 Time Requested: N/A
Department: Sheriff's Office Division: Enforcement
Contact(s): Kathy Walliker
Phone: (503) 251-2520 Ext. I/O Address: 313/122
Presenter(s): Consent Calendar

General Information

- 1. What action are you requesting from the Board? Board approval of liquor license application
2. Please provide sufficient background information for the Board and the public to understand this issue.

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address 15005 NW Sauvie Island Rd, Portland, is in compliance with the Assessment and Taxation Office. The Land Use Planning Division reported that they have no objection to renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed the Multnomah County Sheriff's Office forwards a FAVORABLE RECOMMENDATION for the Liquor License Renewal.

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

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

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

Required Signature

**Elected Official or
Department/
Agency Director:**

A handwritten signature in black ink that reads "Bernie Zifato". The signature is written in a cursive style with a large, circular initial "B".

Date: 12/05/07



MULTNOMAH COUNTY SHERIFF'S OFFICE

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SHERIFF

(503) 255-3600 PHONE
(503) 251-2484 TTY
www.sheriff-mcso.org

December 6, 2007

Board of County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, OR 97214-3587

Oregon Liquor Control Commission
9079 SE McLoughlin Boulevard
Portland, OR 97222-7355

Regarding: Cracker Barrel Grocery
15005 NW Sauvie Island Road
Portland, OR 97231

Subject: Liquor License Applicant
Off Premises Sales

Owner: Kae Yom
09/24/41
2235 NW 160th Ave
Portland, OR

Chong Yom
01/19/40
2235 NW 160th Ave
Portland, OR

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address listed 15005 NW Sauvie Island Road is in compliance with the Assessment and Taxation Office. The Land Use Planning Division has reported that they have no objection to the renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed, the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

Sincerely,

A handwritten signature in cursive script that reads "Bernie Giusto".

Bernie Giusto
Sheriff



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 12/13/07
 Agenda Item #: C-8
 Est. Start Time: 9:30 AM
 Date Submitted: 12/05/07

Agenda Title: Off Premises Sales Liquor License Renewal for Fred's Marina, 12800 NW Marina Way, Portland, OR 97231

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

Date Requested:	<u>December 13, 2007</u>	Time Requested:	<u>N/A</u>
Department:	<u>Sheriff's Office</u>	Division:	<u>Enforcement</u>
Contact(s):	<u>Kathy Walliker</u>		
Phone:	<u>(503) 251-2520</u>	Ext.:	<u>I/O Address: 313/122</u>
Presenter(s):	<u>Consent Calendar</u>		

General Information

1. What action are you requesting from the Board?
Board approval of liquor license application
2. Please provide sufficient background information for the Board and the public to understand this issue.

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address of 12800 NW Marine Way, Portland, Oregon, is in compliance with the Assessment and Taxation Office. The Land Use Planning Division reported that they have no objection to renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

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

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

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

Required Signature

**Elected Official or
Department/
Agency Director:**



A handwritten signature in black ink, appearing to read "Bernie Zifato". The signature is written in a cursive style with a large initial "B" and "Z".

Date: 12/05/07



MULTNOMAH COUNTY SHERIFF'S OFFICE

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SHERIFF

(503) 255-3600 PHONE

(503) 251-2484 TTY

www.sheriff-mcso.org

December 6, 2007

Board of County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, OR 97214-3587

Oregon Liquor Control Commission
9079 SE McLoughlin Boulevard
Portland, OR 97222-7355

Regarding: Fred's Marina
12800 NW Marina Way
Portland, OR 97231

Subject: Liquor License Applicant
Off Premises Sales

Owner: Cherie Sprando
05/09/50
12800 NW Marine Way
Portland, OR 97231

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address listed 12800 NW Marine Way is in compliance with the Assessment and Taxation Office. The Land Use Planning Division has reported that they have no objection to the renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed, the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

Sincerely,

A handwritten signature in cursive script that reads "Bernie Giusto".

Bernie Giusto
Sheriff



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/13/07
 Agenda Item #: C-9
 Est. Start Time: 9:30 AM
 Date Submitted: 12/05/07

Agenda Title: **On Premises Sales Liquor License, Off Premises & Full On Premise Renewal for Historic Springdale Pub and Eatery, 32302 E. Crown Point Highway, Corbett, OR 97019**

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

Date Requested:	<u>December 13, 2007</u>	Time Requested:	<u>N/A</u>
Department:	<u>Sheriff's Office</u>	Division:	<u>Enforcement</u>
Contact(s):	<u>Kathy Walliker</u>		
Phone:	<u>(503) 251-2520</u>	Ext. _____	I/O Address: <u>313/122</u>
Presenter(s):	<u>Consent Calendar</u>		

General Information**1. What action are you requesting from the Board?**

Board approval of liquor license application

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

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address of 32302 E. Crown Point Hwy, Corbett, Oregon, is in compliance with the Assessment and Taxation Office. The Land Use Planning Division reported that they have no objection to renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

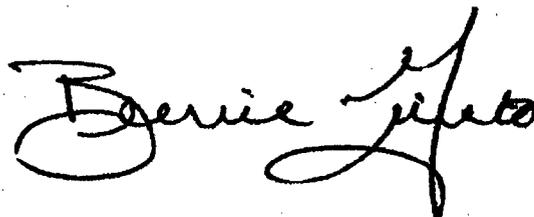
3. Explain the fiscal impact (current year and ongoing).

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

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

Required Signature

**Elected Official or
Department/
Agency Director:**

A handwritten signature in black ink, appearing to read "Bernice Lefko". The signature is written in a cursive style with a large initial "B" and a long, sweeping tail.

Date: 12/05/07



MULTNOMAH COUNTY SHERIFF'S OFFICE

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SHERIFF

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(503) 251-2484 TTY
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December 6, 2007

Board of County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, OR 97214-3587

Oregon Liquor Control Commission
9079 SE McLoughlin Boulevard
Portland, OR 97222-7355

Regarding: Historic Springdale Pub and Eatery
32302 E Crown Pt Hwy
Corbett, OR 97019

Subject: Liquor License Applicant
On Premises Sales & Off Premise Sales
Limited On-Premises Sales

Wayne Warren
11/08/54
P. O. Box 199
Corbett, OR

Diane Warren
04/27/51
P. O. Box 199
Corbett, OR

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address listed as 28242 E. Historic Columbia River Hwy is in compliance with the Assessment and Taxation Office. The Land Use Planning Division has reported that they have no objection to the renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed, the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

Sincerely,

A handwritten signature in cursive script that reads "Bernie Giusto".

Bernie Giusto
Sheriff



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/13/07
 Agenda Item #: C-10
 Est. Start Time: 9:30 AM
 Date Submitted: 12/05/07

Agenda Title: Full On Premises Sales Liquor License Renewal for Multnomah Falls Lodge, Scenic Highway and Columbia Gorge, Bridal Veil, OR 97010

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

Date Requested:	<u>December 13, 2007</u>	Time Requested:	<u>N/A</u>
Department:	<u>Sheriff's Office</u>	Division:	<u>Enforcement</u>
Contact(s):	<u>Kathy Walliker</u>		
Phone:	<u>(503) 251-2520</u>	Ext.:	<u>I/O Address: 313/122</u>
Presenter(s):	<u>Consent Calendar</u>		

General Information

1. What action are you requesting from the Board?

Board approval of liquor license application

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

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address of Scenic Hwy and Columbia Gorge, Bridal Veil, Oregon, is in compliance with the Assessment and Taxation Office. The Land Use Planning Division reported that they have no objection to renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

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

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

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

Required Signature

**Elected Official or
Department/
Agency Director:**

A handwritten signature in cursive script that reads "Bernie Zifato". The signature is written in black ink on a white background. The first name "Bernie" is written in a large, flowing cursive, and the last name "Zifato" is written in a similar style, with a long, sweeping tail on the final letter.

Date: 12/05/07



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December 6, 2007

Board of County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, OR 97214-3587

Oregon Liquor Control Commission
9079 SE McLoughlin Boulevard
Portland, OR 97222-7355

Regarding: Multnomah Falls Lodge
S/S Scenic Hwy and Columbia Gorge
Bridal Veil, OR 97010

Subject: Liquor License Applicant
Full-On Premises Sales

Owner: Richard A. Buck
08/06/50
511 S. E. 15th St
Gresham, OR

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address listed S/S Scenic Hwy and Columbia Gorge is in compliance with the Assessment and Taxation Office. The Land Use Planning Division has reported that they have no objection to the renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed, the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

Sincerely,

A handwritten signature in cursive script that reads "Bernie Giusto".

Bernie Giusto
Sheriff



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 12/13/07
 Agenda Item #: C-11
 Est. Start Time: 9:30 AM
 Date Submitted: 12/05/07

Agenda Title: Off Premises Sales Liquor License Renewal for Orient Country Store, 29822 SE Orient Drive, Gresham, Oregon

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

Date Requested: December 13, 2007 Time Requested: N/A
 Department: Sheriff's Office Division: Enforcement
 Contact(s): Kathy Walliker
 Phone: (503) 251-2520 Ext. _____ I/O Address: 313/122
 Presenter(s): Consent Calendar

General Information

1. What action are you requesting from the Board?

Board approval of liquor license application

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

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address of 29822 SE Orient Drive, Gresham, Oregon, is in compliance with the Assessment and Taxation Office. The Land Use Planning Division reported that they have no objection to renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

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

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

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

Required Signature

**Elected Official or
Department/
Agency Director:**



A handwritten signature in cursive script, reading "Bernie Lefko". The signature is written in black ink and is positioned above a horizontal line.

Date: 12/05/07



MULTNOMAH COUNTY SHERIFF'S OFFICE

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December 6, 2007

Board of County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, OR 97214-3587

Oregon Liquor Control Commission
9079 SE McLoughlin Boulevard
Portland, OR 97222-7355

Regarding: Orient Country Store
29822 SE Orient Drive
Gresham, OR 97080

Subject: Liquor License Applicant
Off Premises Sales

Owner:	Jong Lee	Mikyong Lee
	02/27/57	07/11/66
	15055 S. E. Millmain Dr	15055 S. E. Millman Drive
	Portland, OR	Portland, OR

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address listed 29822 SE Orient Drive is in compliance with the Assessment and Taxation Office. The Land Use Planning Division has reported that they have no objection to the renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed, the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

Sincerely,

A handwritten signature in cursive script that reads "Bernie Giusto".

Bernie Giusto
Sheriff



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 12/13/07
 Agenda Item #: C-12
 Est. Start Time: 9:30 AM
 Date Submitted: 12/05/07

Agenda Title: Off Premises Sales Liquor License Renewal for Plainview Grocery, 11800 NW Cornelius Pass Road, Portland, Oregon 97231

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

Date Requested:	<u>December 13, 2007</u>	Time Requested:	<u>N/A</u>
Department:	<u>Sheriff's Office</u>	Division:	<u>Enforcement</u>
Contact(s):	<u>Kathy Walliker</u>		
Phone:	<u>(503) 251-2520</u>	Ext. _____	I/O Address: <u>313/122</u>
Presenter(s):	<u>Consent Calendar</u>		

General Information

1. What action are you requesting from the Board?

Board approval of liquor license application

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

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address of 11800 NW Cornelius Pass Road, Portland, Oregon, is in compliance with the Assessment and Taxation Office. The Land Use Planning Division reported that they have no objection to renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

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

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

Required Signature

**Elected Official or
Department/
Agency Director:**

A handwritten signature in black ink that reads "Bernie Zifato". The signature is written in a cursive style with a large, prominent initial "B".

Date: 12/05/07



MULTNOMAH COUNTY SHERIFF'S OFFICE

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December 6, 2007

Board of County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, OR 97214-3587

Oregon Liquor Control Commission
9079 SE McLoughlin Boulevard
Portland, OR 97222-7355

Regarding: Plainview Grocery
11800 NW Cornelius Pass Road
Portland, OR 97231

Subject: Liquor License Applicant
Off Premises Sales

Owner: Steven Linden
03/12/47
11796 NW Cornelius Pass Rd
Portland, OR 97231

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address listed 11800 NW Cornelius Pass Road is in compliance with the Assessment and Taxation Office. The Land Use Planning Division has reported that they have no objection to the renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed, the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

Sincerely,

A handwritten signature in cursive script that reads "Bernie Giusto".

Bernie Giusto
Sheriff



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 12/13/07
 Agenda Item #: C-13
 Est. Start Time: 9:30 AM
 Date Submitted: 12/05/07

Agenda Title: Full On-Premises Sales Liquor License Renewal for Pleasant Home Saloon, 31637 SE Dodge Park Boulevard, Gresham, Oregon

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

Date Requested:	<u>December 13, 2007</u>	Time Requested:	<u>N/A</u>
Department:	<u>Sheriff's Office</u>	Division:	<u>Enforcement</u>
Contact(s):	<u>Kathy Walliker</u>		
Phone:	<u>(503) 251-2520</u>	Ext. _____	I/O Address: <u>313/122</u>
Presenter(s):	<u>Consent Calendar</u>		

General Information

1. What action are you requesting from the Board?

Board approval of liquor license application

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

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address of 31637 SE Dodge Park Blvd., Gresham, Oregon, is in compliance with the Assessment and Taxation Office. The Land Use Planning Division reported that they have no objection to renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

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

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

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

Required Signature

**Elected Official or
Department/
Agency Director:**



A handwritten signature in cursive script, appearing to read "Bernice Lefko". The signature is written in black ink and is positioned above a horizontal line.

Date: 12/05/07



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December 6, 2007

Board of County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, OR 97214-3587

Oregon Liquor Control Commission
9079 SE McLoughlin Boulevard
Portland, OR 97222-7355

Regarding: Pleasant Home Saloon
31637 SE Dodge Park Boulevard
Gresham, OR 97030

Subject: Liquor License Applicant
Full On Premises Sales

Owner:	Nicholas Nasshahn	Judy Stiles
	10/15/51	06/15/39
	10625 SE 362 nd	27640 SE Wally Rd
	Boring, OR	Boring, OR

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address listed 31637 SE Dodge Park Boulevard is in compliance with the Assessment and Taxation Office. The Land Use Planning Division has reported that they have no objection to the renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed, the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

Sincerely,

A handwritten signature in cursive script that reads "Bernie Giusto".

Bernie Giusto
Sheriff



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 12/13/07
 Agenda Item #: C-14
 Est. Start Time: 9:30 AM
 Date Submitted: 12/05/07

Agenda Title: Off Premises Sales Liquor License Renewal for Rocky Point Marina, 23586 NW St. Helens Highway, Portland, OR

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

Date Requested:	<u>December 13, 2007</u>	Time Requested:	<u>N/A</u>
Department:	<u>Sheriff's Office</u>	Division:	<u>Enforcement</u>
Contact(s):	<u>Kathy Walliker</u>		
Phone:	<u>(503) 251-2520</u>	Ext.:	<u>I/O Address: 313/122</u>
Presenter(s):	<u>Consent Calendar</u>		

General Information

1. What action are you requesting from the Board?

Board approval of liquor license application

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

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address of 31637 SE Dodge Park Blvd., Gresham, Oregon, is in compliance with the Assessment and Taxation Office. The Land Use Planning Division reported that they have no objection to renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

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

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

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

Required Signature

**Elected Official or
Department/
Agency Director:**



A handwritten signature in cursive script that reads "Bernice Lefko". The signature is written in black ink and is positioned above a horizontal line.

Date: 12/05/07



MULTNOMAH COUNTY SHERIFF'S OFFICE

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December 6, 2007

Board of County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, OR 97214-3587

Oregon Liquor Control Commission
9079 SE McLoughlin Boulevard
Portland, OR 97222-7355

Regarding: Rocky Pointe Marina
23586 NW St. Helens Rd
Portland, OR 97231

Subject: Liquor License Applicant
Off Premise Sales

Owner: Jeniene Tonneson
01/30/58
211 N. E. 39th
Portland, OR

Stan Tonneson
12/27/57
211 N. E. 39th
Portland, OR

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address listed 23586 NW St Helens Hwy, Portland Oregon in compliance with the Assessment and Taxation Office. The Land Use Planning Division has reported that they have no objection to the renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed, the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

Sincerely,

Bernie Giusto
Sheriff



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/13/07
 Agenda Item #: C-15
 Est. Start Time: 9:30 AM
 Date Submitted: 12/05/07

Agenda Title: Off Premises Sales Liquor License Renewal for Tenly's Jackpot Foodmart, 28210 SE Orient Drive, Gresham, OR

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

Date Requested: December 13, 2007 Time Requested: N/A
 Department: Sheriff's Office Division: Enforcement
 Contact(s): Kathy Walliker
 Phone: (503) 251-2520 Ext. _____ I/O Address: 313/122
 Presenter(s): Consent Calendar

General Information

1. **What action are you requesting from the Board?**
Board approval of liquor license application
2. **Please provide sufficient background information for the Board and the public to understand this issue.**

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address of 28210 SE Orient Drive, Gresham, Oregon, is in compliance with the Assessment and Taxation Office. The Land Use Planning Division reported that they have no objection to renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

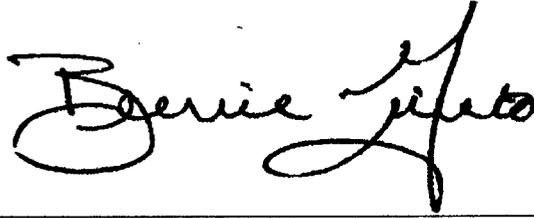
3. **Explain the fiscal impact (current year and ongoing).**

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

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

Required Signature

**Elected Official or
Department/
Agency Director:**

A handwritten signature in black ink that reads "Bernie Zifato". The signature is written in a cursive style with a large, looping initial "B".

Date: 12/05/07



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December 6, 2007

Board of County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, OR 97214-3587

Oregon Liquor Control Commission
9079 SE McLoughlin Boulevard
Portland, OR 97222-7355

Regarding: Tenleys Jackpot Foodmart
28210 SE Orient Drive
Gresham, OR 97080

Subject: Liquor License Applicant
Off- Premises Sales

Owner:	Ly Hien Le	Ly My Le	Ly Phuong Le
	02/04/73	05/07/59	09/15/70
	3129 SE 22 nd Ave	28032 SE Orient Dr	16422 NE Fremont

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address listed 28210 SE Orient Drive is in compliance with the Assessment and Taxation Office. The Land Use Planning Division has reported that they have no objection to the renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed, the Multnomah County Sheriff's Office forwards a FAVORABLE RECOMMENDATION for the Liquor License Renewal.

Sincerely,

A handwritten signature in cursive script that reads "Bernie Giusto".

Bernie Giusto
Sheriff



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 12/13/07
 Agenda Item #: C-16
 Est. Start Time: 9:30 AM
 Date Submitted: 12/05/07

Agenda Title: Off Premises Sales Liquor License Renewal for Weece's Market, 7310 SE Pleasant Home Road, Gresham, Oregon

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

Date Requested:	<u>December 13, 2007</u>	Time Requested:	<u>N/A</u>
Department:	<u>Sheriff's Office</u>	Division:	<u>Enforcement</u>
Contact(s):	<u>Kathy Walliker</u>		
Phone:	<u>(503) 251-2520</u>	Ext.:	<u>I/O Address: 313/122</u>
Presenter(s):	<u>Consent Calendar</u>		

General Information

1. What action are you requesting from the Board?

Board approval of liquor license application

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

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address of 7310 SE Pleasant Home Road, Gresham, Oregon, is in compliance with the Assessment and Taxation Office. The Land Use Planning Division reported that they have no objection to renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

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

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

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

Required Signature

**Elected Official or
Department/
Agency Director:**



A handwritten signature in cursive script that reads "Bernie Lefko". The signature is written in black ink and is positioned to the right of the printed text "Elected Official or Department/ Agency Director:". Below the signature is a horizontal line.

Date: 12/05/07



MULTNOMAH COUNTY SHERIFF'S OFFICE

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SHERIFF

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December 6, 2007

Board of County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, OR 97214-3587

Oregon Liquor Control Commission
9079 SE McLoughlin Boulevard
Portland, OR 97222-7355

Regarding: Weece's Market
7310 SE Pleasant Home Road
Gresham, OR 97080

Subject: Liquor License Applicant
Off Premises Sales

Owner: Kim R. Young
07/29/68
6816 SE Equestrian Way
Portland, OR 97080

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address listed 7310 SE Pleasant Home Road is in compliance with the Assessment and Taxation Office. The Land Use Planning Division has reported that they have no objection to the renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed, the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

Sincerely,

A handwritten signature in cursive script that reads "Bernie Giusto".

Bernie Giusto
Sheriff



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 12/13/07
 Agenda Item #: C-17
 Est. Start Time: 9:30 AM
 Date Submitted: 12/05/07

Agenda Title: Limited On-Premises Sales Liquor License Renewal for Wildwood Golf Course, 21881 NW St. Helens Rd., Portland, Oregon

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

Date Requested:	<u>December 13, 2007</u>	Time Requested:	<u>N/A</u>
Department:	<u>Sheriff's Office</u>	Division:	<u>Enforcement</u>
Contact(s):	<u>Kathy Walliker</u>		
Phone:	<u>(503) 251-2520</u>	Ext.:	<u>I/O Address: 313/122</u>
Presenter(s):	<u>Consent Calendar</u>		

General Information

1. What action are you requesting from the Board?

Board approval of liquor license application

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

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address of 21881 NW St. Helens Road, Portland, Oregon, is in compliance with the Assessment and Taxation Office. The Land Use Planning Division reported that they have no objection to renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

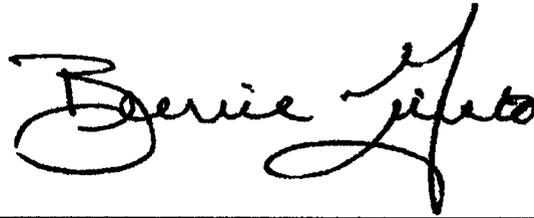
3. Explain the fiscal impact (current year and ongoing).

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

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

Required Signature

**Elected Official or
Department/
Agency Director:**



A handwritten signature in cursive script that reads "Bernie Zifato". The signature is written in black ink and is positioned to the right of the printed text "Elected Official or Department/ Agency Director:". Below the signature is a horizontal line.

Date: 12/05/07



MULTNOMAH COUNTY SHERIFF'S OFFICE

12240 NE GLISAN ST., • PORTLAND, OR 97230

Exemplary service for a safe, livable community

BERNIE GIUSTO
SHERIFF

(503) 255-3600 PHONE
(503) 251-2484 TTY
www.sheriff-mcso.org

December 6, 2007

Board of County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, OR 97214-3587

Oregon Liquor Control Commission
9079 SE McLoughlin Boulevard
Portland, OR 97222-7355

Regarding: Wildwood Golf Course
21881 NW St. Helens Road
Portland, OR 97231

Subject: Liquor License Applicant
Limited On-Premises Sales

Owner:	William O'Meara	Kay O'Meara
	09/06/60	07/26/61
	21881 NW St Helens Rd	21881 NW St Helens Rd
	Portland, OR 97231	Portland, OR 97231

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address listed 21881 NW St Helens Road is in compliance with the Assessment and Taxation Office. The Land Use Planning Division has reported that they have no objection to the renewal of the liquor license. Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed, the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

Sincerely,

A handwritten signature in black ink that reads "Bernie Giusto". The signature is written in a cursive, flowing style.

Bernie Giusto
Sheriff

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 13 December 07

SUBJECT: TRANSPARENCY OF SELWOOD BRIDGE PROJECT

AGENDA NUMBER OR TOPIC: N/A Public Comment

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: JAMES B. LEE

ADDRESS: 6016 S.E. MITCHELL

CITY/STATE/ZIP: PORTLAND OR 97206

PHONE: DAYS: 503-971-6128 EVES: SAME

EMAIL: BLOGMAYOR@MACFORCEGO.COM FAX: N/A

SPECIFIC ISSUE: AS ABOVE

WRITTEN TESTIMONY: ATTACHED, 2 COPIES

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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

Meeting of the Multnomah County Commission

13 December 2007

**Questions on the Sellwood Bridge Project for the
Commission:**

1.
Why are technically incompetent people representing the
Project to the public?

2.
How are costs for the several types of bridges computed?

3.
How are technical aspects of each type evaluated?

4.
What is the dead load per spanwise foot
of each type?

from

James B. Lee
6016 S. E. Mitchell
Portland, Oregon, 97206

I challenge the senior staff to answer these questions
in public.

Almost Everything Multnomah County is Doing Wrong on the Sellwood Bridge Project

A response to "Laura," bikeportland.org Bridge Blogger

I conjecture that you are a County employee with substantial influence on the Sellwood project. Evidently you have much to learn about building bridges.

First, "design" is distinct from "type," and subsumes it. Design of a bridge begins with the first visit to the site. Selecting a type then follows, requiring much study and many calculations, in which cost plays a major role. Fixating on a "type" before beginning "design" is the detour to disaster.

Second, the process definitely does not entail interested citizens' throwing darts at misleading pictures, like those in the Photoshopped brochure announcing the public meeting of November 28th. Surely no Federal, State, or local governmental agencies party to the Sellwood project require that.

Third, selecting the type of bridge best suited for a given site demands a competent structural engineer to make a detailed study of these factors: alignment; placement of piers; functional loadings; clearances; techniques of construction. With those done the engineer presents feasible designs for public, professional, and governmental scrutiny, predicated upon achieving goals at minimal expense, with least environmental impact, and superior aesthetics.

This is what Metro did for the Springwater project. It applies to all bridges, Sellwood and Columbia crossings included.

So far Multnomah County has done nothing of the sort. Public relations people are the face of the Sellwood project.

For several months I have asked how costs for various types of bridges proposed for the Sellwood crossing had been computed. No one can or will say. I conclude that the County has not actually calculated the costs for any of the six types illustrated in its Photoshopped brochure. Without costing each type at the Sellwood site it is impossible to place them in rank order, as the County's team has done. Perhaps the team went to the bridge section of Powell's Technical Books and generalized from one of the big glossy tomes there. Generalizing is grossly misleading in planning bridges, for some types are inherently better suited to certain sites than others.

In fact it's evident that no engineering studies relating any of the bridge types to the actual site have been done. In Photoshopping six arbitrary types to the Sellwood crossing the

County's team conveniently occluded two determinative features of the site: the landslide at the western shore; the expensively developed real property at the eastern shore. No bridge engineer would be so naive as to plunk six arbitrary designs at a site and assume that any and all would be feasible, let alone optimal, solutions for such difficult problems.

The famous Photoshopping piece also contains two grave technical errors in its descriptive text. Choice 4 is described as a "Through Arch." There is a book in Multnomah County Library by one Conde Balcom McCullough that says it is no such thing; it is a tied cantilever with arched beam center; read the first two chapters of "Elastic Arch Bridges" to discover why. One serious mistake! The second, also involving McCullough, is a stupendous blunder: if conflates the Fremont, which also is a tied cantilever with arched beam center, with McCullough's true arch over the Willamette Narrows between Oregon City and West Linn.

Following the County's tortuous logic, we infer that a true thrust arch, perfectly suited to the 360 foot span between basalt cliffs at the Narrows, is equally suited to the 1,100 foot crossing at Sellwood. The great steel arch of the Sydney Harbour Bridge spans 1,650 feet; the lesser concrete arch at Gladesville, several miles up the Parramatta, spans 980 feet. Really big arches surely can be built. However Sydney, Australia, is founded on strong red sandstone, perfect to contain the thrusts of those monsters. Build one on a landslide at Sellwood. Right!

A final fallacy: more expensive does not mean more beautiful. McCullough, who wrote the book on economics of bridges, always began with minimalist designs. Always he introduced minimal cost as a governing constraint at the beginning of a project. Oregon's master builder also is acknowledged as the 20th century's great theorist of bridges, as well as its supreme artist. Aesthetics of bridges is very much a minimalist and economic aesthetic. He felt that in his bones.

Those who produced the fraudulent renderings of the Sellwood crossing would not likely tell Michaelangelo how to sculpt, Vermeer how to paint, Mozart how to compose opera, Stanley Kubrick how to make movies. Nevertheless they presume to tell the heirs of McCullough how bridges should be built.

Here's how Mac did it:

"In Oregon our engineers have been trained to go to the stream, build a bridge for economy and utility, and at the same time design it so it will blend with the terrain."

Simple idea, but difficult to execute. If the boys and girls running this show for the County are not up to it, they don't belong on the project. We are paying your salary, Laura. We require you to demonstrate competence when communicating with us.

It's easy to figure out what is going on: a subgroup of the artsy community is gaming the process for fun and profit. Probably they are some of the folk who helped the Portland Aerial Tram to \$20,000,000 of its cost overrun by insisting that the process install "architectural values" over engineering realities.

(An aside: I was promptly shut up for stating, in a public meeting on the Sellwood project, that civil engineers have superior aesthetic sensibility. Thanks, Mike!)

These are scions of a previous generation of artsy folk who, astounded by ODOT's aesthetics of the Marquam Bridge, insisted that the Fremont cost five times as much, making it easily the most expensive public art project in the history of Oregon, perhaps the nation. They also ensured its near collapse during construction, had Ed Wortman not been there personally to catch it.

Some people never learn: narcissism trumps competence nearly every time.

By the way, the right answer to the Photoshop quiz is, "None of the above." The most efficient and cheapest bridge type for the Sellwood crossing has not yet entered the consciousness of the County. Also it will be the most beautiful, having been blessed by no less than David Steinman and Conde McCullough.

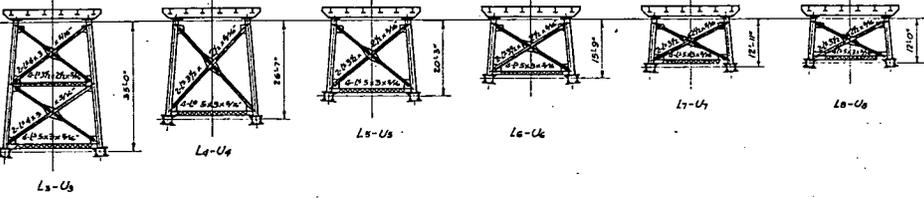
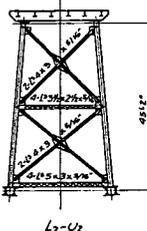
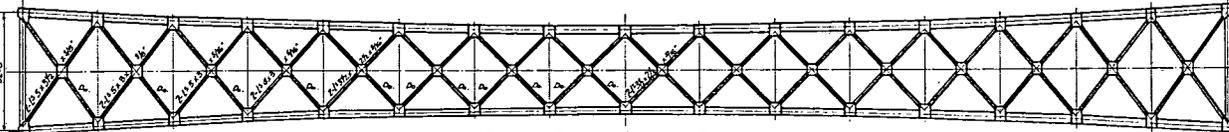
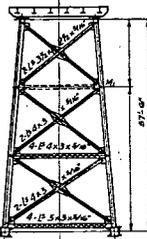
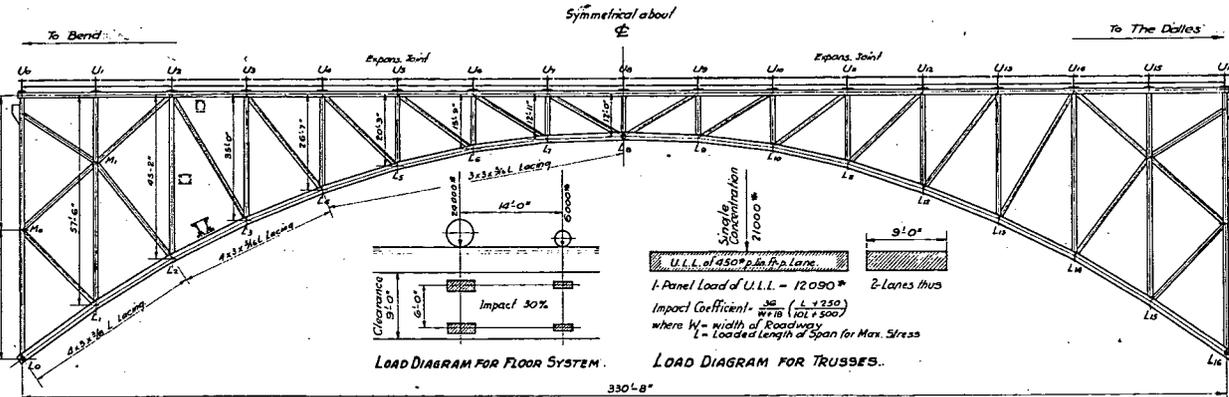
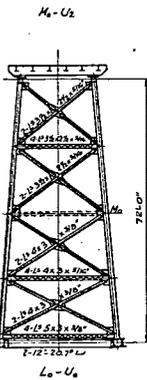
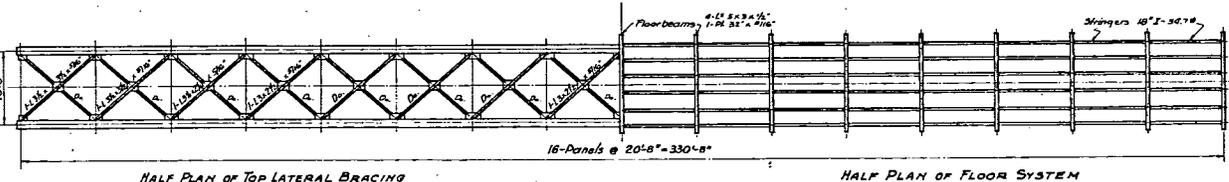
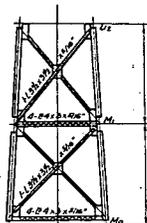
Question for Mike: Are you having trouble calculating the dead load per spanwise foot for the six types in the Photoshop piece, as I asked? Hint: Any number over 10,000 is a non-starter.

See <http://www.structuremag.org/Archives/2006-1/Hoover-Dam-New-Colorado-River-Bridge.pdf> for an example of typing within design.

By James Bernard Lee, "blogmayor"

(blogmayor@macforcego.com)

December 2007



ELEVATIONS OF SWAY BRACINGS

GENERAL NOTES-
 All Rivets 5/8"
 Nuts in Main Members shall be subpunched 3/8" for material 5/8" thick or more, and 1/2" for material less than 5/8" thick.
 Net Sections shall be maintained in all Tension Members.
 Top and Bottom chord joints shall be milled and treated 100% full strength.
 Concrete in Floor Slab shall be Class O' mix.
 Reinforcing Steel shall be deformed bars.
 All materials and workmanship shall conform to the Specifications of the Ore. State Highway Comm.

APPROVED: *[Signature]*
 BRIDGE ENGINEER
 STATE HIGHWAY ENGINEER

For Information Only

TABLE OF STRESSES									
Member	A.L.	L.L.	W	Wind	Impact	Design	Area	Stress	Makeup of Sections
L ₀ -L ₁	+797.6	+206.7	25.6	30.0	+230	1004.3	82.00	12,272.8	2-16" x 24" x 1/2" Top 2-16" x 24" x 1/2" Bottom
L ₁ -L ₂	+736.0	+201.6	39.0	61.1	+201	+937.6	77.6	10,000.0	2-16" x 24" x 1/2" Top 2-16" x 24" x 1/2" Bottom
L ₂ -L ₃	+721.7	+195.1	43.1	94.0	+183	+916.9	73.9	9,400.0	2-16" x 24" x 1/2" Top 2-16" x 24" x 1/2" Bottom
L ₃ -L ₄	+683.3	+190.7	54.0	116.0	+158	+860.0	70.6	8,600.0	2-16" x 24" x 1/2" Top 2-16" x 24" x 1/2" Bottom
L ₄ -L ₅	+639.0	+184.7	68.0	139.0	+128	+843.7	67.9	8,100.0	2-16" x 24" x 1/2" Top 2-16" x 24" x 1/2" Bottom
L ₅ -L ₆	+630.0	+170.0	88.7	155.0	+90	+800.0	64.1	7,800.0	2-16" x 24" x 1/2" Top 2-16" x 24" x 1/2" Bottom
L ₆ -L ₇	+603.9	+151.6	112.5	167.0	+45	+755.5	60.8	7,400.0	2-16" x 24" x 1/2" Top 2-16" x 24" x 1/2" Bottom
L ₇ -L ₈	+583.9	+118.6	135.0	172.0	0	+718.0	57.5	7,000.0	2-16" x 24" x 1/2" Top 2-16" x 24" x 1/2" Bottom
U ₀ -U ₁	0	0	0	0	-188	-188.0		0	2-B 12'-20" x 2 1/2" x 1/4" Single Cover Bars
U ₁ -U ₂	0	0	0	0	-188	-188.0		0	Do.
U ₂ -U ₃	+138.7	74.0	76.0	63.0	-146	+83.3		0	Do.
U ₃ -U ₄	+23.0	96.3	41.0	82.0	-121	+128.0		0	Do.
U ₄ -U ₅	+36.7	+190.2	62.0	94.0	-88	+176.0		0	Do.
U ₅ -U ₆	+53.0	+136.0	87.0	101.0	-85	+272.0		0	Do.
U ₆ -U ₇	+67.0	+124.1	111.0	106.0	-7	+250.0		0	Do.
U ₇ -U ₈	+74.3	+123.3	121.0	107.0	0	+255.0		0	Do.
U ₈ -M ₁	+27.0	+43.3	0	84.0	+10	+70.3		0	2-B 12'-20" x 2 1/2" x 1/4" Single Cover Bars
M ₁ -L ₁	+81.0	+74.2	17.0	84.0	+28	+101.2		0	Do.
M ₁ -M ₂	+55.0	+51.3		104.0	+10	+106.3		0	Do.
M ₂ -L ₂	+76.3	+85.3	12.0	104.0	+44	+130.1		0	Do.
U ₂ -L ₂	+70.4	+38.9	6.0	74.0	+37	+109.3		0	Do.
U ₃ -L ₃	+75.8	+69.0	20.0	53.0	+54	+145.6		0	Do.
U ₄ -L ₄	+74.8	+62.7	20.0	34.0	+57	+136.9		0	Do.
U ₅ -L ₅	+72.8	+58.0	19.0	24.0	+51	+130.9		0	Do.
U ₆ -L ₆	+69.3	+57.2	15.0	19.0	+48	+126.4		0	Do.
U ₇ -L ₇	+63.1	+54.6	6.0	14.0	+36	+117.5		0	Do.
U ₈ -L ₈	+26.1	+84.2	0	14.0	0	+110.3		0	Do.
M ₁ -M ₂	+51.0	+42.7	12.0	21.0	-21	+47.8		0	2-B 12'-20" x 2 1/2" x 1/4" Single Cover Bars
M ₂ -U ₂	+39.0	+60.8	19.0	50.0	-32	+71.6		0	Do.
M ₃ -L ₃	+51.0	+29.3	12.0	12.0	-22	+29.9		0	Do.
M ₄ -L ₄	+49.0	+18.7	9.0	13.0	-14	+18.2		0	Do.
U ₂ -L ₃	+131.0	+24.8	22.0	0.6	-55	+29.4		0	Do.
U ₃ -L ₄	+157.0	+19.4	25.3	6.3	-40	+47.8		0	Do.
U ₄ -L ₅	+183.0	+14.8	28.0	5.3	-47	+87.3		0	Do.
U ₅ -L ₆	+201.0	+11.6	31.0	4.0	-59	+126.5		0	Do.
U ₆ -L ₇	+183.0	+4.8	27.0	3.7	-46	+104.6		0	Do.
U ₇ -L ₈	+74.0	+144.0	12.6	3.0	0	+73.3		0	Do.

OREGON
 STATE HIGHWAY COMMISSION
HIGH BRIDGE
 OVER
CROOKED RIVER CANYON
 ON
 THE DALLES - CALIFORNIA HWY.
 CROOKED RIVER SECT. - JEFFERSON CO.
STRESS SHEET

SCALE AS NOTED DRAWN BY W.S.A. SHEET 2 OF 9
 JUNE 4, 1925 TRACED BY J.A.W. BRIDGE NO. 600
 CALC. BK. NO. 78 CHECKED BY DRAWING NO. 3237
 ACCOMPANIED BY DWGS. 3236-38-39-88-89-90-91 & 3292



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (long form)

APPROVED : MULTNOMAH COUNTY
 BOARD OF COMMISSIONERS
 AGENDA # R-1 DATE 12-13-07
 DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 12/13/07
Agenda Item #: R-1
Est. Start Time: 9:30 AM
Date Submitted: 11/21/07

BUDGET MODIFICATION: DCJ - 11

Agenda Title: **Budget Modification DCJ-11 Adding Back a Full-Time Community Works Leader to the Adult Community Service Program**

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

Requested Meeting Date: December 13, 2007 **Amount of Time Needed:** 5 minutes
Department: Dept. of Community Justice **Division:** Adult Services Division
Contact(s): Shaun Coldwell
Phone: 503-988-3961 **Ext.** 83961 **I/O Address:** 503 / 250
Presenter(s): Carl Goodman, Assistant Director & Kevin Criswell, District Manager

General Information

1. What action are you requesting from the Board?

The Department of Community Justice (DCJ) requests approval of a budget modification that adds back a full-time Community Works Leader position that was previously eliminated in the FY 2008 Adopted Budget.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

The Adult Community Service Program (CS) assists over 2000 offenders each year who are supervised directly by a judge to complete their court ordered obligations of community work. The CS program supports the community court program by providing this sentencing alternative. CS is responsible for coordinating the community work sites, supervising each offender's community service, and providing offender status reports to the court.

In the FY 2008 Adopted budget one full-time Community Works Leader (CWL) position was eliminated from the CS program. DCJ is adding back the position because by the reduction of this CWL we had to reduce our services to the community, community partners, and our services to

offenders. Specifically, this impacted the program by ending our commitment to Operation Clean Slate, Community Courts, bench probation clients, and reduced services to other non-profit public service agencies such as Community Gardens. This reduced the number of hours served in the community by approximately 16,000 per year with the reduction of this position.

This budget modification restores this CWL position effective December 1, 2007 using current year resources. This position will serve 10 clients/offenders per day, four days per week, working eight hours in community/non-profit agencies. This equals 320 hours contributed to the community each week and 16,640 hours per year.

This budget modification results in the following net changes to DCJ's FY 2008 program offers:

50000, Director's Office: reduce professional services by \$(14,000) and travel & training by \$(24,078) for a total reduction of \$(38,078) in M&S.

50042, Adult Community Service – Community Court & Bench Probation: increase by 0.58 FTE / \$38,078 to add back a full-time Community Works Leader position effective December 1, 2007.

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

For current year FY 2008 this budget modification increases the Adult Services Division personnel expense budget by \$38,078. The increased personnel expense budget is offset by a decrease in the amount of \$(38,078) in the Directors Office M&S budget, respectively. This position will be ongoing and be included in the FY 2009 budget submittal.

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

Local 88 represented employees have a contractual right to appeal and arbitrate the outcome of a reclassification request, which would include Board action to disapprove the request. It is the policy of Multnomah County to make all employment decisions without regard to race, religion, color, national origin, sex, age marital status, disability, political affiliations, sexual orientation, or any other non-merit factor.

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

N/A

ATTACHMENT A

Budget Modification

If the request is a **Budget Modification**, please answer **all** of the following in detail:

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

N/A.

- **What budgets are increased/decreased?**

Adult Services Division Personnel budget is increased by \$38,078

The Directors Office M&S budget is decreased by \$(38,078)

- **What do the changes accomplish?**

A full time Community Works Leader is added back to the FY 2008 Budget.

- **Do any personnel actions result from this budget modification? Explain.**

Yes, a fulltime Community Works Leader position is added back to the FY 2008 budget effective December 1, 2007. This position had previously existed, but was eliminated in the FY 2008 Adopted Budget.

- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**

N/A

- **Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?**

N/A

- **If a grant, what period does the grant cover?**

N/A

- **If a grant, when the grant expires, what are funding plans?**

N/A

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

ATTACHMENT B

BUDGET MODIFICATION: DCJ - 11

Required Signatures

**Elected Official or
Department/
Agency Director:**

John McKinney for Scott Taylor

Date: 11/21/07

Budget Analyst:

Debra

Date: 11/21/07

Department HR:

James J. Opoka

Date: 11/21/07

Countywide HR:

Date: _____

EXPENDITURES & REVENUES

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

Budget/Fiscal Year: 2008

Line No.	Fund Center	Fund Code	Program #	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Internal Order	Cost Center	WBS Element						
1	50-10	1000	50042	50		505901	60000	208,792	232,080	23,288		Permanent	
2	50-10	1000	50042	50		505901	60130	66,961	74,434	7,473		Fringe	
3	50-10	1000	50042	50		505901	60140	63,735	71,052	7,317		Insurance	
4									0		38,078	Add back a fulltime CWL position to the FY08 budget effective 12/1/07	
5									0				
6	50-00	1000	50000	50		500000	60170	77,514	63,514	(14,000)		Professional Services	
7	50-00	1000	50000	50		500000	60260	105,240	81,162	(24,078)		Travel & Training	
8									0		(38,078)	Reduce unallocated line items in the Directors Office	
9									0				
10	72-10	3500		20		705210	50316		(7,317)	(7,317)		Service Reimb, Insurance	
11	72-10	3500		20		705210	60330		7,317	7,317		Claims Paid, Insurance	
12									0		0		
13									0				
14									0				
15									0				
16									0				
17									0				
18									0				
19									0				
20									0				
21									0				
22									0				
23									0				
24									0				
25									0				
									0		0	Total - Page 1	
									0		0	GRAND TOTAL	

ANNUALIZED PERSONNEL CHANGE

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

						ANNUALIZED			
Fund	Job #	HR Org	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
50-10	6267	64641	Community Works Leader	710310	1.00	40,152	12,885	12,615	65,652
									0
									0
									0
									0
									0
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									0
TOTAL ANNUALIZED CHANGES					1.00	40,152	12,885	12,615	65,652

CURRENT YEAR PERSONNEL DOLLAR CHANGE

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

						CURRENT YEAR			
Fund	Job #	HR Org	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
50-10	6267	64641	Community Works Leader	710310	0.58	23,288	7,473	7,317	38,078
									0
									0
									0
			position begins 12/1/07 (7 months in FY 2008)						0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
TOTAL CURRENT FY CHANGES					0.58	23,288	7,473	7,317	38,078



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (long form)

APPROVED : MULTNOMAH COUNTY
 BOARD OF COMMISSIONERS
 AGENDA # R-2 DATE 12-13-07
 DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 12/13/07
Agenda Item #: R-2
Est. Start Time: 9:33 AM
Date Submitted: 11/07/07

BUDGET MODIFICATION: DCJ - 12

Budget Modification DCJ-12 Decreasing the Fiscal Year 2008 Revenue from
Agenda State of Oregon Department of Corrections for Adult Housing and Treatment
Title: Services to High-risk Offenders in the Amount of \$42,803

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

Requested Meeting Date:	<u>December 13, 2007</u>	Amount of Time Needed:	<u>5 minutes</u>
Department:	<u>Dept. of Community Justice</u>	Division:	<u>Adult Services</u>
Contact(s):	<u>Shaun Coldwell</u>		
Phone:	<u>503-988-3961</u>	Ext.	<u>83961</u>
		I/O Address:	<u>503 / 250</u>
Presenter(s):	<u>Don Trapp</u>		

General Information

1. What action are you requesting from the Board?

The Department of Community Justice (DCJ) requests approval of a budget modification to reduce the FY08 revenue from State of Oregon Department of Corrections (DOC) for Adult Housing and Treatment Services to High-risk Offenders in the amount of \$42,803.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

In January, 2006 the State of Oregon allocated funds to the State's 36 counties to facilitate early release of high-risk offenders from incarceration and provide a transition back into the county communities. DCJ is currently in the second biennium of funding from DOC for the Alternative Incarceration Program (AIP) and the State projection is \$238,071 as the base amount for releases. This amount is less than the budget projection and will result in the loss of one transitional bed and a delay in starting the mentoring program until fiscal year 2009.

The Multnomah County Alternative Incarceration Program works with inmates who are on 90-day transitional leave from DOC's Powder River, Coffee Creek, and Summit correctional facilities. The

program responds to identified inmate needs with an appropriate continuum of treatment services to include cognitive behavioral change groups, alcohol and drug aftercare, housing, education, employment services and mentoring. Other transitional support includes clothing, bus tickets, ID documents, etc. Risk is managed through caseload assignment based on inmates' demonstrated engagement in the change process.

This budget modification reconciles DCJ's FY 2008 budget with the State of Oregon DOC Plan approved by the 2007 State legislature. The net revenue reduction is \$42,803 for FY08.

	FY08	FY09
DCJ Budget	(\$193,491)	
07/09 State Biennium Award	\$ 150,688	\$87,383
Net Reduction	(\$ 42,803)	

AIP enhances the following program offers: 1) Program Offer 50031-DCJ Adult Offender Housing-Alternative Incarceration Transition and 2) Program Offer 50046 Addiction Services – Adult Offender Outpatient AIP

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

For FY08 Professional Services is reduced \$39,617, central indirect is reduced \$908, department indirect is reduced \$2,278

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

N/A

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

N/A

ATTACHMENT A

Budget Modification

If the request is a **Budget Modification**, please answer all of the following in detail:

• **What revenue is being changed and why?**

State of Oregon Department of Corrections revenue decreases in the amount of \$42,803 to reconcile with the State of Oregon allocation approved by the 2007 State legislature.

• **What budgets are increased/decreased?**

Adult Services Division professional services for housing decreases \$9,967

Employee, Community & Clinical Services professional services decreases \$29,650 for mentoring services

Central Indirect decreases \$908

Department Indirect decreases \$2,278

• **What do the changes accomplish?**

This budmod results in a reduction from 7 to 6 transitional housing beds and a delay in starting the mentoring program until fiscal year 2009.

• **Do any personnel actions result from this budget modification? Explain.**

N/A

• **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**

N/A

• **Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?**

No, the revenue will continue through the remainder of the biennium

• **If a grant, what period does the grant cover?**

July 1, 2007 through June 30, 2009

• **If a grant, when the grant expires, what are funding plans?**

The Department anticipates continued funding by the State for this program.

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

ATTACHMENT B

BUDGET MODIFICATION: DCJ - 12

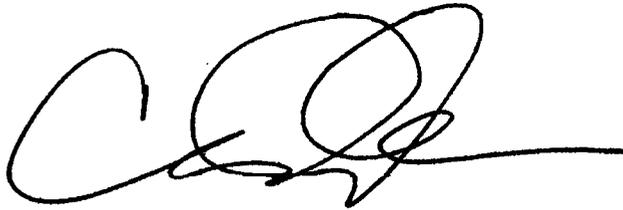
Required Signatures

**Elected Official or
Department/
Agency Director:**

John Anderson for Scott Taylor

Date: 11/07/07

Budget Analyst:



Date: 11/13/07

Department HR:

Date:

Countywide HR:

Date:

Budget Modification ID: **DCJ-12**

EXPENDITURES & REVENUES

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

Budget/Fiscal Year: **2008**

Line No.	Fund Center	Fund Code	Program #	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Internal Order	Cost Center	WBS Element						
2	50-05	2300	50046	50			CJ045.DOC.AIP.A&D	50180	(118,127)	(86,091)	32,036	Decr AIP Revenue	
3	50-05	2300	50046	50			CJ045.DOC.AIP.A&D	60170	109,336	79,686	(29,650)	Decr Prof Svc-Mentoring	
4	50-05	2300	50046	50			CJ045.DOC.AIP.A&D	60350	2,504	1,824	(680)	Decr Central indirect 2.29%	
5	50-05	2300	50046	50			CJ045.DOC.AIP.A&D	60355	6,287	4,581	(1,706)	Decr Dept Indirect 5.75%	
6										0	0	ECC AIP A&D	
7										0			
8	50-10	2300	50031	50			CJ045.DOC.AIP.HSG	50180	(75,364)	(64,597)	10,767	Decr AIP Revenue	
9	50-10	2300	50031	50			CJ045.DOC.AIP.HSG	60170	68,985	59,018	(9,967)	Decr Prof Svc-1 bed housing	
10	50-10	2300	50031	50			CJ045.DOC.AIP.HSG	60350	1,597	1,369	(228)	Decr Central indirect 2.29%	
11	50-10	2300	50031	50			CJ045.DOC.AIP.HSG	60355	4,011	3,439	(572)	Decr Dept Indirect 5.75%	
12										0	0	ASD Transition Svc-AIP Hsg	
13										0			
14										0			
15										0			
16	19	1000		20		9500001000		50310		908	908	Decr indirect reimb rev GF	
17	19	1000		20		9500001000		60470		(908)	(908)	Decr CGF Contingency Exp	
18										0	0	Central Indirect	
19										0			
20	50-00	1000		50		509600		50370	(1,360,903)	(1,358,625)	2,278	Decr Dept reimb rev GF	
21	50-00	1000		50		509600		60170	29,976	27,698	(2,278)	Decr Prof Svc	
22										0	0	Business Services	
23										0			
24										0			
25										0			
26										0			
27										0			
28										0			
29										0			
										0	0	Total - Page 1	
										0	0	GRAND TOTAL	



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 12/20/07
 Agenda Item #: R-3
 Est. Start Time: 9:35 AM
 Date Submitted: 11/28/07

Agenda Title: RESOLUTION Vacating Certain Portions of Public Roads, Situated in the Greenoe Heights Subdivisions, Located in Unincorporated Northwest Multnomah County, Pursuant to ORS 368.326 to 368.366

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

Requested Meeting Date: December 13, 2007 **Amount of Time Needed:** 5 minutes
Department: Community Services **Division:** Land Use & Trans Program
Contact(s): Brian Vincent P.E., Multnomah County Engineer or Patrick Hinds, Program Manager
Phone: 503-988-5050 **Ext.** 29642 **I/O Address:** 425/2
Presenter(s): Brian Vincent or Patrick Hinds

General Information

1. What action are you requesting from the Board?

The Land Use and Transportation Program recommends that the Board approve the attached Resolution vacating portions of several public roads, situated in Northwest Multnomah County.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

Situated in the Southeast and Northeast One-Quarter's of Section 26, Township 2 North, Range 2 West, W.M., these public roads were originally created by the Plat(s) of GREENOE HEIGHTS, Blocks 1-10 recorded on March 18, 1909 in Book 452, Page 8, and Blocks 11-20 recorded on March 30, 1909 in Book 452, Page 20, of Multnomah County Plat Records.

The public roads, being proposed for vacation, were originally created by the recording of the plats and it appears that they were created without the benefit of a public road, or County road, which connects them to a public or County road outside of, or abutting, this subdivision. When this subdivision was recorded it appears that all lots within the subdivision were land-locked.

All the roads being proposed for vacation are public roads. Multnomah County has road jurisdiction for this area, but does not maintain any portion of any of the roads being proposed for vacation. This road vacation will not land lock existing, remaining, lots in GREENOE HEIGHTS, Blks.1-10 or Blks. 11-20.

A copy of the petition is attached to this report, as Exhibit 1. A vicinity map is attached to this report as Exhibit 2. The areas being proposed for vacation is more particularly described in this petition and in Exhibit A attached to the Resolution.

The vacation petition being considered today contains the acknowledgement and consent of 100% of the abutting and adjoining property owners, as defined by ORS 368.336. Title to the area being vacated will vest as provided by ORS 368.366(1)d.

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

None. This public road is not maintained by Multnomah County. No public money is spent on this road. All costs associated with this vacation request are the responsibility of the petitioner.

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

The County Road Official, as required by ORS 368.351(1), has reviewed the petition and finds that these public roads are no longer needed for public purposes and declares the vacation of these public roads, as described in Exhibit A attached to the Resolution, to be in the public interest.

This proposed road vacation was initiated by a petition from an abutting property owner, and contains the consent of 100 percent of the remaining abutting property owners. Therefore, under ORS 368.351, the County may proceed to complete this vacation without additional notice and publication.

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

This is a citizen-initiated petition.

These public roads are located in an area of Multnomah County that is unincorporated. The proposed action is consistent with community involvement, development, and any applicable intergovernmental cooperation.

Required Signature

**Elected Official or
Department/
Agency Director:**



Date: 11/28/07

Exhibit 1

Orig. Petition
w/Ex. 1+2 For
Attachment To APP

15001 NW Skyline Boulevard
Portland, Oregon 97231-2403
26 November 2007

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

**RE: Petition for Road Vacation of Certain Public Roads Situated in the Greenoe Heights Subdivision
Job No. 4128VAC**

Dear Mr. Hinds:

Please revise our request for road vacation with the following information:

- a) **Description of property to be vacated:** See Attachment "A" for legal description. See Attachment "B" for map showing road vacation locations.
- b) **Statement of reasons for requesting the vacation:** Owner desires to place a conservation easement over their property and this road vacation would facilitate that process.
- c) **Names and addresses of all persons holding any recorded interest in the property proposed to be vacated:** None
- d) **Names and addresses of all persons owning any improvements constructed on public property proposed to be vacated:** None
- e) **Names and addresses of all persons owning any real property abutting public property proposed to be vacated:** Sen Speroff Trust, 15001 NW Skyline Blvd., Portland, OR 97231 and Choong-Won Chris Lee, 2621 NW Birkendene St., Portland, OR 97229
- f) **Signatures, acknowledged by a person authorized to take acknowledgements of deeds, of either owners of 60 percent of the land abutting the property proposed to be vacated or 60 percent of the owners of land abutting the property proposed to be vacated:** 100% of owners have signed. See Attachment B for signatures of Sen Speroff and Choon-Won Chris Lee.
- g) **If the petition is for vacation of property that will be redivided in any manner...** Not applicable, land will not be redivided.
- h) **Filing Fee:** Owner (Speroff) has submitted a filing fee of \$1,065.00

I believe this is all the information you require.

Sincerely,



Sen Speroff, Trustee of Sen Speroff Trust

Attachments:

1. Attachment A: "Legal Description"
2. Attachment B: "Map Showing Road Vacation Location"
3. Attachment C: "Notarized Signatures of Abutting Landowners"

Attachment A
Legal Description of Certain Public Roads Requested for Vacation
in the Greenoe Heights Subdivision
(revised 26 November 2007)

Job No. 4128VAC

LEGAL DESCRIPTION of STREET VACATION

A tract of land for Street Vacation purposes being those certain portions of roadway as dedicated on the Plat of GREENOE HEIGHTS Blocks 1-10, Book 452, Page 8, recorded 3/18/1909, and GREENOE HEIGHTS Blocks 11-20, Book 452, Page 20, recorded 3/30/1909, in Multnomah County Plat records, a duly recorded subdivision, in the Northeast 1/4 and the Southeast 1/4 of Section 26, Township 2 North, Range 2 West of the Willamette Meridian, County of Multnomah and State of Oregon, being more particularly described as follows:

All of Geraldine Avenue;

all of Francis Avenue;

all of Lovern Avenue;

that portion of Highland Avenue lying between the Northerly extension of the East line of Lot 38, Block 7, GREENOE HEIGHTS, and the Westerly right of way line of Sherman Street;

all of Maurine Avenue;

all of Myrtle Avenue;

that portion of Greenoe Street lying between the Southerly right of way line of Luella Avenue and the Northerly right of way line of Vannoy Avenue;

that portion of Greenoe Street lying between the Southerly right of way line of Vannoy Avenue and the Northerly right of way line of Upland Avenue;

that portion of Greenoe Street lying between the Southerly right of way line of Upland Avenue and the Northerly right of way line of Easton Avenue ;

that portion of Greenoe Street lying between the Southerly right of way line of Easton Avenue and the Northerly right of way line of Annabel Avenue ;

that portion of Sherman Street lying between the Southerly right of way line of Luella Avenue and the Northerly right of way line of Vannoy Avenue;

that portion of Sherman Street lying between the Southerly right of way line of Easton Avenue and the Northerly right of way line of Annabel Avenue.

Attachment B

Job # 4128VAC

STEVEN R. GRANT TR
PAMELA H. GRANT TR
15490 NW ROCK CREEK RD
PORTLAND, OR 97231

MAJORIE MASON -1/4
MARLENE LAWRENCE TR-1/4
LINDA J. MUNSON -1/2
PATRICIA NORGARD -1/12
RONALD S. MUNSON -1/12
DENNIS M. MUNSON -1/12
DAVE M. MUNSON -1/12
JANET L. HOBRAUF -1/12
% DENNIS M. MUNSON
14499 NW PARSON RD
FOREST GROVE, OR 97116

900
10.70 AC.
900 PI

K. MARY T
TERALD
GARTH E
2239 SW L
PORTLAND

JERT M. LAWRENCE
LOTTE P. LAWRENCE
10 NW ROCK CREEK RD
PORTLAND, OR 97231-2408

1000
19.32 AC.
1000 PI

SEN SPEROFF TRUST
15001 NW SKYLINE BLVD
PORTLAND, OR 97231-2403

400
4.68 AC.
RONALD L. RICH JR
JENNIFER A. RICH
14700 NW ROCK CREEK RD
PORTLAND, OR 97231-2408

1100
\$00 AC.
JOHN L. JERSEY, II
14660 SW ROCK CREEK RD
PORTLAND, OR 97231-2408

DAVID O. LEECH
516 LONG TER
LEESVILLE, SC 29070

1000
20.25 AC.
1000 PI
CHARLES R. OIEN
ALVIN F. OIEN, JR
RONALD L. OIEN
P O BOX 3025
CLACKAMAS, OR 97015

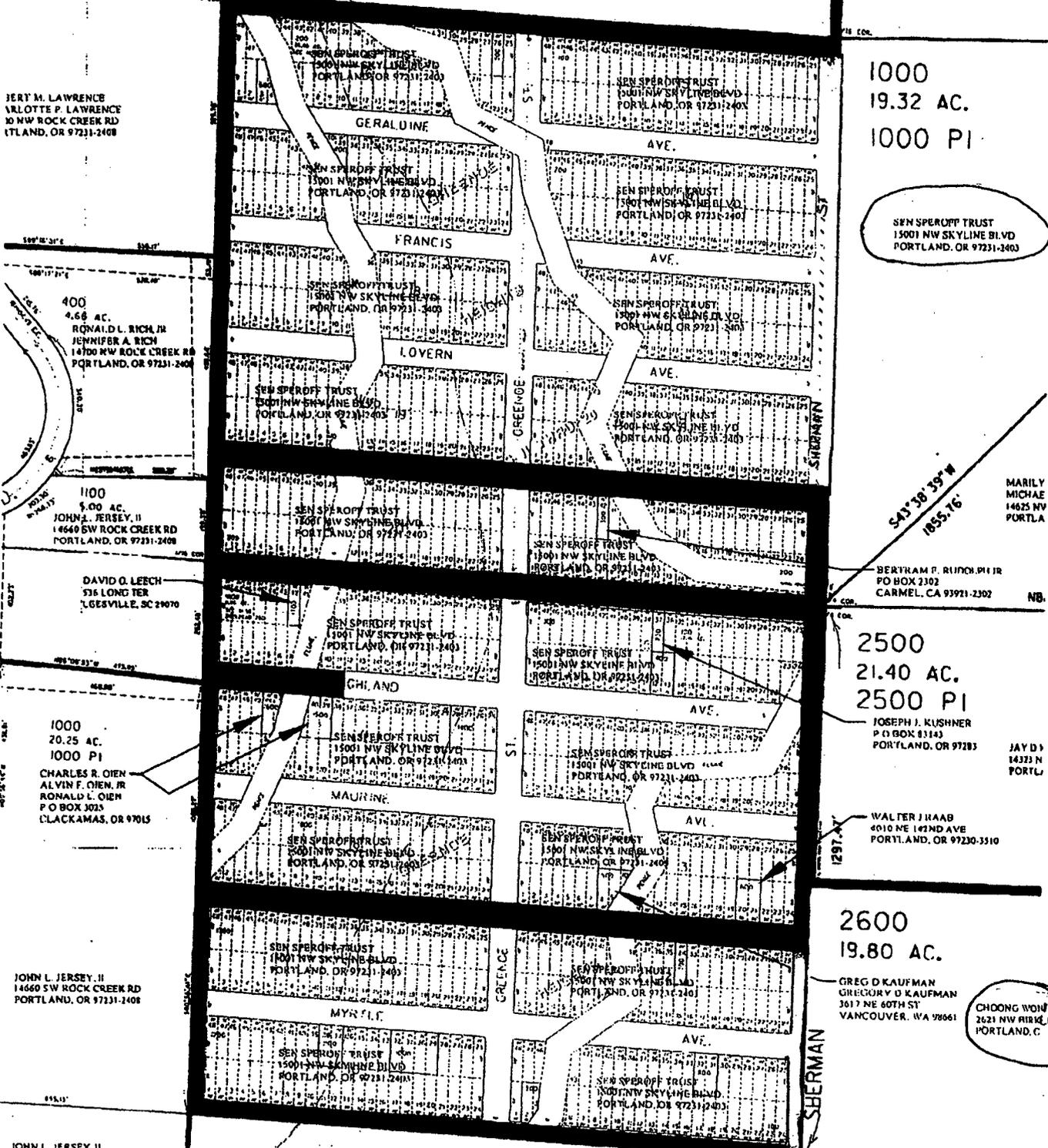
JOHN L. JERSEY, II
14660 SW ROCK CREEK RD
PORTLAND, OR 97231-2408

JOHN L. JERSEY, II
14660 SW ROCK CREEK RD
PORTLAND, OR 97231-2408

100 VANPORT MANUFACTURING INC
20.00 AC. PO BOX 91
BORING, OR 97009-0091

327.70' 327.70'
3000 2900

— roads & road segments petitioned for vacation
● roads & road segments not petitioned for vacation



BETHAM F. RUTHERFORD JR
PO BOX 3102
CARMEL, CA 95921-2302

2500
21.40 AC.
2500 PI

JOSEPH J. KUSHNER
P O BOX 83143
PORTLAND, OR 97233

JAY D
14323 N
PORTL

WALTER J HAAB
4010 NE 142ND AVE
PORTLAND, OR 97220-3510

2600
19.80 AC.

GREG D KAUFMAN
GREGORY D KAUFMAN
3017 NE 60TH ST
VANCOUVER, WA 98061

CHOONG WON CHUNG LEE
2623 NW RIVER ST
PORTLAND, OR

**Support Statement for the Vacation of Certain Public Roads
Situated in the Greenoe Heights Subdivision**

I, Sen Speroff, and an individual and as Trustee of the Sen Speroff Trust which is owner of private property abutting the public roads being proposed for vacation, do hereby acknowledge and consent to the proposed vacation of all public roads shown on the attached map, and being more particularly described in the Sen Speroff Road Vacation Petition.

Sen Speroff

Signature as an Individual &
as Trustee of the Sen Speroff Trust

sen speroff

Printed Name of Trustee of the
Sen Speroff Trust

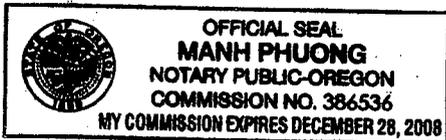
11-26-07

Date

The foregoing instrument was acknowledged before me this 26th day of November, 2007, by Sean Speroff, who is personally known to me or who has produced Oregon Driver License as identification.

[Signature]

Notary Public Signature



MANH PHUONG

Notary Public Printed Name

My commission expires: Dec 28, 2008

STEVEN R. GRANT TR
PAMELA H. GRANT TR
15490 NW ROCK CREEK RD
PORTLAND, OR 97231

MAJORIE MASON - 1/4
MARLENE LAWRENCE TR - 1/4
LINDA J. MUNSON - 1/2
PATRICIA NORGAAARD - 1/2
RONALD S. MUNSON - 1/2
DENNIS M. MUNSON - 1/2
DAVE M. MUNSON - 1/2
JANET L. HODGAUF - 1/2
4 DENNIS M. MUNSON
14499 NW PARSON RD
FOREST GROVE, OR 97114

900
10.70 AC.
900 PI

K. MARY TERRALD
GARTHME
2239 SW L
PORTLAND

JERT M. LAWRENCE
LOTTE P. LAWRENCE
10 NW ROCK CREEK RD
TILAND, OR 97231-2408

1000
19.32 AC.
1000 PI

SEN SPEROFF TRUST
15001 NW SKYLINE BLVD
PORTLAND, OR 97231-2403

400
4.66 AC.
RONALD L. RICH, JR
JENNIFER A. RICH
14700 NW ROCK CREEK RD
PORTLAND, OR 97231-2408

1100
9.00 AC.
JOHN L. JERSEY, II
14660 SW ROCK CREEK RD
PORTLAND, OR 97231-2408

DAVID G. LEECH
516 LONG TER
LEESVILLE, SC 29070

BERTHAM F. RINDO, III
PO BOX 2302
CARMEL, CA 93921-2302

2500
21.40 AC.
2500 PI

JOSEPH J. KUSHNER
P O BOX 83143
PORTLAND, OR 97283

JAY D
14321 N
PORTL

1000
20.25 AC.
1000 PI
CHARLES R. OIEN
ALVIN F. OIEN, JR
RONALD L. OIEN
P O BOX 3025
CLACKAMAS, OR 97015

WALTER J. RAAB
4010 NE 142ND AVE
PORTLAND, OR 97230-3510

2600
19.80 AC.

GREG D KAUFMAN
GREGORY D KAUFMAN
3617 NE 60TH ST
VANCOUVER, WA 98661

CHOONG HOON CHUNG LEE
2621 NW RIBKINDEN ST.
PORTLAND, O

JOHN L. JERSEY, II
14660 SW ROCK CREEK RD
PORTLAND, OR 97231-2408

JOHN L. JERSEY, II
14660 SW ROCK CREEK RD
PORTLAND, OR 97231-2408

100
20.00 AC.
VANPORT MANUFACTURING INC
PO BOX 97
BORING, OR 97009-0097

327.70'
3000
327.70
2900

— roads & road segments partitioned for vacation
● roads & road segments not partitioned for vacation

**Notarized Support of the Sen Speroff Trust Petition
to
Vacate Sherman Street**

I, the owner of land abutting the Greenoe Heights Sub-Division within Multnomah County support the Sen Speroff Trust's petition to Multnomah County to vacate the portion of Sherman Street that abuts my property.

I own the land abutting Greenoe Heights at the following location: 2N2W25 2600, Portland, Oregon 97231 in Multnomah County.

[Handwritten Signature]

Signature of Owner

Choong-won Chris Lee 4/23/07

Printed Name of Owner

Date

Signature of Owner

Printed Name of Owner

Date

The foregoing instrument was acknowledged before me this 23rd day of November, 2007 by Choong-won Chris Lee, who is personally known to me or who has produced Oregon Driver's License as identification.

[Handwritten Signature]

Notary Public Signature

Michelle B. Cabrera

Notary Public Printed Name

My commission expires: 04/17/11



STEVEN R. GRANT TR
PAMELA H. GRANT TR
15490 NW ROCK CREEK RD
PORTLAND, OR 97231

MAJORIE MASON - 1/4
MARLENE LAWRENCE 7/8-1/4
LINDA J. MUNSON - 1/2
PATRICIA NORGARD - 1/2
RONALD S. MUNSON - 1/2
DENNIS M. MUNSON - 1/2
DAVE M. MUNSON - 1/2
JANET L. HOBRUP - 1/2
% DENNIS M. MUNSON
14499 NW PARSON RD
FOREST GROVE, OR 97114

900
10.70 AC.
900 PI
K. MARY T
TERRALD
GARTH E
2239 SW L
PORTLAND

BERT M. LAWRENCE
LOTTE P. LAWRENCE
10 NW ROCK CREEK RD
TILAND, OR 97231-2408

1000
19.32 AC.
1000 PI

SEN SPEROFF TRUST
15001 NW SKYLINE BLVD
PORTLAND, OR 97231-2403

400
4.68 AC.
RONALD L. RICH, JR
JENNIFER A. RICH
14700 NW ROCK CREEK RD
PORTLAND, OR 97231-2408

543°38'35"W
1855.76'

MARLY
MICHAEL
14625 NW
PORTLAND

BERTHAM F. RINDO, III
PO BOX 2302
CARMEL, CA 93921-2302

1100
5.00 AC.
JOHN L. JERSEY, II
14660 SW ROCK CREEK RD
PORTLAND, OR 97231-2408

2500
21.40 AC.
2500 PI

JOSEPH J. KUSHNER
P O BOX 83143
PORTLAND, OR 97283

DAVID G. LEECH
534 LONG TER
LEESVILLE, SC 29070

WALTER J HAAB
4010 NE 142ND AVE
PORTLAND, OR 97230-3510

1000
20.25 AC.
1000 PI
CHARLES R. OIEN
ALVIN F. OIEN, JR
RONALD L. OIEN
P O BOX 3023
CLACKAMAS, OR 97015

2600
19.80 AC.

GREG D KAUFMAN
GREGORY D KAUFMAN
3617 NE 60TH ST
VANCOUVER, WA 98661

JOHN L. JERSEY, II
14660 SW ROCK CREEK RD
PORTLAND, OR 97231-2408

CHONG WONG
CHRIS LEE
2621 NW RINKHURST ST.
PORTLAND, OR

JOHN L. JERSEY, II
14660 SW ROCK CREEK RD
PORTLAND, OR 97231-2408

100
20.00 AC.
VANPORT MANUFACTURING INC
PO BOX 97
BORING, OR 97009-0097

327.70'
3000
327.70'
2900

— roads & road segments partitioned for vacation
● roads & road segments not partitioned for vacation

SECTION 26 T.2W. R.2W. W.M.
MULTNOMAH COUNTY

1" = 400'

23C

AS PREPARED FOR
PURPOSE ONLY

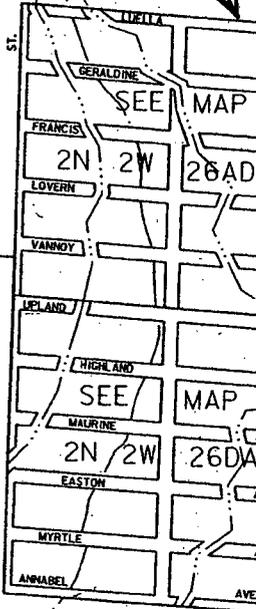
SECTION 25
MULTNOMAH COUNTY

SEE MAP 2N 2W 23D

SEE MAP 2N 2W 24C

*GREENOR
Heights
Subdivision (C)*

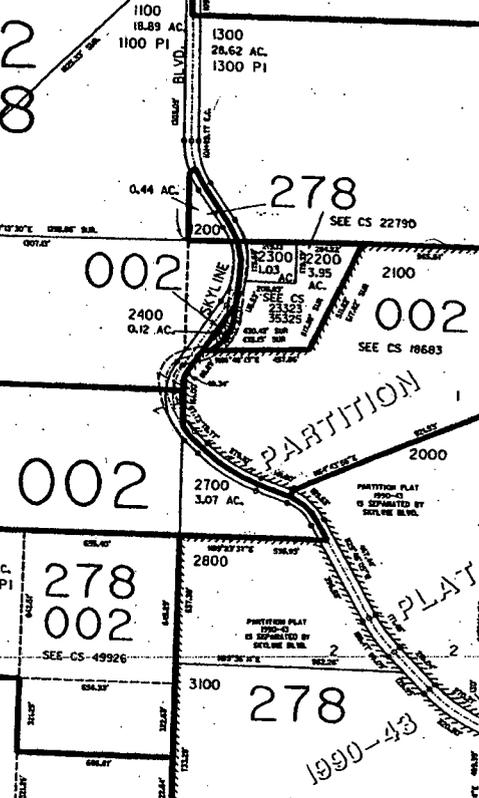
SEE MAP
2N 2W 26A



AP
26C

SEE MAP
2N 2W 26D

WASHINGTON COUNTY



SEE MAP 2N

EXHIBIT 2
Vicinity Map

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Vacating Certain Portions of Public Roads, Situated in the Greenoe Heights Subdivisions, Located in Unincorporated Northwest Multnomah County, Pursuant to ORS 368.326 to 368.366

The Multnomah County Board of Commissioners Finds:

- a. The public roads affected by this vacation were originally created by the GREENOE HEIGHTS subdivision plat, Blocks 1-10 recorded March 18, 1909, in Book 452, Page 8 and GREENOE HEIGHTS, Blocks 11-20 recorded March 30, 1909, in Book 452, Page 20. All portions of the public roads being proposed for vacation are unimproved.
- b. The portions of the public roads to be vacated are more particularly described in Exhibit A, attached to this Resolution, herein after referred to as: "the Property".
- c. Multnomah County does not maintain or have plans to develop the Property.
- d. Sen Speroff, the petitioner, has submitted a petition to vacate the Property, which is in compliance with ORS 368.341(3).
- e. As allowed under ORS 368.351, the above referenced petition:
 - contains the acknowledged signatures of owners of 100 percent of any private property proposed to be vacated and acknowledged signatures of owners of 100 percent of property abutting any public property proposed to be vacated; and
 - indicates the owners' approval of the proposed vacation.
- f. In addition, the appropriate County Road Official has filed a written report pursuant to ORS 368.351(1) that contains an assessment that the proposed vacation of the Property is in the public interest. (See Agenda Placement Request Memorandum.)
- g. Pursuant to ORS 368.351, the County may make a determination about this vacation without additional notice and publication required under ORS 368.346.
- h. The Property upon vacation will remain subject to the rights of any existing public utility that has improvements located within the existing right of way.
- i. As required under MCC 27.054, the County has received a total of \$1265.00 from the petitioners, of which \$200.00 applies to the feasibility study that was performed by the County. The remaining \$1065.00 will be applied to the vacation proceeding. The total costs for this vacation, including administrative

costs, are \$3603.28. Administrative costs include staff time for research, review, analyses, and document preparation. The balance owed by the petitioner at the date of this hearing is \$2338.28.

- j. Vacation of the County's right-of-way interest in the Property serves the public interest.

The Multnomah County Board of Commissioners Resolves:

1. Subject to the petitioner's payment of all funds due as provided under MCC 27.054, the portions of public roads as more particularly described in the attached Exhibit A, are vacated as public roads, excepting the easement rights any existing utilities may have in the vacated property under ORS Chapter 368.
2. Pursuant to MCC 27.054, the total cost for this vacation proceeding incurred by the County is \$3603.28, and Sen Speroff, the petitioner, is directed to pay the remaining amount of \$2338.28 to the County.
3. The Land Use and Transportation Program of the Department of Community Services will record and file this Resolution in accordance with ORS 368.356(3), only upon receipt of the total amount due under MCC 27.054.
4. Upon the recording and filing of this Resolution, the County Surveyor will mark the plat, if applicable, as provided under ORS 271.230.

ADOPTED this 13th day of December, 2007.

**BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

Ted Wheeler, Chair

REVIEWED:

**AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON**

By _____
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:
M. Cecilia Johnson, Director, Dept. of Community Services

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-187

Vacating Certain Portions of Public Roads, Situated in the Greenoe Heights Subdivisions, Located in Unincorporated Northwest Multnomah County, Pursuant to ORS 368.326 to 368.366

The Multnomah County Board of Commissioners Finds:

- a. The public roads affected by this vacation were originally created by the GREENOE HEIGHTS subdivision plat, Blocks 1-10 recorded March 18, 1909, in Book 452, Page 8 and GREENOE HEIGHTS, Blocks 11-20 recorded March 30, 1909, in Book 452, Page 20. All portions of the public roads being proposed for vacation are unimproved.
- b. The portions of the public roads to be vacated are more particularly described in Exhibit A, attached to this Resolution, herein after referred to as: "the Property".
- c. Multnomah County does not maintain or have plans to develop the Property.
- d. Sen Speroff, the petitioner, has submitted a petition to vacate the Property, which is in compliance with ORS 368.341(3).
- e. As allowed under ORS 368.351, the above referenced petition:
 - contains the acknowledged signatures of owners of 100 percent of any private property proposed to be vacated and acknowledged signatures of owners of 100 percent of property abutting any public property proposed to be vacated; and
 - indicates the owners' approval of the proposed vacation.
- f. In addition, the appropriate County Road Official has filed a written report pursuant to ORS 368.351(1) that contains an assessment that the proposed vacation of the Property is in the public interest. (See Agenda Placement Request Memorandum.)
- g. Pursuant to ORS 368.351, the County may make a determination about this vacation without additional notice and publication required under ORS 368.346.
- h. The Property upon vacation will remain subject to the rights of any existing public utility that has improvements located within the existing right of way.
- i. As required under MCC 27.054, the County has received a total of \$1265.00 from the petitioners, of which \$200.00 applies to the feasibility study that was performed by the County. The remaining \$1065.00 will be applied to the vacation proceeding. The total costs for this vacation, including administrative

costs, are \$3603.28. Administrative costs include staff time for research, review, analyses, and document preparation. The balance owed by the petitioner at the date of this hearing is \$2338.28.

- j. Vacation of the County's right-of-way interest in the Property serves the public interest.

The Multnomah County Board of Commissioners Resolves:

1. Subject to the petitioner's payment of all funds due as provided under MCC 27.054, the portions of public roads as more particularly described in the attached Exhibit A, are vacated as public roads, excepting the easement rights any existing utilities may have in the vacated property under ORS Chapter 368.
2. Pursuant to MCC 27.054, the total cost for this vacation proceeding incurred by the County is \$3603.28, and Sen Speroff, the petitioner, is directed to pay the remaining amount of \$2338.28 to the County.
3. The Land Use and Transportation Program of the Department of Community Services will record and file this Resolution in accordance with ORS 368.356(3), only upon receipt of the total amount due under MCC 27.054.
4. Upon the recording and filing of this Resolution, the County Surveyor will mark the plat, if applicable, as provided under ORS 271.230.

ADOPTED this 13th day of December, 2007.

**BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

Ted Wheeler, Chair

REVIEWED:

**AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON**

By _____
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:
M. Cecilia Johnson, Director, Dept. of Community Services

EXHIBIT A
Attachment A
Legal Description of Certain Public Roads Requested for Vacation
in the Greenoe Heights Subdivision
(revised 26 November 2007)
Job No. 4128VAC

LEGAL DESCRIPTION of STREET VACATION

A tract of land for Street Vacation purposes being those certain portions of roadway as dedicated on the Plat of GREENOE HEIGHTS Blocks 1-10, Book 452, Page 8, recorded 3/18/1909, and GREENOE HEIGHTS Blocks 11-20, Book 452, Page 20, recorded 3/30/1909, in Multnomah County Plat records, a duly recorded subdivision, in the Northeast 1/4 and the Southeast 1/4 of Section 26, Township 2 North, Range 2 West of the Willamette Meridian, County of Multnomah and State of Oregon, being more particularly described as follows:

All of Geraldine Avenue;

all of Francis Avenue;

all of Lovern Avenue;

that portion of Highland Avenue lying between the Northerly extension of the East line of Lot 38, Block 7, GREENOE HEIGHTS, and the Westerly right of way line of Sherman Street;

all of Maurine Avenue;

all of Myrtle Avenue;

that portion of Greenoe Street lying between the Southerly right of way line of Luella Avenue and the Northerly right of way line of Vannoy Avenue;

that portion of Greenoe Street lying between the Southerly right of way line of Vannoy Avenue and the Northerly right of way line of Upland Avenue;

that portion of Greenoe Street lying between the Southerly right of way line of Upland Avenue and the Northerly right of way line of Easton Avenue ;

that portion of Greenoe Street lying between the Southerly right of way line of Easton Avenue and the Northerly right of way line of Annabel Avenue ;

that portion of Sherman Street lying between the Southerly right of way line of Luella Avenue and the Northerly right of way line of Vannoy Avenue;

that portion of Sherman Street lying between the Southerly right of way line of Easton Avenue and the Northerly right of way line of Annabel Avenue.

EXHIBIT A

pg. 2 of 2

STEVEN K. GRANT TR
PAMELA H. GRANT TR
15490 NW ROCK CREEK RD
PORTLAND, OR 97231

MAJORIE MASON 1/4
MARLENE LAWRENCE TR 1/4
LINDA I. MUNSON 1/12
PATRICIA NORGAARD 1/12
RONALD S. MUNSON 1/12
DENNIS M. MUNSON 1/12
DAVE M. MUNSON 1/12
JANET L. HOBRAUF 1/12
DENNIS M. MUNSON
14490 NW PARSON RD
FOREST GROVE, OR 97116

900
10.70 AC.
900 PI

K. MARY
TERRALD
GARTH E
2239 SW L
PORTLAND

JERT M. LAWRENCE
18LOTTE P. LAWRENCE
10 NW ROCK CREEK RD
T LAND, OR 97231-1408

1000
19.32 AC.
1000 PI

SEN SPEROFF TRUST
15001 NW SKYLINE BLVD
PORTLAND, OR 97231-2403

400
4.66 AC.
RONALD L. RICH, II
JENNIFER A. RICH
14700 NW ROCK CREEK RD
PORTLAND, OR 97231-2403

GREENOE

1100
5.00 AC.
JOHN L. JERSEY, II
14660 SW ROCK CREEK RD
PORTLAND, OR 97231-2408

S43°38'39"W
1855.76'

MARILY
MICHAEL
14425 NW
PORTLA

DAVID O. LEECH
536 LONG TER
7685VILLE, SC 29070

BERTHAM F. RIMCO, III R
PO BOX 2302
CARMEL, CA 93921-2302

1000
20.25 AC.
1000 PI
CHARLES R. OIEN
ALVIN F. OIEN, JR
RONALD C. OIEN
P O BOX 3023
CLACKAMAS, OR 97015

2500
21.40 AC.
2500 PI

JOSEPH J. KUSHNER
P O BOX 43143
PORTLAND, OR 97283

JAY D
14321 N
PORTL.

JOHN L. JERSEY, II
14660 SW ROCK CREEK RD
PORTLAND, OR 97231-2408

WALTER J HAAP
4010 NE 142ND AVE
PORTLAND, OR 97230-3510

2600
19.80 AC.

GREG D KAUFMAN
GREGORY D KAUFMAN
3617 NE 80TH ST
VANCOUVER, WA 98661

CHONG WOO CHUNG LEE
2621 NW RINEHENDERS ST.
PORTLAND, C

JOHN L. JERSEY, II
14660 SW ROCK CREEK RD
PORTLAND, OR 97231-2408

100
20.00 AC.
VANPORT MANUFACTURING INC
PO BOX V1
BORING, OR 97009-0097

327.70'
3000
327.70'
2900

— roads & road segments petitioned for vacation
● roads & road segments not petitioned for vacation

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

RESOLUTION NO. 07-187

Vacating Certain Portions of Public Roads, Situated in the Greenoe Heights Subdivisions, Located in Unincorporated Northwest Multnomah County, Pursuant to ORS 368.326 to 368.366

The Multnomah County Board of Commissioners Finds:

- a. The public roads affected by this vacation were originally created by the GREENOE HEIGHTS subdivision plat, Blocks 1-10 recorded March 18, 1909, in Book 452, Page 8 and GREENOE HEIGHTS, Blocks 11-20 recorded March 30, 1909, in Book 452, Page 20. All portions of the public roads being proposed for vacation are unimproved.
- b. The portions of the public roads to be vacated are more particularly described in Exhibit A, attached to this Resolution, herein after referred to as: "the Property".
- c. Multnomah County does not maintain or have plans to develop the Property.
- d. Sen Speroff, the petitioner, has submitted a petition to vacate the Property, which is in compliance with ORS 368.341(3).
- e. As allowed under ORS 368.351, the above referenced petition:
 - contains the acknowledged signatures of owners of 100 percent of any private property proposed to be vacated and acknowledged signatures of owners of 100 percent of property abutting any public property proposed to be vacated; and
 - indicates the owners' approval of the proposed vacation.
- f. In addition, the appropriate County Road Official has filed a written report pursuant to ORS 368.351(1) that contains an assessment that the proposed vacation of the Property is in the public interest. (See Agenda Placement Request Memorandum.)
- g. Pursuant to ORS 368.351, the County may make a determination about this vacation without additional notice and publication required under ORS 368.346.
- h. The Property upon vacation will remain subject to the rights of any existing public utility that has improvements located within the existing right of way.
- i. As required under MCC 27.054, the County has received a total of \$1265.00 from the petitioners, of which \$200.00 applies to the feasibility study that was performed by the County. The remaining \$1065.00 will be applied to the vacation proceeding. The total costs for this vacation, including administrative

costs, are \$3603.28. Administrative costs include staff time for research, review, analyses, and document preparation. The balance owed by the petitioner at the date of this hearing is \$2338.28.

- j. Vacation of the County's right-of-way interest in the Property serves the public interest.

The Multnomah County Board of Commissioners Resolves:

1. Subject to the petitioner's payment of all funds due as provided under MCC 27.054, the portions of public roads as more particularly described in the attached Exhibit A, are vacated as public roads, excepting the easement rights any existing utilities may have in the vacated property under ORS Chapter 368.
2. Pursuant to MCC 27.054, the total cost for this vacation proceeding incurred by the County is \$3603.28, and Sen Speroff, the petitioner, is directed to pay the remaining amount of \$2338.28 to the County.
3. The Land Use and Transportation Program of the Department of Community Services will record and file this Resolution in accordance with ORS 368.356(3), only upon receipt of the total amount due under MCC 27.054.
4. Upon the recording and filing of this Resolution, the County Surveyor will mark the plat, if applicable, as provided under ORS 271.230.

ADOPTED this 13th day of December, 2007.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:
M. Cecilia Johnson, Director, Dept. of Community Services

EXHIBIT A
Attachment A
Legal Description of Certain Public Roads Requested for Vacation
in the Greenoe Heights Subdivision
(revised 26 November 2007)
Job No. 4128VAC

LEGAL DESCRIPTION of STREET VACATION

A tract of land for Street Vacation purposes being those certain portions of roadway as dedicated on the Plat of GREENOE HEIGHTS Blocks 1-10, Book 452, Page 8, recorded 3/18/1909, and GREENOE HEIGHTS Blocks 11-20, Book 452, Page 20, recorded 3/30/1909, in Multnomah County Plat records, a duly recorded subdivision, in the Northeast 1/4 and the Southeast 1/4 of Section 26, Township 2 North, Range 2 West of the Willamette Meridian, County of Multnomah and State of Oregon, being more particularly described as follows:

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all of Francis Avenue;

all of Lovern Avenue;

that portion of Highland Avenue lying between the Northerly extension of the East line of Lot 38, Block 7, GREENOE HEIGHTS, and the Westerly right of way line of Sherman Street;

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all of Myrtle Avenue;

that portion of Greenoe Street lying between the Southerly right of way line of Luella Avenue and the Northerly right of way line of Vannoy Avenue;

that portion of Greenoe Street lying between the Southerly right of way line of Vannoy Avenue and the Northerly right of way line of Upland Avenue;

that portion of Greenoe Street lying between the Southerly right of way line of Upland Avenue and the Northerly right of way line of Easton Avenue ;

that portion of Greenoe Street lying between the Southerly right of way line of Easton Avenue and the Northerly right of way line of Annabel Avenue ;

that portion of Sherman Street lying between the Southerly right of way line of Luella Avenue and the Northerly right of way line of Vannoy Avenue;

that portion of Sherman Street lying between the Southerly right of way line of Easton Avenue and the Northerly right of way line of Annabel Avenue.

Attachment B

Job # 4128VAC

EXHIBIT A

pg. 2 of 2

MAJORIE MASON - 1A
MARLENE LAWRENCE TR- 1A
LINDA T. MUNSON - 1/2
PATRICIA NORGAARD - 1/12
RONALD S. MUNSON - 1/12
DENNIS M. MUNSON - 1/12
DAVE M. MUNSON - 1/12
JANEY L. HOERLUF - 1/12
W DENNIS M. MUNSON
16499 NW PARSON RD
FOREST GROVE, OR 97116

900
10.70 AC.
900 PI
K. MARY T
TERRALD
DARTHE E
2329 SW L
PORTLAND

1000
19.32 AC.
1000 PI

SEN SPEROFF TRUST
1501 NW SKYLINE BLVD
PORTLAND, OR 97211-3403

STEVEN R. GRANT TR
PAMELA M. GRANT TR
15490 NW ROCK CREEK RD
PORTLAND, OR 97231

FERT M. LAWRENCE
19107 S. LAWRENCE
10 NW ROCK CREEK RD
ITLAND, OR 97231-3408

400
4.66 AC.
RONALD L. BICKLIR
KENNETH A. BICKLIR
11780 NW ROCK CREEK RD
PORTLAND, OR 97231-3408

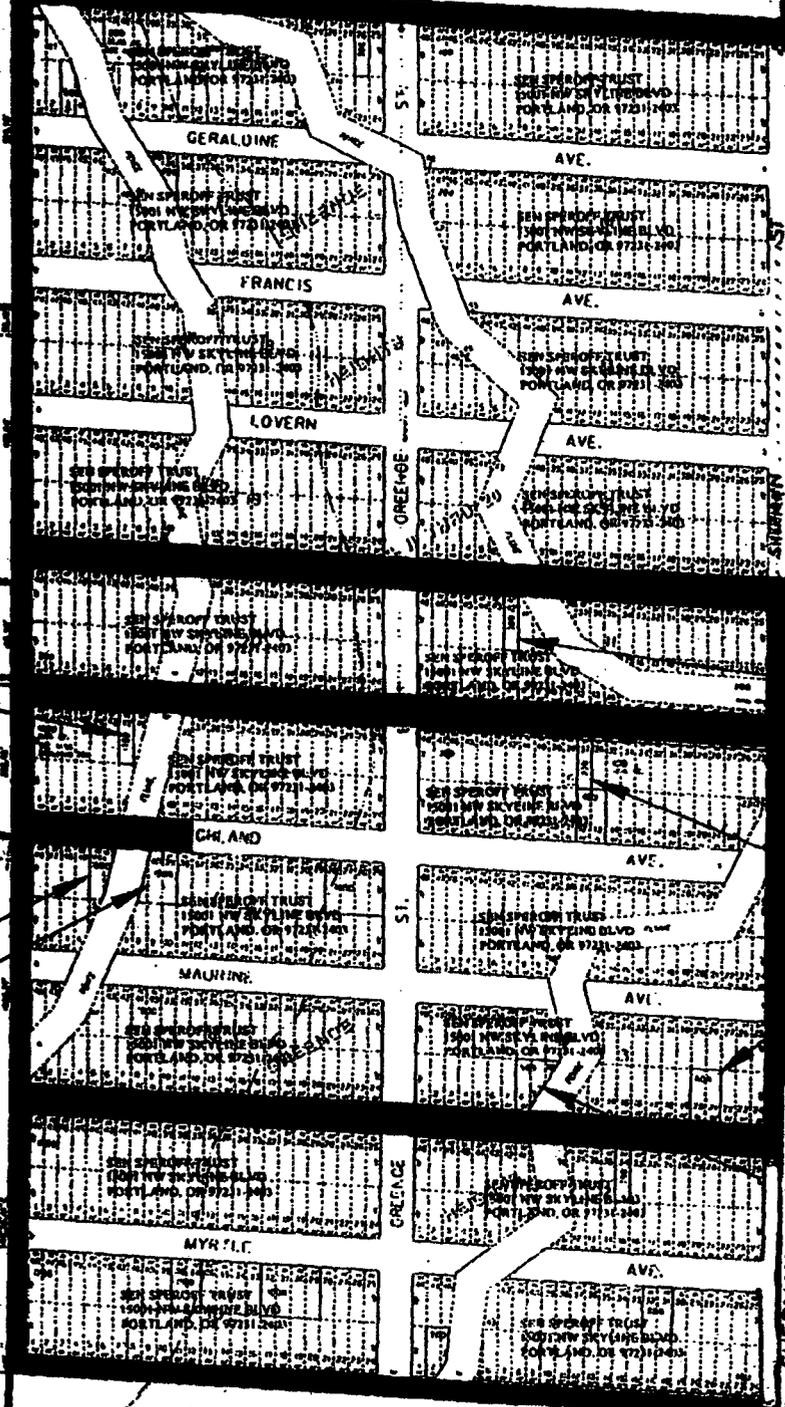
1100
5.00 AC.
JOHN L. JERSEY, II
16660 SW ROCK CREEK RD
PORTLAND, OR 97231-3408

DAVID G. LEECH
134 LONG TER
1,625VILLE, NC 27699

1000
20.25 AC.
1000 PI
CHARLES R. OREN
ALVIN F. OREN, JR
RONALD L. OREN
P O BOX 823
CLACKAMAS, OR 97015

JOHN L. JERSEY, II
16660 SW ROCK CREEK RD
PORTLAND, OR 97231-3408

JOHN L. JERSEY, II
16660 SW ROCK CREEK RD
PORTLAND, OR 97231-3408



343' 10" SW 1/4
1855-176

MARLY
MICHAEL
14625 NW
PORTLA

BERTHAM P. BIRCH, JR
PO BOX 2382
CARMEL, CA 93921-2382

2500
21.40 AC.
2500 PI
JOSEPH J. KUSHNER
P O BOX 63143
PORTLAND, OR 97211

JAY D
MAJIN
PORTL

WALTER J. RAAB
4010 NE 121ST AVE
PORTLAND, OR 97230-3510

2600
19.80 AC.

GREG D KAUFMAN
GREGORY O KAUFMAN
2617 NE 40TH ST
VANCOUVER, WA 98661

CHONG WONG
CHRIS LEE
2321 NW RIVERLAND ST
PORTLAND, OR

100
20.00 AC.
VANPORT MANUFACTURING INC
PO BOX 9/
BORING, OR 97004-0009

327.70'
3000
327.70'
2900

— roads & road segments petitioned for vacation
● roads & road segments not petitioned for vacation



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 12/13/07
 Agenda Item #: R-4
 Est. Start Time: 9:40 AM
 Date Submitted: 12/05/07

Agenda Title: Approval of Multnomah / Washington County Regional Investment Board Six Year Plan

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

Requested Meeting Date: December 13, 2007 Amount of Time Needed: 10 Minutes
 Department: Non-Departmental Division: Chair's Office
 Contact(s): Peggidy Coffman Yates
 Phone: 503.988.4878 Ext. 84878 I/O Address: 600
 Presenter(s): Mary McArthur, Roy Jay, Peggidy Yates

General Information

1. What action are you requesting from the Board?

Approval of the Multnomah / Washington County Regional Investment Board's Six Year Strategic Plan.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

The Multnomah-Washington Regional Investment Board was formed by Intergovernmental Agreement in 2000 in response to the Oregon Economic and Community Development Department Regional/Rural Investment lottery funds. To receive funds from these programs, counties had to partner into regions and develop a Regional Strategy demonstrating how the funds would be spent to retain and expand businesses in the two-county area. The Multnomah-Washington RIB views its mission and goals as a subset of the vision and strategies of the metropolitan areas Regional Business Plan. Since 2003 the Multnomah-Washington RIB has worked with the Regional Partners on the three strategic areas

- Regional Partners business recruitment/expansion
- Multnomah and Washington counties small business development
- Rural business retention and expansion

The Multnomah-Washington RIB Six-Year Plan continues the policy of allocating 50% of its funding to Regional Partners and 50% to supporting small business development in distressed areas and rural communities. From 2003-2007, the Multnomah-Washington RIB has accomplished the following:

- The \$1.4 million in Regional/Rural Investment fund has resulted in the creation and retention of 1,030 jobs.
- Leveraged an additional \$20 million investment into the two counties.
- Assisted over 25 small businesses in expanding their operations.
- 12% of the funds have benefited businesses or residents living outside the Urban Growth Boundary.

In February 2006, the respective county commissioners approved the Multnomah-Washington RIB 2005-2007 Strategic Plan. A year later both county commissions approved an amendment to the Strategic Plan assisting small businesses with their expansion efforts.

The 2007-2012 (Six Year) Regional Plan effectively continues the same strategies in the 2005-2007 Plan, with the following updates:

- Incorporates the metropolitan Portland Regional Business Plan framework and background into the RIB's targeted business development strategy.
- Adds background information on the Regional Investment Board members.
- Defines job creation, retention, leverage funds and performance measurements

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

There is no fiscal impact in the current year or ongoing.

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

As an ORS 190, the RIB is a public entity requiring all the public processes such as public budget, public audit, public meeting law, public official ethics, etc. County Commissioners are responsible for appointing Board members.

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

The Washington County Board of Commissioners approved the Multnomah-Washington RIB Six Year Plan on November 20, 2007.

Required Signature

Elected Official or
Department/
Agency Director:



Date: 12/05/07



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 12/13/07
Agenda Item #: R-5
Est. Start Time: 9:45 AM
Date Submitted: 12/03/07

Agenda Title: Siting a New Multnomah County Branch Library in Troutdale

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

Requested Meeting Date: December 13, 2007 **Amount of Time Needed:** 20 minutes
Department: Non-Departmental **Division:** Commissioner District 4
Contact(s): Tom Mack, Commissioner Lonnie Roberts' Office
Phone: (503) 988-5213 **Ext.** 26234 **I/O Address:** 503/6
Presenter(s): Molly Raphael, Department of Libraries

General Information

1. What action are you requesting from the Board?

Direct Department of Libraries and Facilities and Property Management Division staff to proceed with lease negotiations with representatives for properties in Troutdale.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

Planning for new libraries in North Portland and Troutdale began in 1999, although new branches were not specified in the 1997 or 2002 levy language. The County's previous siting process in both areas ended in 2003, due to County budget cuts. Measure No. 26-81, passed by voters in 2006, specifically calls for new libraries in North Portland and Troutdale. Current fiscal year Program Offer #80022, "Troutdale Neighborhood Library," is a one-time request for siting a leased space for a library, constructing tenant improvements, purchasing computers and peripherals, and building the opening day collection. Funding for operations beginning mid-year 2009 is included in the 2006 levy rate.

At the end of the public siting process, three sites have been identified: two in the downtown area (the Discovery Block on the Historic Columbia River Hwy. and Dora St.; the Gateway Corner of 257th and Columbia River Hwy), and the third in the former Lamb's Thriftway Store in the

Troutdale Marketplace, on the corner of Stark and Troutdale Rd.) There are positives and negatives associated with each of these sites.

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

\$1.58 million is budgeted during the current fiscal year. Funding for operating the new library beginning mid-year 2009 is included in the 2006 levy rate.

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

Measure No. 26-81 "Renew Five-Year Local Option Levy to Continue Library Services," passed by voters in the November 2006 General Election. The levy language reads, "Continue programs for school age children, story hours for babies and toddlers, summer reading, literacy services for children in child care, programs for teens; Help teachers and students use library resources; provide homework helpers to assist children with school work; Maintain free access to information; Update books and materials; Continue books delivery to homebound seniors and nursing home residents; **Open planned libraries in underserved neighborhoods of East County and North Portland;** Keep libraries open; Maintain current hours and services at Central and neighborhood libraries."

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

Planning for a new North Portland-area library began in 2001, with a series of meetings with Troutdale community leaders. Before a formal siting process was under way and potential sites had been identified, County budget cuts ended the process.

After the passage of Measure 26-81 in November 2006, Commissioner Lonnie Roberts with Library staff and community leaders to outline a process for siting a new library in Troutdale. Community leaders recommended a group of neighborhood residents to serve as the Troutdale Siting Committee, and the Committee was appointed by Commissioner Roberts. The Committee met four times: January 29, May 21, July 30, and September 17. Committee members suggested potential sites, and additional sites were identified through as a result of an Request for Information issued February 22, 2007. Altogether, over ten sites were identified and investigated, and all but three eliminated because they either did not meet the Library's requirements or there was no owner/developer interest in developing the property. A community-wide public meeting to get input on the three potential sites was held on October 29, with more than 70 people attending. In addition, members of the public were invited to send comments to Commissioner Roberts' Office and/or Multnomah County Library.

We recommend beginning formal lease negotiations with representatives of at least two of the Troutdale sites.

Required Signature

**Elected Official or
Department/
Agency Director:**



Date: 12/03/2007



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 12/13/07
Agenda Item #: R-6
Est. Start Time: 10:00 AM
Date Submitted: 12/05/07

Agenda Title: Siting a New Multnomah County Library Branch in North Portland

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

Requested Meeting Date: December 13, 2007 **Amount of Time Needed:** 30 minutes
Department: Non-Departmental **Division:** Commissioner District 2
Contact(s): Karol Collymore
Phone: (503) 988-6786 **Ext.** 86786 **I/O Address:** 503/6
Presenter(s): Molly Raphael, Department of Libraries

General Information

1. What action are you requesting from the Board?

Direct Department of Libraries and Facilities and Property Management Division staff to proceed with lease negotiations with representatives for three for properties in the Kenton neighborhood of North Portland.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

Planning for new libraries in North Portland and Troutdale began in 1999, although new branches were not specified in the 1997 or 2002 levy language. The County's previous siting process in North Portland ended in 2003, due to County budget cuts. Measure No. 26-81, passed by voters in 2006, specifically calls for new libraries in North Portland and Troutdale. Current fiscal year Program Offer #80023, "New NoPo Neighborhood Library," is a one-time request for siting a leased space for a library, constructing tenant improvements, purchasing computers and peripherals, and building the opening day collection. Funding for operations beginning mid-year 2009 is included in the 2006 levy rate.

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

\$1.58 million is budgeted during the current fiscal year. Funding for operating the new library

beginning mid-year 2009 is included in the 2006 levy rate.

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

Measure No. 26-81 "Renew Five-Year Local Option Levy to Continue Library Services," passed by voters in the November 2006 General Election. The levy language reads, "Continue programs for school age children, story hours for babies and toddlers, summer reading, literacy services for children in child care, programs for teens; Help teachers and students use library resources; provide homework helpers to assist children with school work; Maintain free access to information; Update books and materials; Continue books delivery to homebound seniors and nursing home residents; **Open planned libraries in underserved neighborhoods of East County and North Portland;** Keep libraries open; Maintain current hours and services at Central and neighborhood libraries."

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

Planning for a new North Portland-area library began in 1999. During that siting process, three well-attended public meetings to gather input on the 18 sites under consideration were held. Although the Board voted on a site in the New Columbia development early in 2003, County budget cuts ended the process. At this point, property in New Columbia is not available for a library.

After the passage of Measure 26-81 in November 2006, Commissioner Jeff Cogen began informal community meetings with his constituents to hear their suggestions and concerns. One item that was frequently discussed was the new library. After County staff investigated the sites suggested by members of the community plus others identified as a result of a Request for Information issued May 22, 2007, there were three public meetings specifically designated to get input on the four possible sites that met the Library's requirements. These meetings were held September 20, October 11, and November 13, 2007. In addition, members of the public were invited to send comments to Commissioner Cogen's Office and/or Multnomah County Library. Almost all of the public input received favored siting the library on one of the three sites in the Kenton neighborhood, but there was no strong preference for any specific site.

We recommend beginning formal lease negotiations with the three Kenton area properties: Craig Osbeck, Owner and Developer of an existing building located at 8226 N Denver property; Mark DeLapp, River City Co., Developer of mixed-use apartments/retail space located at N. Willis and N. Brandon; and Jillian Detweiler, Tri-Met Owner Representative for a mixed-use development parcel located at 2133 N. Argyle.

Required Signature

**Elected Official or
Department/
Agency Director:**



Date: 12/05/07



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 12/13/07
Agenda Item #: R-7
Est. Start Time: 10:20 AM
Date Submitted: 11/28/07

Agenda Title: **First Reading of a Proposed Ordinance Amending Multnomah County Code, Chapter 12, Business Income Tax**

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

Requested Meeting Date: December 13, 2007 **Amount of Time Needed:** 5 Minutes
Department: Non-Departmental **Division:** Commissioner District 2
Contact(s): Warren Fish, Jeff Cogen
Phone: 503.988.5219 **Ext.** 85219 **I/O Address:** 503/600
Presenter(s): Warren Fish, Mark Campbell

General Information

1. What action are you requesting from the Board?

We are requesting that the Board approve the first reading of an ordinance which amends the County Code related to the Business Income Tax (BIT). If approved, the second reading is scheduled to take place on December 20, 2007.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

In April, 2007 the Board of County Commissioners unanimously approved resolution 07-054 which implemented recommendations made by the BIT Workgroup. That group concluded the current tax structure in Multnomah County:

- unfairly burdens certain types of businesses;
- weakens our County's economic competitiveness; and
- is unduly volatile as a source of revenue to the County.

The BIT Workgroup recommended that the County BIT code align closely with changes that have already been made to the City of Portland's Business License Fee (BLF) code.

The ordinance being considered by the Board will implement the code changes outlined in resolution 07-054 as well as provide some minor "housekeeping" and language changes which are meant to ensure compliance with the City code. The three major changes being brought forward at this time are:

- increasing the Owner's Compensation allowance from \$61,500 to \$80,000 for tax years beginning January 1, 2008. The allowance will be indexed for inflation in future years.
- increasing the Gross Receipts Exemption from \$25,000 to \$50,000 for tax years beginning January 1, 2008; and
- implementing a minimum tax payment of \$100 for tax years beginning January 1, 2008.

In addition, the City of Portland has suggested some language changes related to administration of the BIT that are designed to clarify definitions and updated wording so that it is consistent between the two respective codes. These are detailed in the document titled "Chapter 12 MCBIT Code Change Summary" that is included with the agenda materials.

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

Based on 2004 tax data it is estimated that aligning the BIT code with the City of Portland's BLF code will have a slightly negative impact on County General Fund revenues. Had the code changes related to the Owner's Compensation Allowance, Gross Receipts Exemption, and Minimum Tax Payment been in place in that year it is estimated that BIT revenues would have been approximately \$700,000 lower than actual collections. However, it is important to note that the addition of a minimum payment will help somewhat to stabilize the BIT and will provide for greater predictability in forecasting annual tax collections.

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

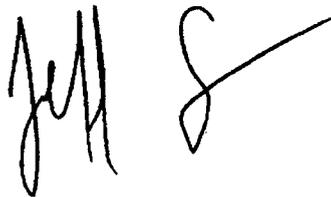
Code changes have been reviewed by the County Attorney and were found to be consistent with the existing City of Portland BLF code.

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

The Board convened a BIT Workgroup in March specifically to examine the Business License Fee reforms adopted by the City of Portland. The group was comprised of a wide variety of business interests and other community stakeholders. The City of Portland's Revenue Bureau has been instrumental in assisting with drafting the code changes and ensuring that the respective BIT/BLF codes are as consistent as possible.

Required Signature

**Elected Official or
Department/
Agency Director:**



Date: 11/26/07

The proposed changes to the Business Income Tax Code accomplish the following:

- Inserts new subsections and paragraphs, and subsequent renumbering.
- Modifies language i.e. Bureau of Licenses changed to Revenue Bureau.
- Clarifies existing code content (referred to as "housekeeping changes").

12.100 adds the definition of "DAY".

DAY means a calendar day unless otherwise noted.

12.230 (D) inserts new paragraph to allow release of information to an outside collection agency for the purposes of collection of unpaid balances due to the County.

(D) The assignment to an outside collection agency of any unpaid account balance receivable provided that the Division or Administrator notifies the taxfiler of the unpaid balance at least 60 days prior to the assignment of the claim. Any assignment to an outside collection agency is subject to a reasonable collection fee, above and beyond any amount owed to the County.

12.240 (C) (2) inserts new paragraph to include the City Attorney (and others) to the list of entities to whom information may be furnished.

(2) The City Attorney, his or her assistants and employees, or other legal representatives of the City, to the extent the Administrator deems disclosure or access necessary for the performance of the duties of advising or representing the Administrator, including but not limited to instituting legal actions on unpaid accounts.

12.240 (C) (4) inserts new paragraph to include others within the City of Portland to aid in the collection of unpaid accounts and ensure compliance by all those seeking to do business with the City.

(4) City of Portland employees, agents and officials of the City, to the extent the Administrator deems disclosure or access necessary for such employees, agents or officials to (i) aid in any legal collection effort on unpaid accounts, (ii) perform their duties under contracts or agreements between the Administrator and any other department, bureau, agency or subdivision of the City relating to the administration of the Business Income Tax Law, or (iii) aid in determining whether a Business Income Tax account is in compliance with all City, State and Federal laws or policies

12.260 (A) (4) inserts new paragraph requiring the property manager of a property owned by a tenants-in-common to provide financial and personal information about the owners.

(4) Require the property manager of a tenant-in-common arrangement to provide financial information related to the arrangement as well as information regarding the owners, including, but not limited to, the name and last known addresses of the owners.

12.280 (C) is a new paragraph & subsections referring to non-acceptance of returns when said taxfiler has had legal actions taken against them.

(C) Notwithstanding subsections A and B, the Administrator is not required to accept any tax return from a taxfiler if:

- (1) The Administrator obtains a money judgment against the taxfiler for failure to pay an unpaid account balance due; and
- (2) The Administrator or its designee lawfully served the taxfiler with the lawsuit pursuant to the Oregon Rules of Civil Procedure; and
- (3) The tax return is for a taxable year that is the subject of the general money judgment; and
- (4) The Administrator gave written notice stating that the taxfiler had an outstanding balance due at least 60 days before the Administrator (or its designee) filed a lawsuit for those particular taxable years.

12.290 (I) inserts new paragraph that specifically excludes penalty waiver and/or reduction requests from the formal appeals process.

(I) Penalty waiver and/or reduction requests are not subject to the protest/appeal process until the taxfiler receives written notice from the Administrator that the taxfiler's request was either denied or only approved in part. The Administrator shall respond to requests to reduce and/or waive late and/or underpayment penalties within 60 days from the date that the written request is received by the Administrator.

12.400 (C) is modified to adjust the gross receipts exemption from \$25,000.00 to \$50,000.00 effective on tax years beginning January 1, 2008. *[This adjustment results in alignment with City Code from January 1, 2008 forward].*

(C) Persons whose gross receipts from all business, both within and without the county, amounts to less than \$50,000 for tax years beginning January 1, 2008 (\$25,000 for tax years that begin prior to January 1, 2007). The Administrator may demand a statement that the person's gross receipts for any tax year were less than the stated exemption amount for the tax year for which exemption is claimed.

12.400 (F) is modified to clarify the law as it applies to the rental property exemption.

(F) Any individual whose only business transactions are exclusively limited to the renting or leasing of residential real property dwelling units provided that the beneficial owner rents or leases less than ten total units, regardless of whether they are located inside or outside of the County limits. For purposes of this subsection, payments to foster care and other service providers shall be considered payments for "services" and not for "rent". If a building contains more than one residential living quarter, the term "dwelling unit" refers to each separate living quarter. This exemption does not apply if any income is recognized from the sale of residential property.

12.400 (G) inserts new paragraph clarifying what incomes of an individual are not subject to the tax.

(G) The following incomes of an individual:

1. Income from sales, exchanges or involuntary conversions of a primary or secondary residence;
2. Income from the sale of personal property acquired for household or other personal use by the seller;
3. Income from interest and dividend income earned from investments, if the income is not created in the course of or related to the taxfiler's business activities; and
4. Income from gains and losses incurred from the sale of investments (other than real property) that are not a part of a business.

12.500 (A) is modified to adopt a minimum tax.

(A) Except as otherwise provided in this chapter, a tax is imposed upon each person doing business within the county equal to 1.45% of the net income from the business within the county effective with tax years beginning on or after January 1, 1993. For tax years beginning on or after January 1, 2008 each taxfiler not otherwise exempt shall determine their tax at the rate established in this section, provided that each shall pay at least a minimum tax of \$100.00.

12.550 (C) & (D) insert new paragraphs clarifying assessments of presumptive taxes.

~~(C) If the taxfiler filed either a tax return or a renewal return the previous tax year, then presumptive taxes assessed under this subsection shall be considered a renewal return. Presumptive taxes assessed under this subsection shall be considered filed documents and shall be subject to the time limitations for deficiencies and refunds as described in subsection 12.280.~~

~~(C) If the taxfiler filed either a tax return the previous tax year, then presumptive taxes assessed under this subsection shall be considered a renewal return. Presumptive taxes assessed under this subsection shall be considered filed documents and shall be subject to the time limitations for deficiencies and refunds as described in subsection 12.280.~~

(C) If the taxfiler filed either a tax return or a renewal return the previous tax year, then presumptive taxes assessed under this subsection shall be considered a renewal tax return. Presumptive taxes assessed under this subsection shall be considered filed documents and shall be subject to the time limitations for deficiencies and refunds as described in subsection 12.280.

(D) Taxes determined under this subsection shall be assessed and subject to penalties and interest from the date the taxes should have been paid as provided in subsection 12.5.10 in accordance with subsections 12.700 and 12.710. The Administrator shall send notice of the determination and assessment to the person doing business in the County.

12.600 (A) is modified to align with City code as it pertains to the owner's compensation deduction, effective for tax years beginning on or after January 1, 2008. *[With this language modification, both County tax law and City code will be in alignment from January 1, 2008 forward].*

(A) *Owners compensation deduction. OWNERS COMPENSATION DEDUCTION* is defined as the additional deduction allowed in subsections (B), (C) and (D) below. For tax years beginning prior to January 1, 1999, the owner's compensation deduction cannot exceed \$50,000 per owner, as defined in this section. For tax years beginning on or after January 1, 1999, the owner compensation deduction will be indexed by the Consumer Price Index – All Urban Consumers (CPI-U) U.S. City Average as published by the U.S. Department of Labor, Bureau of Labor Statistics, using the September to September index, not seasonally adjusted (unadjusted index). The initial index will be the September 1998 to September 1999 index. The Administrator will determine the exact deduction amount and publish the amount on forms. Any increase or decrease under this subsection, which is not a multiple of \$500, shall be rounded up or down to the next multiple of \$500 at the Administrator's discretion. For tax years beginning on or after January 1, 2008, the owner's compensation deduction cannot exceed \$80,000 plus CPI-U for September 2007 to September 2008 per owner as defined in Sections (B), (C) and (D) below. For tax years beginning on or after January 1, 2009, the owner's compensation deduction will be indexed as previously described.

12.700 (C) (3) is modified to formalize a materiality threshold for billing (not less than \$5).

(3) The penalty under subsection (C) shall be calculated as:

Five percent (0.05) of the tax underpayment but not less than \$5.

12.700 (D) (1) & (2) alters 90 days to 60 days.

(D) The Administrator may impose a civil penalty of up to \$500 for each of the following violations of this chapter:

- (1) Failure to file any tax return within 60 days of the Administrator's original written notice to file;
 - (2) Failure to pay any tax within 60 days of the Administrator's original written notice for payment;
- or

12.710 (D) is modified to allow consideration of reduction of penalty assessed in the situation where 100% of the previous year's liability has been paid.

(D) For purposes of subsection (B), the amount of underpayment is determined by comparing the 90 percent of the current total tax liability amount to quarterly estimated payments made prior to the original due date of the tax return. However, if 100% of the prior year's total tax liability is paid to the Administrator by the due date of the fourth quarterly payment, the Administrator may use the prior year's tax liability if doing so will reduce the amount of interest owed.

12.830 845

12.840 is a new subsection relating to frivolous filing, allowing for a \$500 penalty if a tax return is deemed to be frivolous (OAR 150-316.992(5)).

A \$500.00 penalty shall be assessed if a taxfiler takes a "frivolous position" in respect to preparing the taxfiler's tax return. A tax return is considered frivolous if a taxfiler does not provide information on which the substantial correctness of the self-assessment may be judged or if the tax return contains information that on its face indicates that the self-assessment is substantially incorrect. Examples of "frivolous positions" as provided in Oregon Administrative Rule 150-316.992(5) are hereby adopted by direct reference.

12.840 855 850

12.850 is a new subsection relating to computer hacking and subsequent levels of fines relative to the seriousness of the impact from the action of hacking. This subsection also includes definitions as they apply to this subsection.

~~A \$500.00 penalty shall be assessed if a taxfiler takes a "frivolous position" in respect to preparing the taxfiler's tax return. A tax return is considered frivolous if a taxfiler does not provide information on which the substantial correctness of the self-assessment may be judged or if the tax return contains information that on its face indicates that the self-assessment is substantially incorrect. Examples of "frivolous positions" as provided in Oregon Administrative Rule 150-316.992(5) are hereby adopted by direct reference.~~

~~(A) Any individual who intentionally accesses the Administrator's computer database without authorization shall be fined:~~

~~(1) \$500 if the individual acquires any information regarding any business account found in the database;~~

~~(2) \$1,000 or the cost of the loss (whichever is greater) if the individual uses or attempts to use the acquired information for financial gain of any kind; or~~

~~(3) \$5,000 or the cost of the loss (whichever is greater) if the individual causes the transmission of a program, information, code, or command to the Administrator's computer database, and, as a result of such conduct, causes damage to the database.~~

~~(B) Definitions. As used in this section:~~

~~**ADMINISTRATOR'S COMPUTER DATABASE** means computer application(s) used by the Administrator to calculate and store business and financial data collected under the authority granted by the Business Income Tax Law;~~

~~**LOSS** means any reasonable cost incurred by the City of Portland, including but not limited to the cost of responding to an offense, conducting a damage assessment, and restoring the data, program, system, or information to its condition prior to the offense, and any revenue lost, cost incurred, or other consequential damages incurred because of interruption of service;~~

~~**DAMAGE** means any impairment to the integrity or availability of data, a program, a system, or~~

information.

~~(B)~~ (A) Any individual who intentionally accesses the Administrator's computer database without authorization shall be fined:

(1) \$500 if the individual acquires any information regarding any business account found in the database;

(2) \$1,000 or the cost of the loss (whichever is greater) if the individual uses or attempts to use the acquired information for financial gain of any kind; or

(3) \$5,000 or the cost of the loss (whichever is greater) if the individual causes the transmission of a program, information, code, or command to the Administrator's computer database, and, as a result of such conduct, causes damage to the database.

~~(A)~~ (B) Definitions. As used in this section, the following definitions apply:

(1) The term "~~ADMINISTRATOR'S COMPUTER DATABASE~~ Administrator's computer database" means ~~C~~computer application(s) used by the Administrator to calculate and store business and financial data collected under the authority granted by the Business Income Tax Law.

(2) The term ~~LOSS~~. "loss" means ~~A~~any reasonable cost incurred by the City of Portland, including but not limited to the cost of responding to an offense, conducting a damage assessment, and restoring the data, program, system, or information to its condition prior to the offense, and any revenue lost, cost incurred, or other consequential damages incurred because of interruption of service.

(3) The term ~~DAMAGE~~. "damage" means ~~A~~any impairment to the integrity or availability of data, a program, a system, or information.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending MCC Chapter 12, Business Income Tax

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

Multnomah County Ordains as follows:

Section 1. §12.020 is amended as follows:

12.020 Conformity To State Income Tax Laws.

———(A)——The Business Income Tax Law shall be construed in conformity with the laws and regulations of the state imposing taxes on or measured by net income as those laws existed for that particular tax year~~they are amended on or before December 31, 1997~~. The Administrator shall have the authority by written policy~~administrative rules adopted in accordance with § 12.210~~, to connect to or disconnect from any legislative enactment that deals with income or excise taxation or the definition of income. _

———(B)——Should a question arise under the Business Income Tax Law on which this chapter is silent, the Administrator may look to the laws of the State of Oregon for guidance in resolving the question, provided that the determination under state law is not in conflict with any provision of this chapter or the state law is otherwise inapplicable.

Section 2. § 12.100 is amended as follows

12.100 Definitions.

For the purpose of this chapter, the terms used in this chapter shall be defined as provided in this chapter or in Administrative Rules, adopted under § 12.210 of this chapter, unless the context requires otherwise.

ADMINISTRATOR. The ~~Bureau of Licenses, City of Portland,~~ Revenue Bureau along with its employees and agents.

APPEALS BOARD. The hearings body designated by the Board to review taxfiler appeals from final determinations by the Administrator.

BUSINESS. An enterprise, activity, profession or undertaking of any nature, whether related or unrelated, by a person in the pursuit of profit, gain or the production of income,

including services performed by an individual for remuneration, but does not include wages earned as an employee.

CONTROLLING SHAREHOLDER. Any person, either alone or together with that person's spouse, parents, and/or children, who, directly or indirectly, owns more than 5% of any class of outstanding stock or securities of the taxfiler. The term **CONTROLLING SHAREHOLDER** may mean the controlling shareholder individually or in the aggregate.

DAY. A calendar day unless otherwise noted.

DIRECTOR. Multnomah County Chief Financial Officer.

DIVISION. The Finance Budget & Tax Office of the county.

DOING BUSINESS. To engage in any activity in pursuit of profit or gain, including but not limited to, any transaction involving the holding, sale, rental or lease of property, the manufacture or sale of goods or the sale or rendering of services other than as an employee. Doing business includes activities carried on by a person through officers, agents or employees as well as activities carried on by a person on his or her own behalf.

EMPLOYEE. Any individual who performs services for another individual or organization having the right to control the employee as to the services to be performed and as to the manner of performance.

INDIVIDUAL. A natural person.

NET OPERATING LOSS. The negative taxable income that may result after the deductions allowed by the Business Income Tax Law in determining net income for the tax year.

NONBUSINESS INCOME. Income not created in the course of the taxfiler's business activities.

NOTICE. A written document mailed first class by the Administrator or division to the last known address of a taxfiler as provided to the Administrator or division in the latest tax return on file with the Administrator.

OWNERSHIP OF OUTSTANDING STOCK OR SECURITIES. The incidents of ownership which include the power to vote on the corporation's business affairs or the power to vote for the directors, officers, operators or other managers of the taxfiler.

PERSON. Includes, but is not limited to A natural person, proprietorship, partnership, limited partnership, family limited partnerships, joint venture, association, cooperative, trust, estate, corporation, personal holding company, limited liability company, limited liability partnership or any other form of organization for doing business.

RECEIVED. The postmark date affixed by the United States postal service if mailed or the date stamp if delivered by hand or sent by facsimile or the receipt date from the online file and pay application confirmation notice.

TAX YEAR. The taxable year of a person for federal or state income tax purposes.

TAXFILER. A person doing business in the county and required to file a return under the Business Income Tax Law.

Section 3. § 12.110 is amended as follows

12.110 Income Defined.

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

INCOME. The net income arising from any business, as reportable to the State of Oregon for personal income, corporation excise, or income tax purposes, before any allocation or apportionment for operation out of state, or deduction for a net operating loss carry-forward or carry-back.

(A) Partnerships, S corporations, limited liability companies, limited liability partnerships, family limited partnerships, estates, ~~and trusts, and joint ventures~~ shall be liable for the business tax and not the individual partners, shareholders, members, ~~or beneficiaries or owners~~. The income of these entities shall include all income received by the entity including ordinary income, interest and dividend income, income from sales of business assets and other income attributable to the entity.

(B) If one or more persons are required or elect to report their income to the state for corporation excise or income tax purposes or personal income tax purposes in a consolidated, combined or joint return, a single return shall be filed by the person filling such return. In such cases, **INCOME** means the net income of the consolidated, combined or joint group of taxfilers before any allocation or appointment for operation out of the state, or deduction for a net operating loss carrying-forward or carry-back.

(C) The absence of report income to the Internal Revenue Service or the state shall not limit the ability of the Administrator to determine the correct income of the taxfiler through examination under § 12.260 of this chapter.

Section 4. § 12.200 is amended as follows

12.200 Administration.

(A) The City of Portland, ~~Revenue Bureau of Licenses~~ shall be the Administrator of record and shall have the authority to administer and enforce this chapter effective January 1, 1994 to include, but not limited to, administrative return processing, auditing, determinations, collection of taxes, penalties and interest (including instituting legal action in any court of

competent jurisdiction by or on behalf of the Division or Administrator), protests and appeals that occur on or after January 1, 1994.

(B) The Administrator shall have access to and maintain all tax filings and records, under this chapter, on behalf of the county. The Administrator may, upon request, interpret how this chapter applies, in general or for a certain set of circumstances. Nothing in this chapter shall preclude the informal disposition of controversy by stipulation or agreed settlement, through correspondence or a conference with the Administrator.

Section 5. § 12.230 is amended as follows

12.230 Confidentiality.

Except as provided in this chapter or otherwise required by law, it shall be unlawful for the division or the Administrator, or any elected official, employee, or agent of the county, or for any person who has acquired information pursuant to § 12.240(A) and (C) to divulge, release, or make known in any manner any financial information submitted or disclosed to the county under the terms of the Business Income Tax Law. Nothing in this section shall be construed to prohibit:

(A) The disclosure of the names and addresses of any persons who have filed a tax account with the Administrator~~return; or~~

(B) The disclosure of general statistics in a form which would prevent the identification of financial information regarding an individual taxfiler;

(C) The filing of any legal action by or on behalf of the Division or Administrator to obtain payment on unpaid accounts or the disclosure of information necessary to do so; or

(D) The assignment to an outside collection agency of any unpaid account balance receivable provided that the Division or Administrator notifies the taxfiler of the unpaid balance at least 60 days prior to the assignment of the claim. Any assignment to an outside collection agency is subject to a reasonable collection fee, above and beyond any amount owed to the County.

Section 6. § 12.240 is amended as follows

12.240 Persons To Whom Information May Be Furnished.

(A) ~~(1)~~—The division or Administrator may disclose and give access to information described in § 12.230 to an authorized representative of the Department of Revenue, State of Oregon, or of any local government of the state imposing taxes upon or measured by gross receipts or net income, for the following purposes:

(1) ~~(a)~~—To inspect the tax return of any taxfiler;

- (2) (b) — To obtain an abstract or copy of the tax return;
- (3) (e) — To obtain information concerning any item contained in any return; or
- (4) (d) — To obtain information of any financial audit of the tax returns of any taxfiler.

(2) — Such disclosure and access shall be granted only if the laws, regulations or practices of such other jurisdiction maintain the confidentiality of such information at least to the extent provided by the Business Income Tax Law.

(B) Upon request of a taxfiler, or authorized representative, the Administrator shall provide copies of any tax return information filed by the tax filer in the Administrator's possession.

(C) The division or Administrator may also disclose and give access to information described in § 12.230 to:

(1) The County Attorney, his or her assistants and employees, or other legal representatives of the County, to the extent the division deems disclosure or access necessary for the performance of the duties of advising or representing the division.

(2) The City Attorney, his or her assistants and employees, or other legal representatives of the City, to the extent the Administrator deems disclosure or access necessary for the performance of the duties of advising or representing the Administrator, including but not limited to instituting legal actions on unpaid accounts.

(23) Other county employees and agents, to the extent the division deems disclosure or access necessary for such employees or agents to perform their duties under contracts or agreements between the division and any other department, division, agency or subdivision of the county relating to the administration of the Business Income Tax Law.

(4) City of Portland employees, agents and officials of the City, to the extent the Administrator deems disclosure or access necessary for such employees, agents or officials to:

(a) Aid in any legal collection effort on unpaid accounts;

(b) Perform their duties under contracts or agreements between the Administrator and any other department, bureau, agency or subdivision of the City relating to the administration of the Business Income Tax Law; or

(c) Aid in determining whether a Business Income Tax account is in compliance with all City, State and Federal laws or policies.

(D) All employees and agents of the division or county, prior to the performance of duties involving access to financial information submitted to the county under the terms of the

Business Income Tax Law, shall be advised in writing of the provision of § 12.730 relating to penalties for the violation of §§ 12.240 and 12.255. Such employees and agents shall execute a certificate in a form prescribed by the division, stating that the person has reviewed these provisions of law, has had them explained, and is aware of the penalties for the violation of §§ 12.230, 12.240 and 12.255.

(E) Prior to any disclosures permitted by this section, all persons described in subsection (A), to whom disclosure or access to financial information is given, shall:

(1) Be advised in writing of the provisions of § 12.730 relating to penalties for the violation of § 12.230; and

(2) Execute a certificate in a form prescribed by the division, stating these provisions of law have been reviewed and they are aware of the penalties for the violation of § 12.230.

(F) The director's signature on the certificate, required by subsection (E)(2), shall constitute consent to disclosure to the persons executing the certificate.

Section 7. § 12.260 is amended as follows

12.260 Examination Of Books, Records Or Persons.

(A) The Administrator may examine any books, papers, records, or memoranda, including state and federal income or excise tax returns, to ascertain the correctness of any tax return or to make an estimate of any tax. The Administrator shall have the authority, after notice, to:

(1) Require the attendance of any person required to file a tax return under the Business Income Tax Law, or officers, agents, or other persons with knowledge of the person's business operations, at any reasonable time and place the Administrator may designate;

(2) Take testimony, with or without the power to administer oaths to any person required to be in attendance; ~~and~~

(3) Require proof for the information sought, necessary to carry out the provisions of this chapter; and

(4) Require the property manager of a tenant-in-common arrangement to provide financial information related to the arrangement as well as information regarding the owners, including, but not limited to, the name and last known addresses of the owners.

(B) The Administrator shall designate the employees who shall ~~designate the employees who shall have the power to administer oaths hereunder.~~ Such employees shall be notaries public of the State of Oregon.

Section 8. § 12.280 is amended as follows

12.280 Deficiencies And Refunds.

(A) Deficiencies may be assessed and refunds granted any time within the period provided under ORS 314.410, 314.415, and 317.950. The Administrator may by agreement with the taxfiler extend such time periods to the same extent as provided by statute.

~~(B) Notwithstanding subsection (A), if no tax return is filed, the Administrator may determine taxes due under this chapter at any time based on the best information available to the Administrator. Taxes determined under this subsection shall be assessed and subject to penalties and interest from the date the taxes should have been paid as provided in § 12.510 of this in accordance with §§ 12.700 and 12.710. The Administrator shall send notice of the determination and assessment to the person doing business in the county.~~

~~(B)~~ Consistent with ORS 314.410(3), in cases where no tax return has been filed, there shall be no time limit for a notice of deficiency and/or the assessment of taxes, penalty and interest due.

(C) Notwithstanding subsections (A) and (B), the Administrator is not required to accept any tax return from a taxfiler if:

(1) The Administrator obtains a money judgment against the taxfiler for failure to pay an unpaid account balance due; and

(2) The Administrator or its designee lawfully served the taxfiler with the lawsuit pursuant to the Oregon Rules of Civil Procedure; and

(3) The tax return is for a taxable year that is the subject of the general money judgment; and

(4) The Administrator gave written notice stating that the taxfiler had an outstanding balance due at least 60 days before the Administrator (or its designee) filed a lawsuit for those particular taxable years.

Section 9. § 12.290 is amended as follows

12.290 Protests And Appeals.

(A) Any determination by the Administrator may be protested by the taxfiler. Written notice of the protest must be received by the Administrator within 30 days after the notice of determination was mailed or delivered to the taxfiler. The protest shall state the name and address of the taxfiler and an explanation of the grounds for the protest. The Administrator shall respond within 30 days after the protest is filed with the Administrator with either a revised determination or a final determination. The Administrator's determination shall include the

reasons for the determination and state the time and manner for appealing the determination. The time to file a protest or the time for the Administrator's response may be extended by the Administrator, for good cause. Requests for extensions of time must be received prior to the expiration of the original 30-day protest deadline. Written notice shall be given to the taxfiler if the Administrator's deadline is extended.

(B) Any final determination by the Administrator may be appealed by the taxfiler to the appeals board. Written notice of the appeal must be received by the Administrator within 30 days after the final determination was mailed or delivered to the appellant. The notice of appeal shall state the name and address of the appellant and include a copy of the final determination.

(C) ~~(1)~~—Within 90 days after the final determination was mailed or delivered to the taxfiler, the appellant shall file with the appeals board a written statement containing:

(1) ~~(a)~~—The reasons the Administrator's determination is incorrect; and

(2) ~~(b)~~—What the correct determination should be.

~~(2)~~—Failure to file such a written statement within the time permitted shall be deemed a waiver of any objections, and the appeal shall be dismissed.

(D) Within 150 days after the final determination was mailed or delivered to the taxfiler, the Administrator shall file with the appeals board a written response to the appellant's statement. A copy of the Administrator's response shall be promptly mailed to the address provided by the appellant.

(E) The appellant shall be given not less than 14 days prior written notice of the hearing date and location. The appellant and the Administrator shall have the opportunity to present relevant testimony and oral argument. The appeals board may request such additional written comment and documents as it deems appropriate.

(F) Decisions of the appeals board shall be in writing, state the basis for the decision and be signed by the appeals board chair.

(G) The decision of the appeals board shall be final on the date it is issued and no further administrative appeal shall be provided.

(H) The filing of an appeal with the appeals board shall temporarily suspend the obligation to pay any tax that is the subject of the appeal pending a final decision by the appeals board.

(I) Penalty waiver and/or reduction requests are not subject to the protest/appeal process until the taxfiler receives written notice from the Administrator that the taxfiler's request was either denied or only approved in part. The Administrator shall respond to requests to reduce and/or waive late and/or underpayment penalties within 60 days from the date that the written request is received by the Administrator.

Section 10. § 12.400 is amended as follows

12.400 Exemptions.

To the extent set forth below, the following persons or incomes are exempt from tax requirements imposed by the Business Income Tax Law:

(A) Persons whom the county is prohibited from taxing under the Constitution or laws of the United States or the Constitution or laws of the State of Oregon or County Charter.

(B) Income arising from transactions which the county is prohibited from taxing under the Constitution or the laws of the United States or the Constitution or laws of the State of Oregon or County Charter.

(C) Persons whose gross receipts from all business, both within and without the county, amount to less than \$50,000 (\$25,000 for in any tax years that begin prior to January 1, 2008). The Administrator may demand a statement that the person's gross receipts for any tax year were less than the stated exemption amount for the tax year for which exemption is claimed \$25,000.

(D) Corporations exempt from the State of Oregon Corporation Excise Tax under ORS 317.080, provided that any such corporation subject to the tax on unrelated business income under ORS 317.920 to 317.930 shall pay a tax based solely on such income.

(E) Trusts exempt from federal income tax under Internal Revenue Code Section 501, provided that any exempt trust subject to tax on unrelated business income and certain other activities under Internal Revenue Code Section 501(b) shall be subject to the tax under this chapter based solely on that income.

(F) Any individual whose only business transactions are exclusively limited to the renting or leasing of residential real property dwelling units provided that the beneficial owner rents or leases less than ten total units, regardless of whether the units are located inside or outside of the County. For purposes of this subsection, payments to foster care and other service providers shall be considered payments for "services" and not for "rent". If a building contains more than one residential living quarter, the term "dwelling unit" refers to each separate living quarter. This exemption does not apply if any income is recognized from the sale of residential property following activities:

~~_____ (1) Sales, exchanges or involuntary conversions of real property not held for sale in the ordinary course of a trade or business, unless the real property is used in the trade or business in connection with the production of income; or~~

~~_____ (2) The sale of personal property acquired for household or other personal use by the seller; or~~

~~_____ (3) (a) Interest and dividend income earned from investments if the income is not created in the course of or related to the taxfiler's business activities; or~~

~~_____ (b) Gains or losses incurred from the sale of assets which are not a part of a trade or business; or~~

~~_____ (4) The renting or leasing of residential real property, if the beneficial owner of such real property does not rent or lease more than nine dwelling units, at least one of which is within the county.~~

_____ (G) Income of an individual from:

_____ (1) Sales, exchanges or involuntary conversions of a primary or secondary residence;

_____ (2) Sale of personal property acquired for household or other personal use by the seller;

_____ (3) Interest and dividend income earned from investments, if the income is not created in the course of or related to the taxfiler's business activities; and

_____ (4) Gains and losses incurred from the sale of investments (other than real property) that are not a part of a business.

(GH) Any person whose only business transactions are exclusively limited to the following activities:

(1) Raising, harvesting and selling of the person's own crops, or the feeding, breeding, management and sale of the person's own livestock, poultry, furbearing animals or honeybees, or sale of the produce thereof, or any other agricultural, horticultural or animal husbandry activity carried on by any person on the person's own behalf and not for others, or dairying and the sale of dairy products to processors. This exemption shall not apply if, in addition to the farm activities described in this subsection, the person does any processing of the person's own farm products which changes their character or form, or the person's business includes the handling, preparation, storage, processing or marketing of farm products raised or produced by others; or the processing of milk or milk products whether produced by said person or by others for retail or wholesale distribution.

(2) Operating within a permanent structure a display space, booth or table for selling or displaying merchandise by an affiliated participant at any trade show, convention, festival, fair, circus, market, flea market, swap meet or similar event for less than 14 days in any tax year.

Section 11. § 12.500 is amended as follows

12.500 Imposition And Rate Of Tax.

(A) Except as otherwise provided in this chapter, a tax is imposed upon each person doing business within the county equal to 1.45% of the net income from the business within the county effective with tax years beginning on or after January 1, 1993. For tax years beginning on or after January 1, 2008 each taxfiler not otherwise exempt shall determine their tax at the rate established in this section, provided that each shall pay at least a minimum tax of \$100.00.

(B) The payment of a tax required hereunder and the acceptance of such tax shall not entitle a taxfiler to carry on any business not in compliance with all the requirements of this code and all other applicable laws.

(C) For the business year beginning on or after January 1, 1998, if the tax imposed by this section exceeds \$100, each person doing business within Multnomah County shall pay, in addition, a Temporary Education Surcharge equal to one half percent (.50%) of the net income from the business within the County. This surcharge shall be in effect only for 1998 and shall not apply to business years beginning on or after January 1, 1999.

(D) The receipts from the surcharge imposed by subsection (C) shall be used only to benefit public schools in Multnomah County. Receipts from the Temporary Educational BIT surcharge shall only be used to maintain or reduce class size by preventing teacher layoffs in FY 1998-99. The public school districts with projected budget shortfalls in FY 98-99 shall only spend surcharge revenues to pay for salaries of teacher positions or other state certified personnel, which would otherwise be eliminated. To be eligible for BIT surcharge funds, school districts with projected budget shortfalls in FY 98-99 shall submit a list of positions for state certified positions subject to elimination from the budget and their accompanying salary, to Multnomah County no later than May 30, 1998. Districts without budget shortfalls in FY 98-99 shall submit a list of additional teaching positions and other staff certified positions and materials directly related to instruction. Multnomah County will allocate the BIT surcharge revenues to each public school to pay for teacher positions or other state certified positions, based upon the list submitted by each school district.

(E) The Temporary Education Surcharge receipts shall be distributed to every public school district in Multnomah County according to a formula approved by the Board of County Commissioners.

Section 12. § 12.550 is amended as follows

12.550 Presumptive Tax.

(A) If a person fails to file a return, a rebuttable presumption shall exist that the tax payable amounts to \$500 for every tax year for which a return has not been filed.

(B) Nothing in this section shall prevent the Administrator from assessing, ~~under § 12.280(B)~~ a tax due which is less than or greater than \$500 per tax year.

(C) If the taxfiler filed either a tax return or a renewal return the previous tax year, then presumptive taxes assessed under this subsection shall be considered a renewal return.

Presumptive taxes assessed under this subsection shall be considered filed documents and shall be subject to the time limitations for deficiencies and refunds as described in subsection 12.280.

(D) Taxes determined under this subsection shall be assessed and subject to penalties and interest from the date the taxes should have been paid as provided in subsection 12.510 in accordance with subsections 12.700 and 12.710. The Administrator shall send notice of the determination and assessment to the person doing business in the County.

Section 13. § 12.600 is amended as follows

12.600 Income Determinations.

(A) *Owners compensation deduction.* **OWNERS COMPENSATION DEDUCTION** is defined as the additional deduction allowed in subsections (B), (C) and (D) below.

(1) For tax years beginning prior to January 1, 1999, the owner's compensation deduction as defined in this section cannot exceed \$50,000 per owner, as defined in this section.

(2) For tax years beginning on or after January 1, 1999, the owners compensation deduction will be indexed by the Consumer Price Index - All Urban Consumers (CPI-U) U.S. City Average as published by the U.S. Department of Labor, Bureau of Labor Statistics, using the September to September index, not seasonally adjusted (unadjusted index). The initial index will be the September 1998 to September 1999 index. The Administrator will determine the exact deduction amount and publish the amount in written policy and included on forms. Any increase or decrease under this subsection which is not a multiple of \$500 shall be rounded up or down to the next lowest multiple of \$500 at the Administrator's discretion.

(3) For tax years beginning on or after January 1, 2008, the owner's compensation deduction cannot exceed \$80,000 per owner.

(4) For tax years beginning on or after January 1, 2009, the owners compensation deduction will be indexed as described in (2) above.

(B) *Sole proprietorship.* In determining income, no deductions shall be allowed for any compensation for services rendered by, or interest paid to, owners. However, 75% of income determined without such deductions shall be allowed as an additional deduction, not to exceed the amount per owner as determined in subsection (A) above.

(C) *Partnerships.* In determining income, no deduction shall be allowed for any compensation for services rendered by, or interest paid to, owners of partnerships, limited partnerships, limited liability companies, limited liability partnerships or family limited partnerships. Guaranteed payments to partners or members shall be deemed compensation paid to owners for services rendered. However:

(1) For general partners or members, 75% of income determined without such deductions shall be allowed as an additional deduction, not to exceed the amount per general partner or member as determined in subsection (A) above.

(2) For limited partners or members of limited liability corporations who are deemed partners by administrative rule or policy, 75% of income determined without such deductions shall be allowed as an additional deduction, not to exceed the lesser of actual compensation and interest paid or the amount determined in subsection (A) above per compensated limited partner.

(D) *Corporations.* In determining income, no deduction shall be allowed for any compensation for services rendered by, or interest paid to, controlling shareholders of any corporation, including, but not limited to C and S corporations and any other entity electing treatment as a corporation, either C or S. However, 75% of the corporation's income, determined without deduction of compensation or interest, shall be allowed as a deduction in addition to any other allowable deductions, not to exceed the lesser of the actual compensation and interest paid or the amount for each controlling shareholder as determined in subsection (A) above.

(1) For purposes of this subsection, to calculate the compensation for services rendered by or interest paid to controlling shareholders that must be added back to income, wages, salaries, fees, or interest paid to all persons meeting the definition of a controlling shareholder, must be included.

(2) For purposes of this subsection, in determining the number of controlling shareholders, a controlling shareholder and that person's spouse, parents and children count as one owner, unless such spouse, parent or child individually own more than 5% ownership of outstanding stock or securities in their own name. In that case, each spouse, parent or child who owns more than 5% of stock shall be deemed to be an additional controlling shareholder.

(3) For purposes of this subsection (C), joint ownership of outstanding stock or securities shall not be considered separate ownership.

(E) *Estates and trusts.* In determining income for estates and trusts, income shall be measured before distribution of profits to beneficiaries. No additional deduction shall be allowed.

(F) *Nonbusiness income.* In determining income under this section, an allocation shall be allowed for nonbusiness income as reported to the State of Oregon. However, income treated as nonbusiness income for State of Oregon tax purposes may not necessarily be defined as nonbusiness income under the Business Income Tax Law. Interest and dividend income, rental income or losses from real and personal business property, and gains or losses on sales of property or investments owned by a trade or business shall be treated as business income for purposes of the Business Income Tax Law. Income derived from non-unitary business functions reported at the state level may be considered nonbusiness income. Non-unitary income will not be recognized at an intrastate level. The taxfiler shall have the burden of showing that income is nonbusiness income.

(G) *Tax based on or measured by net income.* In determining income, no deduction shall be allowed for taxes based on or measured by net income. No deduction shall be allowed for the federal built-in gains tax.

(H) *Ordinary gain or loss.* In determining income, gain or loss from the sale, exchange or involuntary conversion of real property or tangible and intangible personal property not exempt under § 12.400(FG) and § 12.400(H) shall be included as ordinary gain or loss.

(I) *Net operating loss.* In determining income, a deduction shall be allowed equal to the aggregate of the net operating losses incurred in prior years, not to exceed 75% of the income determined for the current tax year before this deduction but after all other deductions from income allowed by this section and apportioned for business activity both within and without the county.

(1) When the operations of the taxfiler from doing business both within and without the county result in a net operating loss, such loss shall be apportioned in the same manner as the net income under § 12.600. However, in no case shall a net operating loss be carried forward from any tax year during which the taxfiler conducted no business within the county or the taxfiler was otherwise exempt from tax filing requirements.

(2) In computing the net operating loss for any tax year, the net operating loss of a prior tax year shall not be allowed as a deduction.

(3) In computing the net operating loss for any tax year, no compensation allowance deduction shall be allowed to increase the net operating loss. **COMPENSATION ALLOWANCE DEDUCTION** is defined as the additional deduction allowed by subsection (A).

(4) The net operating loss of the earliest tax year available shall be exhausted before a net operating loss from a later tax year may be deducted.

(5) The net operating loss in any tax year shall be allowed as a deduction in any of the five succeeding tax years until used or expired. Any partial tax year shall be treated the same as a full tax year in determining the appropriate carry-forward period.

Section 14. § 12.700 is amended as follows

12.700 Penalty.

(A) (1) A penalty shall be assessed if a person:

(1) (a) Fails to file a tax return or extension request at the time required under §§ 12.510(A) or 12.620(A); or

(b) Fails to pay a tax when due.

(2) The penalty under subsection (A) shall be calculated as:

(a) Five percent of the total tax liability if the failure is for a period less than four months;

(b) An additional penalty of 20% of the total tax liability if the failure is for a period of four months or more; and

(c) An additional penalty of 100% of the total tax liability of all tax years if the failure to file is for three or more consecutive tax years.

(B) (1) A penalty shall be assessed if a person who has filed an extension request:

(4) (a) Fails to file a tax return by the extended due date; or

(b) Fails to pay the tax liability by the extended due date.

(2) The penalty under subsection (B) shall be calculated as:

(a) Five percent of the total tax liability if the failure is for a period of less than four months; and

(b) An additional penalty of 20% of the total tax liability if the failure is for a period of four months or more.

(C) (1) A penalty shall be assessed if a person:

(4) (a) Fails to pay at least 90% of the total tax liability by the original due date; or

(b) Fails to pay at least 100% of the prior year's total tax liability by the original due date.

(2) The penalty under subsection (C) shall be calculated as:

~~_____ (a) Five percent~~5% of the tax underpayment, but not less than \$5. ~~if the failure is for a period less than four months; and~~

~~_____ (b) An additional penalty of 20% of the tax underpayment if the failure is for a period of four months or more.~~

(D) The Administrator may impose a civil penalty of up to \$500 for each of the following violations of this chapter:

(1) Failure to file any tax return within ~~90~~60 days of the Administrator's original written notice to file;

(2) Failure to pay any tax within ~~90~~60 days of the Administrator's original written notice for payment; or

(3) Failure to provide documents as required by §§ 12.260 within ~~90~~60 days of the Administrator's original written notice to provide documents.

(E) The Administrator may impose a civil penalty under subsection (D) only if the Administrator gave notice of the potential for assessment of civil penalties for failure to comply or respond in the original written notice.

(F) The Administrator may waive or reduce any penalty determined under subsections (A) through (D) for good cause, according to and consistent with written policies.

Section 15. § 12.710 is amended as follows

12.710 Interest.

(A) Interest shall be collected on any unpaid tax at the rate of .833% simple interest per month or fraction thereof (10% per annum), computed from the original due date of the tax to the fifteenth day of the month following the date of payment.

(B) (1) Interest shall be collected on any unpaid or underpaid quarterly estimated payment required by §§ 12.520 and 12.530 at the rate of .833% simple interest per month or fraction thereof (10% per annum), computed from the due date of each quarterly estimated payment to the original due date of the tax return to which the estimated payments apply.

(C) (2) Notwithstanding subsection (B)(1), there shall be no interest on underpayment of quarterly estimated payments if:

(1) (a) The total tax liability of the prior tax year was less than \$1,000;

(2) (b) An amount equal to at least 90% of the total tax liability for the current tax year was paid in accordance with § 12.530; or

(3) (c) An amount equal to at least 100% of the prior year's total tax liability was paid in accordance with § 12.530.

(D) (3) For purposes of subsection (B)(1), the amount of underpayment is determined by comparing ~~the 90%~~ of the current total tax liability amount to quarterly estimated payments made prior to the original due date of the tax return. However, if 100% of the prior year's total tax liability is paid to the Administrator by the due date of the fourth quarterly payment, the Administrator may use the prior year's tax liability if doing so will reduce the amount of interest owed.

~~(C) If a person fails to file a tax return on the prescribed date, or any extension thereof granted under § 12.510(B), the Administrator may determine the tax due based on the best information available to the Administrator. If the Administrator determines the tax due under this~~

~~subsection, the Administrator shall assess appropriate penalties and interest and shall send notice to such person of the determination and assessment.~~

(DE) For purposes of subsection (A), the amount of tax due on the tax return shall be reduced by the amount of any tax payment made on or before the date for payment of the tax in accordance with § 12.510(A) or 12.530.

(EF) Interest at the rate specified in subsection (A) shall accrue from the original due date without regard to any extension of the filing date.

(FG) Any interest amounts properly assessed in accordance with this section may not be waived or reduced by the Administrator, unless specifically provided for by written policy.

Section 16. § 12.715 is amended as follows

12.715 Payments Applied.

Taxes received shall first be applied to any penalty accrued, then to interest accrued, then to taxes due, unless the Administrator determines in accordance with its written policies that a more equitable method exists for a particular taxfiler's account.

Section 17. § 12.720 is amended as follows

12.720 Interest On Refunds.

When, under a provision of the Business Income Tax Law, taxfilers are entitled to a refund of a portion or all of a tax paid to the Administrator, they shall receive simple interest on such amount at the rate specified in § 12.710(A), subject to the following:

(A) Any overpayments shall be refunded with interest for each month or fraction thereof for a period beginning four months after the later of:

(1) the due date of the tax return;

(2) the date the tax return was filed or the refund was otherwise requested; or

(3) the date the tax was paid, whichever is later,

to the date of the refund; and

~~(B) Any overpayments of estimated tax shall be refunded with interest for each month or fraction thereof for the period beginning four months after the date the final return was filed.~~

(CB) Any overpayments of taxes that are the result of an amended return being filed shall be refunded with interest for each month or fraction thereof for the period beginning four

months after the date the tax filer filed the amended return ~~was filed~~. This subsection shall apply to tax returns applications that are amended due to a change to the federal, state or business income tax return.

Section 18. § 12.730 is amended as follows

12.730 Criminal Penalties.

Violation of §§ 12.230 or 12.240 is punishable, upon conviction thereof, by a fine not exceeding \$~~1,000~~500 or by imprisonment for a period not exceeding ~~12~~six months, or by both fine and imprisonment. In addition, any county employee convicted for violation of §§ 12.230 or 12.240 shall be dismissed from employment and shall be barred from employment for a period of five years thereafter. Any agent of the county shall, upon conviction, be ineligible for participation in any county contract for a period of five years thereafter.

Section 19. § 12.840 is renumbered as follows

12.840-~~990~~ Participation Of Cities.

To facilitate a unified system of collection and allocation of all county and municipal taxes upon business net income within the county, any city the territory of which is in whole or in part within the county may, if authorized by its governing body, participate under and share in the revenue derived from this chapter, upon such terms and conditions as the county and city may agree by written contract.

Section 20. § 12.850 is renumbered as follows

12. ~~850-995~~ Former Regulations Superseded By This Subchapter; Exceptions.

Effective for tax years beginning on or after January 1, 1993, '90 MCC Chapter 5.70 shall be superseded and given no effect until this chapter is repealed or otherwise ceases to be effective. For tax years ending on or before December 31, 1992, all determinations of obligations and responsibilities required of any persons under '90 MCC Chapter 5.70, made on or before December 31, 1993 shall remain binding upon those persons. However, on and after January 1, 1994, this chapter [formerly §§ 11.500 et seq.] shall apply to all determinations of obligations and responsibilities for tax years ending on or before December 31, 1992 with the exceptions of:

- (A) Determination of income under '90 MCC 5.70.015;
- (B) Treatment of payments to owners or controlling shareholders under '90 MCC 5.70.025;
- (C) Net operating loss deduction under '90 MCC 5.70.030;

- (D) Ordinary gain or loss under '90 MCC 5.70.035;
- (E) Rate of tax under '90 MCC 5.70.045;
- (F) Apportionment of income under '90 MCC 5.70.050;
- (G) Partnerships, S corporations, estates and trusts under '90 MCC 5.70.055;
- (H) Exemptions under '90 MCC 5.70.060;
- (I) State laws incorporated by reference under '90 MCC 5.70.075 (except that the City of Portland, Bureau of Licenses shall replace any references to the state Department of Revenue as the Administrator of the Tax.);
- (J) Amendments under '90 MCC 5.70.110.

Section 21. § 12.845 is added as follows

12.845 Frivolous Filing.

A \$500.00 penalty shall be assessed if a taxfiler takes a "frivolous position" in respect to preparing the taxfiler's tax return. A tax return is considered frivolous if a taxfiler does not provide information on which the substantial correctness of the self-assessment may be judged or if the tax return contains information that on its face indicates that the self-assessment is substantially incorrect. Examples of "frivolous positions" as provided in Oregon Administrative Rule 150-316.992(5) are adopted by direct reference.

Section 22. § 12.855 is added as follows

12.845 Hacking.

(A) Definitions. As used in this section, the following definitions apply:

ADMINISTRATOR'S COMPUTER DATABASE. Computer application(s) used by the Administrator to calculate and store business and financial data collected under the authority granted by the Business Income Tax Law.

LOSS. Any reasonable cost incurred by the City of Portland, including but not limited to the cost of responding to an offense, conducting a damage assessment, and restoring the data, program, system, or information to its condition prior to the offense, and any revenue lost, cost incurred, or other consequential damages incurred because of interruption of service.

DAMAGE. Any impairment to the integrity or availability of data, a program, a system, or information.

(B) Any individual who intentionally accesses the Administrator's computer database without authorization shall be fined:

(1) \$500 if the individual acquires any information regarding any business account found in the database;

(2) \$1,000 or the cost of the loss (whichever is greater) if the individual uses or attempts to use the acquired information for financial gain of any kind; or

(3) \$5,000 or the cost of the loss (whichever is greater) if the individual causes the transmission of a program, information, code, or command to the Administrator's computer database, and, as a result of such conduct, causes damage to the database.

FIRST READING: December 13, 2007

SECOND READING AND ADOPTION: December 20, 2007

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Stephanie E. Duvall, Assistant County Attorney

SUBMITTED BY:
Mindy Harris, Chief Financial Officer

BOGSTAD Deborah L

From: CAMPBELL Mark
Sent: Wednesday, December 12, 2007 11:14 AM
To: BOGSTAD Deborah L
Subject: RE: R-07 (BIT Ordinance)

Here it is. I'm okay with whatever I need to do to get this thing off my plate once and for all.

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

From: BOGSTAD Deborah L
Sent: Wednesday, December 12, 2007 10:44 AM
To: CAMPBELL Mark
Cc: SOWLE Agnes
Subject: RE: R-07 (BIT Ordinance)
Importance: High

What happened to the attachment? We can't "replace" the document, we'll have to ask the Board to amend or substitute.

Deb Bogstad, Board Clerk
Multnomah County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, Oregon 97214-3587
(503) 988-3277 phone
(503) 988-3013 fax
deborah.l.bogstad@co.multnomah.or.us
<http://www.co.multnomah.or.us/cc/index.shtml>

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

From: CAMPBELL Mark
Sent: Tuesday, December 11, 2007 9:44 AM
To: BOGSTAD Deborah L
Cc: SOWLE Agnes
Subject: R-07 (BIT Ordinance)

Hi Deb,

Can you please replace the BIT ordinance that is currently in the Board agenda packet with this new version? The City of Portland identified a minor language change in their final review that we should incorporate into our code. We did not receive their comments until after the agenda had been published. Please let me know if you need me to provide an explanation of the particular code section that was changed from the previous version.

Thanks,
Mark

REQUESTED AMENDMENT TO DECEMBER 13, 2007 AGENDA ITEM R-7 - BIT ORDINANCE

R-7 First Reading of a Proposed Ordinance Amending Multnomah County Code, Chapter 12, Business Income Tax

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF THE FIRST READING**

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF AMENDMENT TO PAGE 12,
SECTION 12.600 (INCOME
DETERMINATIONS), 12.600 (A) (3).
REPLACE "FOR TAX YEARS BEGINNING
ON OR AFTER JANUARY 1, 2008, THE
OWNER'S COMPENSATION DEDUCTION
CANNOT EXCEED \$80,000 PER OWNER."
WITH THE FOLLOWING LANGUAGE: "FOR
TAX YEARS BEGINNING ON OR AFTER
JANUARY 1, 2008, THE OWNER'S
COMPENSATION DEDUCTION CANNOT
EXCEED \$80,000 PLUS CPI-U FOR
SEPTEMBER 2007 TO SEPTEMBER 2008
PER OWNER AS DEFINED IN SECTIONS
(B), (C) AND (D) BELOW."**

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending MCC Chapter 12, Business Income Tax

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

Multnomah County Ordains as follows:

Section 1. §12.020 is amended as follows:

12.020 Conformity To State Income Tax Laws.

_____(A)____The Business Income Tax Law shall be construed in conformity with the laws and regulations of the state imposing taxes on or measured by net income as those laws existed for that particular tax year~~they are amended on or before December 31, 1997~~. The Administrator shall have the authority by written policy~~administrative rules adopted in accordance with § 12.210~~, to connect to or disconnect from any legislative enactment that deals with income or excise taxation or the definition of income. _

_____(B)____Should a question arise under the Business Income Tax Law on which this chapter is silent, the Administrator may look to the laws of the State of Oregon for guidance in resolving the question, provided that the determination under state law is not in conflict with any provision of this chapter or the state law is otherwise inapplicable.

Section 2. § 12.100 is amended as follows

12.100 Definitions.

For the purpose of this chapter, the terms used in this chapter shall be defined as provided in this chapter or in Administrative Rules, adopted under § 12.210 of this chapter, unless the context requires otherwise.

ADMINISTRATOR. ~~The Bureau of Licenses, City of Portland,~~ Revenue Bureau along with its employees and agents.

APPEALS BOARD. The hearings body designated by the Board to review taxfiler appeals from final determinations by the Administrator.

BUSINESS. An enterprise, activity, profession or undertaking of any nature, whether related or unrelated, by a person in the pursuit of profit, gain or the production of income,

including services performed by an individual for remuneration, but does not include wages earned as an employee.

CONTROLLING SHAREHOLDER. Any person, either alone or together with that person's spouse, parents, and/or children, who, directly or indirectly, owns more than 5% of any class of outstanding stock or securities of the taxfiler. The term **CONTROLLING SHAREHOLDER** may mean the controlling shareholder individually or in the aggregate.

DAY. A calendar day unless otherwise noted.

DIRECTOR. Multnomah County Chief Financial Officer.

DIVISION. The Finance Budget & Tax Office of the county.

DOING BUSINESS. To engage in any activity in pursuit of profit or gain, including but not limited to, any transaction involving the holding, sale, rental or lease of property, the manufacture or sale of goods or the sale or rendering of services other than as an employee. Doing business includes activities carried on by a person through officers, agents or employees as well as activities carried on by a person on his or her own behalf.

EMPLOYEE. Any individual who performs services for another individual or organization having the right to control the employee as to the services to be performed and as to the manner of performance.

INDIVIDUAL. A natural person.

NET OPERATING LOSS. The negative taxable income that may result after the deductions allowed by the Business Income Tax Law in determining net income for the tax year.

NONBUSINESS INCOME. Income not created in the course of the taxfiler's business activities.

NOTICE. A written document mailed first class by the Administrator or division to the last known address of a taxfiler as provided to the Administrator or division in the latest tax return on file with the Administrator.

OWNERSHIP OF OUTSTANDING STOCK OR SECURITIES. The incidents of ownership which include the power to vote on the corporation's business affairs or the power to vote for the directors, officers, operators or other managers of the taxfiler.

PERSON. Includes, but is not limited to A natural person, proprietorship, partnership, limited partnership, family limited partnerships, joint venture, association, cooperative, trust, estate, corporation, personal holding company, limited liability company, limited liability partnership or any other form of organization for doing business.

RECEIVED. The postmark date affixed by the United States postal service if mailed or the date stamp if delivered by hand or sent by facsimile or the receipt date from the online file and pay application confirmation notice.

TAX YEAR. The taxable year of a person for federal or state income tax purposes.

TAXFILER. A person doing business in the county and required to file a return under the Business Income Tax Law.

Section 3. § 12.110 is amended as follows

12.110 Income Defined.

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

INCOME. The net income arising from any business, as reportable to the State of Oregon for personal income, corporation excise, or income tax purposes, before any allocation or apportionment for operation out of state, or deduction for a net operating loss carry-forward or carry-back.

(A) Partnerships, S corporations, limited liability companies, limited liability partnerships, family limited partnerships, estates, ~~and trusts, and joint ventures~~ shall be liable for the business tax and not the individual partners, shareholders, members, ~~or beneficiaries or owners~~. The income of these entities shall include all income received by the entity including ordinary income, interest and dividend income, income from sales of business assets and other income attributable to the entity.

(B) If one or more persons are required or elect to report their income to the state for corporation excise or income tax purposes or personal income tax purposes in a consolidated, combined or joint return, a single return shall be filed by the person filing such return. In such cases, **INCOME** means the net income of the consolidated, combined or joint group of taxfilers before any allocation or appointment for operation out of the state, or deduction for a net operating loss carrying-forward or carry-back.

(C) The absence of report income to the Internal Revenue Service or the state shall not limit the ability of the Administrator to determine the correct income of the taxfiler through examination under § 12.260 of this chapter.

Section 4. § 12.200 is amended as follows

12.200 Administration.

(A) The City of Portland, ~~Revenue Bureau of Licenses~~ shall be the Administrator of record and shall have the authority to administer and enforce this chapter effective January 1, 1994 to include, but not limited to, administrative return processing, auditing, determinations, collection of taxes, penalties and interest (including instituting legal action in any court of

competent jurisdiction by or on behalf of the Division or Administrator), protests and appeals that occur on or after January 1, 1994.

(B) The Administrator shall have access to and maintain all tax filings and records, under this chapter, on behalf of the county. The Administrator may, upon request, interpret how this chapter applies, in general or for a certain set of circumstances. Nothing in this chapter shall preclude the informal disposition of controversy by stipulation or agreed settlement, through correspondence or a conference with the Administrator.

Section 5. § 12.230 is amended as follows

12.230 Confidentiality.

Except as provided in this chapter or otherwise required by law, it shall be unlawful for the division or the Administrator, or any elected official, employee, or agent of the county, or for any person who has acquired information pursuant to § 12.240(A) and (C) to divulge, release, or make known in any manner any financial information submitted or disclosed to the county under the terms of the Business Income Tax Law. Nothing in this section shall be construed to prohibit:

(A) The disclosure of the names and addresses of any persons who have filed a tax account with the Administrator; ~~or~~

(B) The disclosure of general statistics in a form which would prevent the identification of financial information regarding an individual taxfiler;

(C) The filing of any legal action by or on behalf of the Division or Administrator to obtain payment on unpaid accounts or the disclosure of information necessary to do so; ~~or-~~

(D) The assignment to an outside collection agency of any unpaid account balance receivable provided that the Division or Administrator notifies the taxfiler of the unpaid balance at least 60 days prior to the assignment of the claim. Any assignment to an outside collection agency is subject to a reasonable collection fee, above and beyond any amount owed to the County.

Section 6. § 12.240 is amended as follows

12.240 Persons To Whom Information May Be Furnished.

(A) ~~(1)~~—The division or Administrator may disclose and give access to information described in § 12.230 to an authorized representative of the Department of Revenue, State of Oregon, or of any local government of the state imposing taxes upon or measured by gross receipts or net income, for the following purposes:

(1) ~~(a)~~—To inspect the tax return of any taxfiler;

- (2) (b) — To obtain an abstract or copy of the tax return;
- (3) (e) — To obtain information concerning any item contained in any return; or
- (4) (d) — To obtain information of any financial audit of the tax returns of any taxfiler.

(2) — Such disclosure and access shall be granted only if the laws, regulations or practices of such other jurisdiction maintain the confidentiality of such information at least to the extent provided by the Business Income Tax Law.

(B) Upon request of a taxfiler, or authorized representative, the Administrator shall provide copies of any tax return information filed by the tax filer in the Administrator's possession.

(C) The division or Administrator may also disclose and give access to information described in § 12.230 to:

(1) The County Attorney, his or her assistants and employees, or other legal representatives of the County, to the extent the division deems disclosure or access necessary for the performance of the duties of advising or representing the division.

(2) The City Attorney, his or her assistants and employees, or other legal representatives of the City, to the extent the Administrator deems disclosure or access necessary for the performance of the duties of advising or representing the Administrator, including but not limited to instituting legal actions on unpaid accounts.

(23) Other county employees and agents, to the extent the division deems disclosure or access necessary for such employees or agents to perform their duties under contracts or agreements between the division and any other department, division, agency or subdivision of the county relating to the administration of the Business Income Tax Law.

(4) City of Portland employees, agents and officials of the City, to the extent the Administrator deems disclosure or access necessary for such employees, agents or officials to:

(a) Aid in any legal collection effort on unpaid accounts;

(b) Perform their duties under contracts or agreements between the Administrator and any other department, bureau, agency or subdivision of the City relating to the administration of the Business Income Tax Law; or

(c) Aid in determining whether a Business Income Tax account is in compliance with all City, State and Federal laws or policies.

(D) All employees and agents of the division or county, prior to the performance of duties involving access to financial information submitted to the county under the terms of the

Business Income Tax Law, shall be advised in writing of the provision of § 12.730 relating to penalties for the violation of §§ 12.240 and 12.255. Such employees and agents shall execute a certificate in a form prescribed by the division, stating that the person has reviewed these provisions of law, has had them explained, and is aware of the penalties for the violation of §§ 12.230, 12.240 and 12.255.

(E) Prior to any disclosures permitted by this section, all persons described in subsection (A), to whom disclosure or access to financial information is given, shall:

(1) Be advised in writing of the provisions of § 12.730 relating to penalties for the violation of § 12.230; and

(2) Execute a certificate in a form prescribed by the division, stating these provisions of law have been reviewed and they are aware of the penalties for the violation of § 12.230.

(F) The director's signature on the certificate, required by subsection (E)(2), shall constitute consent to disclosure to the persons executing the certificate.

Section 7. § 12.260 is amended as follows

12.260 Examination Of Books, Records Or Persons.

(A) The Administrator may examine any books, papers, records, or memoranda, including state and federal income or excise tax returns, to ascertain the correctness of any tax return or to make an estimate of any tax. The Administrator shall have the authority, after notice, to:

(1) Require the attendance of any person required to file a tax return under the Business Income Tax Law, or officers, agents, or other persons with knowledge of the person's business operations, at any reasonable time and place the Administrator may designate;

(2) Take testimony, with or without the power to administer oaths to any person required to be in attendance; ~~and~~

(3) Require proof for the information sought, necessary to carry out the provisions of this chapter; and

(4) Require the property manager of a tenant-in-common arrangement to provide financial information related to the arrangement as well as information regarding the owners, including, but not limited to, the name and last known addresses of the owners.

(B) The Administrator shall designate the employees who shall ~~designate the employees who shall~~ have the power to administer oaths hereunder. Such employees shall be notaries public of the State of Oregon.

Section 8. § 12.280 is amended as follows

12.280 Deficiencies And Refunds.

(A) Deficiencies may be assessed and refunds granted any time within the period provided under ORS 314.410, 314.415, and 317.950. The Administrator may by agreement with the taxfiler extend such time periods to the same extent as provided by statute.

~~(B) Notwithstanding subsection (A), if no tax return is filed, the Administrator may determine taxes due under this chapter at any time based on the best information available to the Administrator. Taxes determined under this subsection shall be assessed and subject to penalties and interest from the date the taxes should have been paid as provided in § 12.510 of this in accordance with §§ 12.700 and 12.710. The Administrator shall send notice of the determination and assessment to the person doing business in the county.~~

~~(B)~~ Consistent with ORS 314.410(3), in cases where no tax return has been filed, there shall be no time limit for a notice of deficiency and/or the assessment of taxes, penalty and interest due.

(C) Notwithstanding subsections (A) and (B), the Administrator is not required to accept any tax return from a taxfiler if:

(1) The Administrator obtains a money judgment against the taxfiler for failure to pay an unpaid account balance due; and

(2) The Administrator or its designee lawfully served the taxfiler with the lawsuit pursuant to the Oregon Rules of Civil Procedure; and

(3) The tax return is for a taxable year that is the subject of the general money judgment; and

(4) The Administrator gave written notice stating that the taxfiler had an outstanding balance due at least 60 days before the Administrator (or its designee) filed a lawsuit for those particular taxable years.

Section 9. § 12.290 is amended as follows

12.290 Protests And Appeals.

(A) Any determination by the Administrator may be protested by the taxfiler. Written notice of the protest must be received by the Administrator within 30 days after the notice of determination was mailed or delivered to the taxfiler. The protest shall state the name and address of the taxfiler and an explanation of the grounds for the protest. The Administrator shall respond within 30 days after the protest is filed with the Administrator with either a revised determination or a final determination. The Administrator's determination shall include the

reasons for the determination and state the time and manner for appealing the determination. The time to file a protest or the time for the Administrator's response may be extended by the Administrator, for good cause. Requests for extensions of time must be received prior to the expiration of the original 30-day protest deadline. Written notice shall be given to the taxfiler if the Administrator's deadline is extended.

(B) Any final determination by the Administrator may be appealed by the taxfiler to the appeals board. Written notice of the appeal must be received by the Administrator within 30 days after the final determination was mailed or delivered to the appellant. The notice of appeal shall state the name and address of the appellant and include a copy of the final determination.

(C) ~~(1)~~—Within 90 days after the final determination was mailed or delivered to the taxfiler, the appellant shall file with the appeals board a written statement containing:

(1) ~~(a)~~—The reasons the Administrator's determination is incorrect; and

(2) ~~(b)~~—What the correct determination should be.

~~(2)~~—Failure to file such a written statement within the time permitted shall be deemed a waiver of any objections, and the appeal shall be dismissed.

(D) Within 150 days after the final determination was mailed or delivered to the taxfiler, the Administrator shall file with the appeals board a written response to the appellant's statement. A copy of the Administrator's response shall be promptly mailed to the address provided by the appellant.

(E) The appellant shall be given not less than 14 days prior written notice of the hearing date and location. The appellant and the Administrator shall have the opportunity to present relevant testimony and oral argument. The appeals board may request such additional written comment and documents as it deems appropriate.

(F) Decisions of the appeals board shall be in writing, state the basis for the decision and be signed by the appeals board chair.

(G) The decision of the appeals board shall be final on the date it is issued and no further administrative appeal shall be provided.

(H) The filing of an appeal with the appeals board shall temporarily suspend the obligation to pay any tax that is the subject of the appeal pending a final decision by the appeals board.

(I) Penalty waiver and/or reduction requests are not subject to the protest/appeal process until the taxfiler receives written notice from the Administrator that the taxfiler's request was either denied or only approved in part. The Administrator shall respond to requests to reduce and/or waive late and/or underpayment penalties within 60 days from the date that the written request is received by the Administrator.

Section 10. § 12.400 is amended as follows

12.400 Exemptions.

To the extent set forth below, the following persons or incomes are exempt from tax requirements imposed by the Business Income Tax Law:

(A) Persons whom the county is prohibited from taxing under the Constitution or laws of the United States or the Constitution or laws of the State of Oregon or County Charter.

(B) Income arising from transactions which the county is prohibited from taxing under the Constitution or the laws of the United States or the Constitution or laws of the State of Oregon or County Charter.

(C) Persons whose gross receipts from all business, both within and without the county, amount to less than \$50,000 (\$25,000 for in any tax years that begin prior to January 1, 2008). The Administrator may demand a statement that the person's gross receipts for any tax year were less than the stated exemption amount for the tax year for which exemption is claimed \$25,000.

(D) Corporations exempt from the State of Oregon Corporation Excise Tax under ORS 317.080, provided that any such corporation subject to the tax on unrelated business income under ORS 317.920 to 317.930 shall pay a tax based solely on such income.

(E) Trusts exempt from federal income tax under Internal Revenue Code Section 501, provided that any exempt trust subject to tax on unrelated business income and certain other activities under Internal Revenue Code Section 501(b) shall be subject to the tax under this chapter based solely on that income.

(F) Any individual whose only business transactions are exclusively limited to the renting or leasing of residential real property dwelling units provided that the beneficial owner rents or leases less than ten total units, regardless of whether the units are located inside or outside of the County. For purposes of this subsection, payments to foster care and other service providers shall be considered payments for "services" and not for "rent". If a building contains more than one residential living quarter, the term "dwelling unit" refers to each separate living quarter. This exemption does not apply if any income is recognized from the sale of residential property following activities:

~~_____ (1) Sales, exchanges or involuntary conversions of real property not held for sale in the ordinary course of a trade or business, unless the real property is used in the trade or business in connection with the production of income; or~~

~~_____ (2) The sale of personal property acquired for household or other personal use by the seller; or~~

~~_____ (3) (a) Interest and dividend income earned from investments if the income is not created in the course of or related to the taxfiler's business activities; or~~

~~_____ (b) Gains or losses incurred from the sale of assets which are not a part of a trade or business; or~~

~~_____ (4) The renting or leasing of residential real property, if the beneficial owner of such real property does not rent or lease more than nine dwelling units, at least one of which is within the county.~~

_____ (G) Income of an individual from:

_____ (1) Sales, exchanges or involuntary conversions of a primary or secondary residence;

_____ (2) Sale of personal property acquired for household or other personal use by the seller;

_____ (3) Interest and dividend income earned from investments, if the income is not created in the course of or related to the taxfiler's business activities; and

_____ (4) Gains and losses incurred from the sale of investments (other than real property) that are not a part of a business.

(GH) Any person whose only business transactions are exclusively limited to the following activities:

(1) Raising, harvesting and selling of the person's own crops, or the feeding, breeding, management and sale of the person's own livestock, poultry, furbearing animals or honeybees, or sale of the produce thereof, or any other agricultural, horticultural or animal husbandry activity carried on by any person on the person's own behalf and not for others, or dairying and the sale of dairy products to processors. This exemption shall not apply if, in addition to the farm activities described in this subsection, the person does any processing of the person's own farm products which changes their character or form, or the person's business includes the handling, preparation, storage, processing or marketing of farm products raised or produced by others; or the processing of milk or milk products whether produced by said person or by others for retail or wholesale distribution.

(2) Operating within a permanent structure a display space, booth or table for selling or displaying merchandise by an affiliated participant at any trade show, convention, festival, fair, circus, market, flea market, swap meet or similar event for less than 14 days in any tax year.

Section 11. § 12.500 is amended as follows

12.500 Imposition And Rate Of Tax.

(A) Except as otherwise provided in this chapter, a tax is imposed upon each person doing business within the county equal to 1.45% of the net income from the business within the county effective with tax years beginning on or after January 1, 1993. For tax years beginning on or after January 1, 2008 each taxfiler not otherwise exempt shall determine their tax at the rate established in this section, provided that each shall pay at least a minimum tax of \$100.00.

(B) The payment of a tax required hereunder and the acceptance of such tax shall not entitle a taxfiler to carry on any business not in compliance with all the requirements of this code and all other applicable laws.

(C) For the business year beginning on or after January 1, 1998, if the tax imposed by this section exceeds \$100, each person doing business within Multnomah County shall pay, in addition, a Temporary Education Surcharge equal to one half percent (.50%) of the net income from the business within the County. This surcharge shall be in effect only for 1998 and shall not apply to business years beginning on or after January 1, 1999.

(D) The receipts from the surcharge imposed by subsection (C) shall be used only to benefit public schools in Multnomah County. Receipts from the Temporary Educational BIT surcharge shall only be used to maintain or reduce class size by preventing teacher layoffs in FY 1998-99. The public school districts with projected budget shortfalls in FY 98-99 shall only spend surcharge revenues to pay for salaries of teacher positions or other state certified personnel, which would otherwise be eliminated. To be eligible for BIT surcharge funds, school districts with projected budget shortfalls in FY 98-99 shall submit a list of positions for state certified positions subject to elimination from the budget and their accompanying salary, to Multnomah County no later than May 30, 1998. Districts without budget shortfalls in FY 98-99 shall submit a list of additional teaching positions and other staff certified positions and materials directly related to instruction. Multnomah County will allocate the BIT surcharge revenues to each public school to pay for teacher positions or other state certified positions, based upon the list submitted by each school district.

(E) The Temporary Education Surcharge receipts shall be distributed to every public school district in Multnomah County according to a formula approved by the Board of County Commissioners.

Section 12. § 12.550 is amended as follows

12.550 Presumptive Tax.

(A) If a person fails to file a return, a rebuttable presumption shall exist that the tax payable amounts to \$500 for every tax year for which a return has not been filed.

(B) Nothing in this section shall prevent the Administrator from assessing, ~~under § 12.280(B)~~ a tax due which is less than or greater than \$500 per tax year.

(C) If the taxfiler filed a tax return the previous tax year, then presumptive taxes assessed under this subsection shall be considered a tax return. Presumptive taxes assessed

under this subsection shall be considered filed documents and shall be subject to the time limitations for deficiencies and refunds as described in subsection 12.280.

(D) Taxes determined under this subsection shall be assessed and subject to penalties and interest from the date the taxes should have been paid as provided in subsection 12.510 in accordance with subsections 12.700 and 12.710. The Administrator shall send notice of the determination and assessment to the person doing business in the County.

Section 13. § 12.600 is amended as follows

12.600 Income Determinations.

(A) *Owners compensation deduction. OWNERS COMPENSATION DEDUCTION* is defined as the additional deduction allowed in subsections (B), (C) and (D) below.

(1) For tax years beginning prior to January 1, 1999, the owner's compensation deduction as defined in this section cannot exceed \$50,000 per owner, as defined in this section.

(2) For tax years beginning on or after January 1, 1999, the owners compensation deduction will be indexed by the Consumer Price Index - All Urban Consumers (CPI-U) U.S. City Average as published by the U.S. Department of Labor, Bureau of Labor Statistics, using the September to September index, not seasonally adjusted (unadjusted index). The initial index will be the September 1998 to September 1999 index. The Administrator will determine the exact deduction amount and publish the amount in written policy and included on forms. Any increase or decrease under this subsection which is not a multiple of \$500 shall be rounded up or down to the next lowest multiple of \$500 at the Administrator's discretion.

(3) For tax years beginning on or after January 1, 2008, the owners compensation deduction cannot exceed \$80,000 plus CPI-U for September 2007 to September 2008 per owner as defined in Sections (B), (C) and (D) below.

(4) For tax years beginning on or after January 1, 2009, the owners compensation deduction will be indexed as described in (2) above.

(B) *Sole proprietorship.* In determining income, no deductions shall be allowed for any compensation for services rendered by, or interest paid to, owners. However, 75% of income determined without such deductions shall be allowed as an additional deduction, not to exceed the amount per owner as determined in subsection (A) above.

(C) *Partnerships.* In determining income, no deduction shall be allowed for any compensation for services rendered by, or interest paid to, owners of partnerships, limited partnerships, limited liability companies, limited liability partnerships or family limited partnerships. Guaranteed payments to partners or members shall be deemed compensation paid to owners for services rendered. However:

(1) For general partners or members, 75% of income determined without such deductions shall be allowed as an additional deduction, not to exceed the amount per general partner or member as determined in subsection (A) above.

(2) For limited partners or members of limited liability corporations who are deemed partners by administrative rule or policy, 75% of income determined without such deductions shall be allowed as an additional deduction, not to exceed the lesser of actual compensation and interest paid or the amount determined in subsection (A) above per compensated limited partner.

(D) *Corporations.* In determining income, no deduction shall be allowed for any compensation for services rendered by, or interest paid to, controlling shareholders of any corporation, including, but not limited to C and S corporations and any other entity electing treatment as a corporation, either C or S. However, 75% of the corporation's income, determined without deduction of compensation or interest, shall be allowed as a deduction in addition to any other allowable deductions, not to exceed the lesser of the actual compensation and interest paid or the amount for each controlling shareholder as determined in subsection (A) above.

(1) For purposes of this subsection, to calculate the compensation for services rendered by or interest paid to controlling shareholders that must be added back to income, wages, salaries, fees, or interest paid to all persons meeting the definition of a controlling shareholder, must be included.

(2) For purposes of this subsection, in determining the number of controlling shareholders, a controlling shareholder and that person's spouse, parents and children count as one owner, unless such spouse, parent or child individually own more than 5% ownership of outstanding stock or securities in their own name. In that case, each spouse, parent or child who owns more than 5% of stock shall be deemed to be an additional controlling shareholder.

(3) For purposes of this subsection (C), joint ownership of outstanding stock or securities shall not be considered separate ownership.

(E) *Estates and trusts.* In determining income for estates and trusts, income shall be measured before distribution of profits to beneficiaries. No additional deduction shall be allowed.

(F) *Nonbusiness income.* In determining income under this section, an allocation shall be allowed for nonbusiness income as reported to the State of Oregon. However, income treated as nonbusiness income for State of Oregon tax purposes may not necessarily be defined as nonbusiness income under the Business Income Tax Law. Interest and dividend income, rental income or losses from real and personal business property, and gains or losses on sales of property or investments owned by a trade or business shall be treated as business income for purposes of the Business Income Tax Law. Income derived from non-unitary business functions reported at the state level may be considered nonbusiness income. Non-unitary income will not be recognized at an intrastate level. The taxfiler shall have the burden of showing that income is nonbusiness income.

(G) *Tax based on or measured by net income.* In determining income, no deduction shall be allowed for taxes based on or measured by net income. No deduction shall be allowed for the federal built-in gains tax.

(H) *Ordinary gain or loss.* In determining income, gain or loss from the sale, exchange or involuntary conversion of real property or tangible and intangible personal property not exempt under § 12.400(FG) and § 12.400(H) shall be included as ordinary gain or loss.

(I) *Net operating loss.* In determining income, a deduction shall be allowed equal to the aggregate of the net operating losses incurred in prior years, not to exceed 75% of the income determined for the current tax year before this deduction but after all other deductions from income allowed by this section and apportioned for business activity both within and without the county.

(1) When the operations of the taxfiler from doing business both within and without the county result in a net operating loss, such loss shall be apportioned in the same manner as the net income under § 12.600. However, in no case shall a net operating loss be carried forward from any tax year during which the taxfiler conducted no business within the county or the taxfiler was otherwise exempt from tax filing requirements.

(2) In computing the net operating loss for any tax year, the net operating loss of a prior tax year shall not be allowed as a deduction.

(3) In computing the net operating loss for any tax year, no compensation allowance deduction shall be allowed to increase the net operating loss. **COMPENSATION ALLOWANCE DEDUCTION** is defined as the additional deduction allowed by subsection (A).

(4) The net operating loss of the earliest tax year available shall be exhausted before a net operating loss from a later tax year may be deducted.

(5) The net operating loss in any tax year shall be allowed as a deduction in any of the five succeeding tax years until used or expired. Any partial tax year shall be treated the same as a full tax year in determining the appropriate carry-forward period.

Section 14. § 12.700 is amended as follows

12.700 Penalty.

(A) (1) A penalty shall be assessed if a person:

(1) (a) Fails to file a tax return or extension request at the time required under §§ 12.510(A) or 12.620(A); or

(b) Fails to pay a tax when due.

(2) The penalty under subsection (A) shall be calculated as:

(a) Five percent of the total tax liability if the failure is for a period less than four months;

(b) An additional penalty of 20% of the total tax liability if the failure is for a period of four months or more; and

(c) An additional penalty of 100% of the total tax liability of all tax years if the failure to file is for three or more consecutive tax years.

(B) (1) A penalty shall be assessed if a person who has filed an extension request:

(1) (a) Fails to file a tax return by the extended due date; or

(b) Fails to pay the tax liability by the extended due date.

(2) The penalty under subsection (B) shall be calculated as:

(a) Five percent of the total tax liability if the failure is for a period of less than four months; and

(b) An additional penalty of 20% of the total tax liability if the failure is for a period of four months or more.

(C) (1) A penalty shall be assessed if a person:

(1) (a) Fails to pay at least 90% of the total tax liability by the original due date; or

(b) Fails to pay at least 100% of the prior year's total tax liability by the original due date.

(2) The penalty under subsection (C) shall be calculated as:

~~(a) Five percent~~5% of the tax underpayment, but not less than \$5, ~~if the failure is for a period less than four months; and~~

~~(b) An additional penalty of 20% of the tax underpayment if the failure is for a period of four months or more.~~

(D) The Administrator may impose a civil penalty of up to \$500 for each of the following violations of this chapter:

(1) Failure to file any tax return within ~~90~~60 days of the Administrator's original written notice to file;

(2) Failure to pay any tax within ~~90~~60 days of the Administrator's original written notice for payment; or

(3) Failure to provide documents as required by §§ 12.260 within ~~90~~60 days of the Administrator's original written notice to provide documents.

(E) The Administrator may impose a civil penalty under subsection (D) only if the Administrator gave notice of the potential for assessment of civil penalties for failure to comply or respond in the original written notice.

(F) The Administrator may waive or reduce any penalty determined under subsections (A) through (D) for good cause, according to and consistent with written policies.

Section 15. § 12.710 is amended as follows

12.710 Interest.

(A) Interest shall be collected on any unpaid tax at the rate of .833% simple interest per month or fraction thereof (10% per annum), computed from the original due date of the tax to the fifteenth day of the month following the date of payment.

(B) (1)—Interest shall be collected on any unpaid or underpaid quarterly estimated payment required by §§ 12.520 and 12.530 at the rate of .833% simple interest per month or fraction thereof (10% per annum), computed from the due date of each quarterly estimated payment to the original due date of the tax return to which the estimated payments apply.

(C) (2)—Notwithstanding subsection (B)(1), there shall be no interest on underpayment of quarterly estimated payments if:

(1) (a)—The total tax liability of the prior tax year was less than \$1,000;

(2) (b)—An amount equal to at least 90% of the total tax liability for the current tax year was paid in accordance with § 12.530; or

(3) (c)—An amount equal to at least 100% of the prior year's total tax liability was paid in accordance with § 12.530.

(D) (3)—For purposes of subsection (B)(1), the amount of underpayment is determined by comparing ~~the~~ 90% of the current total tax liability amount to quarterly estimated payments made prior to the original due date of the tax return. However, if 100% of the prior year's total tax liability is paid to the Administrator by the due date of the fourth quarterly payment, the Administrator may use the prior year's tax liability if doing so will reduce the amount of interest owed.

~~—(C)—If a person fails to file a tax return on the prescribed date, or any extension thereof granted under § 12.510(B), the Administrator may determine the tax due based on the best information available to the Administrator. If the Administrator determines the tax due under this~~

~~subsection, the Administrator shall assess appropriate penalties and interest and shall send notice to such person of the determination and assessment.~~

(DE) For purposes of subsection (A), the amount of tax due on the tax return shall be reduced by the amount of any tax payment made on or before the date for payment of the tax in accordance with § 12.510(A) or 12.530.

(EF) Interest at the rate specified in subsection (A) shall accrue from the original due date without regard to any extension of the filing date.

(FG) Any interest amounts properly assessed in accordance with this section may not be waived or reduced by the Administrator, unless specifically provided for by written policy.

Section 16. § 12.715 is amended as follows

12.715 Payments Applied.

Taxes received shall first be applied to any penalty accrued, then to interest accrued, then to taxes due, unless the Administrator determines in accordance with its written policies that a more equitable method exists for a particular taxfiler's account.

Section 17. § 12.720 is amended as follows

12.720 Interest On Refunds.

When, under a provision of the Business Income Tax Law, taxfilers are entitled to a refund of a portion or all of a tax paid to the Administrator, they shall receive simple interest on such amount at the rate specified in § 12.710(A), subject to the following:

(A) Any overpayments shall be refunded with interest for each month or fraction thereof for a period beginning four months after the later of:

(1) the due date of the tax return;

(2) the date the tax return was filed or the refund was otherwise requested; or

(3) the date the tax was paid, whichever is later,

to the date of the refund; and

~~(B) Any overpayments of estimated tax shall be refunded with interest for each month or fraction thereof for the period beginning four months after the date the final return was filed.~~

(CB) Any overpayments of taxes that are the result of an amended return being filed shall be refunded with interest for each month or fraction thereof for the period beginning four

months after the date the taxfiler filed the amended return ~~was filed~~. This subsection shall apply to tax returns applications that are amended due to a change to the federal, state or business income tax return.

Section 18. § 12.730 is amended as follows

12.730 Criminal Penalties.

Violation of §§ 12.230 or 12.240 is punishable, upon conviction thereof, by a fine not exceeding \$~~1,000~~500 or by imprisonment for a period not exceeding ~~12~~six months, or by both fine and imprisonment. In addition, any county employee convicted for violation of §§ 12.230 or 12.240 shall be dismissed from employment and shall be barred from employment for a period of five years thereafter. Any agent of the county shall, upon conviction, be ineligible for participation in any county contract for a period of five years thereafter.

Section 19. § 12.840 is renumbered as follows

12.840-990 Participation Of Cities.

To facilitate a unified system of collection and allocation of all county and municipal taxes upon business net income within the county, any city the territory of which is in whole or in part within the county may, if authorized by its governing body, participate under and share in the revenue derived from this chapter, upon such terms and conditions as the county and city may agree by written contract.

Section 20. § 12.850 is renumbered as follows

12. 850-995 Former Regulations Superseded By This Subchapter; Exceptions.

Effective for tax years beginning on or after January 1, 1993, '90 MCC Chapter 5.70 shall be superseded and given no effect until this chapter is repealed or otherwise ceases to be effective. For tax years ending on or before December 31, 1992, all determinations of obligations and responsibilities required of any persons under '90 MCC Chapter 5.70, made on or before December 31, 1993 shall remain binding upon those persons. However, on and after January 1, 1994, this chapter [formerly §§ 11.500 et seq.] shall apply to all determinations of obligations and responsibilities for tax years ending on or before December 31, 1992 with the exceptions of:

- (A) Determination of income under '90 MCC 5.70.015;
- (B) Treatment of payments to owners or controlling shareholders under '90 MCC 5.70.025;
- (C) Net operating loss deduction under '90 MCC 5.70.030;

- (D) Ordinary gain or loss under '90 MCC 5.70.035;
- (E) Rate of tax under '90 MCC 5.70.045;
- (F) Apportionment of income under '90 MCC 5.70.050;
- (G) Partnerships, S corporations, estates and trusts under '90 MCC 5.70.055;
- (H) Exemptions under '90 MCC 5.70.060;
- (I) State laws incorporated by reference under '90 MCC 5.70.075 (except that the City of Portland; Revenue Bureau of Licenses shall replace any references to the state Department of Revenue as the Administrator of the Tax.);
- (J) Amendments under '90 MCC 5.70.110.

Section 21. § 12.845 is added as follows

12.845 Frivolous Filing.

A \$500.00 penalty shall be assessed if a taxfiler takes a "frivolous position" in respect to preparing the taxfiler's tax return. A tax return is considered frivolous if a taxfiler does not provide information on which the substantial correctness of the self-assessment may be judged or if the tax return contains information that on its face indicates that the self-assessment is substantially incorrect. Examples of "frivolous positions" as provided in Oregon Administrative Rule 150-316.992(5) are adopted by direct reference.

Section 22. § 12.855 is added as follows

12.845 Hacking.

(A) **Definitions.** As used in this section, the following definitions apply:

ADMINISTRATOR'S COMPUTER DATABASE. Computer application(s) used by the Administrator to calculate and store business and financial data collected under the authority granted by the Business Income Tax Law.

LOSS. Any reasonable cost incurred by the City of Portland, including but not limited to the cost of responding to an offense, conducting a damage assessment, and restoring the data, program, system, or information to its condition prior to the offense, and any revenue lost, cost incurred, or other consequential damages incurred because of interruption of service.

DAMAGE. Any impairment to the integrity or availability of data, a program, a system, or information.

(B) Any individual who intentionally accesses the Administrator's computer database without authorization shall be fined:

(1) \$500 if the individual acquires any information regarding any business account found in the database;

(2) \$1,000 or the cost of the loss (whichever is greater) if the individual uses or attempts to use the acquired information for financial gain of any kind; or

(3) \$5,000 or the cost of the loss (whichever is greater) if the individual causes the transmission of a program, information, code, or command to the Administrator's computer database, and, as a result of such conduct, causes damage to the database.

FIRST READING: December 13, 2007

SECOND READING AND ADOPTION: December 20, 2007

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Stephanie E. Duvall, Assistant County Attorney

SUBMITTED BY:
Mindy Harris, Chief Financial Officer



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 12/13/07
Agenda Item #: R-8
Est. Start Time: 10:30 AM
Date Submitted: 12/05/07

Agenda Title: **Approval of the 2007-2012 Labor Agreement Between Multnomah County and International Brotherhood of Electrical Workers "IBEW" Local 48, AFL-CIO**

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

Requested Meeting Date: December 13, 2007 **Amount of Time Needed:** 5 Minutes
Department: Department of County Management **Division:** Labor Relations
Contact(s): Jim Younger
Phone: 503-988-5135 **Ext.** 28504 **I/O Address:** 503/4
Presenter(s): Jim Younger County Representative and Bob Carroll Business Representative for "IBEW" Local 48

General Information

1. What action are you requesting from the Board?

The Department of County Management recommends approval of a successor labor agreement with "IBEW" Local 48 covering Electricians, Electronic Technicians and Alarm Technicians employed by the County.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

The 2004-2007 Agreement expired on June 30, 2007. The parties have negotiated a new contract to run from July 1, 2007 through June 30, 2012. Significant provisions include.

- Term of Agreement: July 1, 2007 to June 30, 2012
- Vacation Leave: Revised accrual rates for employees with less than two years service and created new accrual rates for employees with 5 to 10 years. Clarified accrual language and what vacation leave can be used for.
- Sick Leave: Major change in sick leave language. Clarified employee's right to accrual and use of sick leave. Clarified managements right if management believes an employee is

misusing sick leave.

- H&W: See fiscal section below.
- Wages: See fiscal section below.

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

The wage agreement for the contract is as follows:

- As of 7/1/07, employees covered by the agreement receive a 2.7% cost of living (COLA) increase.
- As of 7/1/08, employees covered by the agreement receive a COLA adjustment of no less than 2% and no more than 5%.
- As of 7/1/09, employees covered by the agreement receive a COLA adjustment of no less than 2% and no more than 5%.
- As of 7/1/10, employees covered by the agreement receive a COLA adjustment of no less than 2% and no more than 5%.
- As of 7/1/11, employees covered by the agreement receive a COLA adjustment of no less than 2% and no more than 5%.

Additionally:

- As of 7/1/07, swing shift differentials increase from \$0.75 per hour to \$1.00 per hour
- As of 7/1/07, graveyard shift differentials increase from \$1.00 to \$1.25 per hour
- As of 1/1/09, medical-dental insurance premiums will be charged to employees at a set percentage of premium costs. (This language is identical to the language in the Local 88 contract.)
- The contract stipulates market adjustments in FYs 2009 and 2011, if appropriate.

The estimated increased cost to the County of this contract over the five-year period ranges from \$175,800 to \$387,500, depending on the amount of COLA in each year and excluding upward market adjustments, if any, in FYs 2009 and 2011. The cost to the County for FY 2008 is \$44,800. FY 2008 budgets include an amount to cover the FY 2008 COLA adjustment.

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

N/A

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

N/A

Required Signature

Elected Official or
Department/
Agency Director:



Date: 12/04/07

2007-2012

AGREEMENT

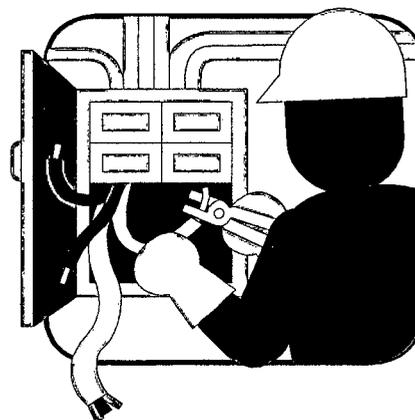
between



Multnomah County, Oregon

and

**International Brotherhood of Electrical Workers
Local 48
AFL-CIO**



Local 48 Summary of Changes
 New 2007 – 2012 Agreement

Article	Change
Article 2 – Definition	Changed Department of Business and Community Services to Department of County Management.
Article 7 – Holidays	<p>Changed: Eight (8) hours to be used between Thanksgiving and New Year's or any religious to: as a floating holiday...</p> <p>Eight (8) hours to be used as a floating holiday during the fiscal year...</p>
Article 8 – Vacation Leave	<p>Changed vacation article to what Local 88 agreed to.</p> <p>Changed accrual rates as follows: Less than 5 2. 2 to 5: 5.0 hours accrued per pay period. 5 to 10: 5.67 to 6.0 hours accrued per pay period.</p> <p>Added language on how hours are accrued.</p> <p>Added language on how vacation leave is charged.</p> <p>Added language regarding payoff at termination or death.</p> <p>Added language that vacation leave can be used for emergencies and preventative health.</p>
Article 9 – Sick Leave	<p>Changed much of the language to match Local 88.</p> <p>Definition and allowable use. Added grandparents and grandchildren.</p> <p>Accrual. Defined what is considered straight time hours worked.</p> <p>Added: Reporting of sick leave.</p> <p>Added: Use of Sick Leave During Leave.</p> <p>Added: Time Charging of Sick Leave.</p>

Local 48 Summary of Changes
 New 2007 – 2012 Agreement

Article	Change
	Added: Use and Misuse of Leave for Sick Leave Purposes. Counting Against FMLA, OFLA Entitlements. Legitimate Use. Sequencing of Leaves. Limitations on the Use of Leave Without Pay in Lieu of Sick Leave. Added: Fitness for Duty
Article 10 – Other Leaves	Added to voting time: Voting time will not be granted for any election if vote by mail is available for employees.
Article 11 – Health and Welfare	Followed what Local 88 agreed to. Don't have Health and Welfare committee or 30 Hour Committee, all other changed as agreed to by Local 88.
Article 13 – Worker's Comp	Clarified that the first day of disability and the next day shall be compensated subject to the provisions of the Sick Leave Article.
Article 14 – Hours of Work	Added Alarm Tech MOA to contract. Meal Periods: Clarified that employees who work more than 2 hours beyond the end of their shift will be entitled to a ½ hour paid meal period.
Article 15 - Wages	5 Year Agreement. July 1, 2007: 2.7% retro. July 1, 2008: CPI, min 2% max 5%. July 1, 2009: CPI, min 2% max 5% plus market adjustment if appropriate. July 1, 2010: CPI, min 2% max 5%. July 1, 2011: CPI, min 2% max 5% plus market adjustment if appropriate. Bridge Section: Clarified bridge section on-call pool.

Local 48 Summary of Changes
 New 2007 – 2012 Agreement

Article	Change
	Shift Differential: Increase swing from \$0.75 to \$1.00/hour. Increase grave from \$1.00 to \$1.25.
Article 22 – Termination	5 Year Agreement: July 1, 2007 – June 30, 2012.
Addendum A – Wages	July 1, 2007: 2.7% increase.
Addendum D – Drug and Alcohol Policy	Updated per Local 88 agreement.
Addendum F – Plan Design Changes Effective January 1, 2009	New: Goes with H&W changes.



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 12/13/07
Agenda Item #: R-9
Est. Start Time: 10:35 AM
Date Submitted: 12/05/07

Agenda Title: **Approval of the 2007-2012 Labor Agreement Between Multnomah County and International Union of Painters and Allied Trades District Council 5, AFL-CIO Local Union 1094**

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

Requested Meeting Date: December 13, 2007 **Amount of Time Needed:** 5 Minutes
Department: Department of County Management **Division:** Labor Relations
Contact(s): Jim Younger
Phone: 503-988-5135 **Ext.** 28504 **I/O Address:** 503/4
Presenter(s): Jim Younger County Representative

General Information

1. What action are you requesting from the Board?

The Department of County Management recommends approval of a successor labor agreement with International Union of Painters and Allied Trades District Council 5, AFL-CIO Local Union 1094 representing Sign Fabricators employed by the County.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

The 2004-2007 Agreement expired on June 30, 2007. The parties have negotiated a new contract to run from July 1, 2007 through June 30, 2012. Significant provisions include.

- Term of Agreement: July 1, 2007 to June 30, 2012
- Vacation Leave: Revised accrual rates for employees with less than two years service and created new accrual rates for employees with 5 to 10 years. Clarified accrual language and what vacation leave can be used for.
- Sick Leave: Major change in sick leave language. Clarified employee's right to accrual and use of sick leave. Clarified managements right if management believes an employee is

misusing sick leave.

- H&W: See fiscal section below.
- Wages: See fiscal section below.

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

The wage agreement for the contract is as follows:

- As of 7/1/07, employees covered by the agreement receive a 2.7% cost of living (COLA) increase. Additionally, employees receive a 1.1% market adjustment.
- As of 7/1/08, employees covered by the agreement receive a COLA adjustment of no less than 2% and no more than 5%.
- As of 7/1/09, employees covered by the agreement receive a COLA adjustment of no less than 2% and no more than 5%.
- As of 7/1/10, employees covered by the agreement receive a COLA adjustment of no less than 2% and no more than 5%.
- As of 7/1/11, employees covered by the agreement receive a COLA adjustment of no less than 2% and no more than 5%.

Additionally:

- As of 7/1/07, swing shift differentials increase from \$0.75 per hour to \$1.00 per hour
- As of 7/1/07, graveyard shift differentials increase from \$1.00 to \$1.25 per hour
- As of 1/1/09, medical-dental insurance premiums will be charged to employees at a set percentage of premium costs. (This language is identical to the language in the Local 88 contract.)
- The contract stipulates market adjustments in FYs 2009 and 2011, if appropriate.

The estimated increased cost to the County of this contract over the five-year period ranges from \$12,800 to \$31,100, depending on the amount of COLA in each year and excluding upward market adjustments, if any, in FYs 2009 and 2011. The cost to the County for FY 2008 is \$6,460. FY 2008 budgets include an amount to cover the FY 2008 COLA adjustment.

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

N/A

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

N/A

Required Signature

Elected Official or
Department/
Agency Director:



Date: 12/04/07

2007-2012

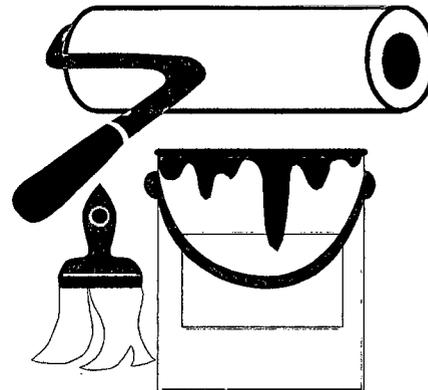
AGREEMENT

between

Multnomah County, Oregon

and

**International Union of
Painters and Allied Trades
District Council 5, AFL-CIO
Local Union 1094**



Painters - Summary of Changes
 New 2007 – 2012 Agreement

Article	Change
Article 7 – Holidays	<p>Changed: Eight (8) hours to be used between Thanksgiving and New Year's or any religious to: as a floating holiday...</p> <p>Eight (8) hours to be used as a floating holiday during the fiscal year...</p>
Article 8 – Vacation Leave	<p>Changed vacation article to what Local 88 agreed to.</p> <p>Changed accrual rates as follows: Less than 5 2. 2 to 5: 5.0 hours accrued per pay period. 5 to 10: 5.67 to 6.0 hours accrued per pay period.</p> <p>Added language on how hours are accrued.</p> <p>Added language on how vacation leave is charged.</p> <p>Added language regarding payoff at termination or death.</p> <p>Added language that vacation leave can be used for emergencies and preventative health.</p>
Article 9 – Sick Leave	<p>Changed much of the language to match Local 88.</p> <p>Definition and allowable use. Added grandparents and grandchildren.</p> <p>Accrual. Defined what is considered straight time hours worked.</p> <p>Added: Reporting of sick leave.</p> <p>Added: Use of Sick Leave During Leave.</p> <p>Added: Time Charging of Sick Leave.</p> <p>Added: Use and Misuse of Leave for Sick Leave Purposes.</p> <p>Counting Against FMLA, OFLA Entitlements.</p> <p>Legitimate Use.</p>

Painters - Summary of Changes
 New 2007 – 2012 Agreement

Article	Change
	Sequencing of Leaves. Limitations on the Use of Leave Without Pay in Lieu of Sick Leave. Added: Fitness for Duty
Article 10 – Other Leaves	Added to voting time: Voting time will not be granted for any election if vote by mail is available for employees.
Article 11 – Health and Welfare	Followed what Local 48 agreed to.
Article 13 – Worker’s Comp	Clarified that the first day of disability and the next day shall be compensated subject to the provisions of the Sick Leave Article.
Article 14 – Hours of Work	Meal Periods: Clarified that employees who work more than 2 hours beyond the end of their shift will be entitled to a ½ hour paid meal period.
Article 15 - Wages	5 Year Agreement. July 1, 2007: 2.7% COLA plus 1.1% market adjustment, retro to July 1, 2007. July 1, 2008: CPI, min 2% max 5%. July 1, 2009: CPI, min 2% max 5% plus market adjustment if appropriate. July 1, 2010: CPI, min 2% max 5%. July 1, 2011: CPI, min 2% max 5% plus market adjustment if appropriate. Shift Differential: Increase swing from \$0.75 to \$1.00/hour. Increase grave from \$1.00 to \$1.25.
Article 22 – Termination	5 Year Agreement: July 1, 2007 – June 30, 2012.
Addendum A – Wages	July 1, 2007: 2.7% COLA plus 1.1% Market Adjustment = 3.8% increase.

Painters - Summary of Changes
New 2007 – 2012 Agreement

Article	Change
Addendum D – Drug and Alcohol Policy	Updated per Local 48 agreement.
Addendum F – Plan Design Changes Effective January 1, 2009	New: Goes with H&W changes.



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 12/13/07
Agenda Item #: R-10
Est. Start Time: 10:40 AM
Date Submitted: 11/21/07

Agenda Title: Multnomah County Green Team Annual Presentation

Requested Meeting Date: December 13, 2007 **Amount of Time Needed:** 20 mins
Department: DCM **Division:** Sustainability
Contact(s): Kat West
Phone: 503 988-4092 **Ext.** 84092 **I/O Address:** 503/4
Presenter(s): Kat West, Terry Baxter, Steve Wright, Heidi Leibrandt, Stuart Farmer, Grant Swanson

General Information

1. What action are you requesting from the Board?

No action.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

The Multnomah County Green Team is a county employee team that acts as the volunteer arm of the county's Sustainability Program. The Green Team focuses on bringing sustainability education and projects to county employees and the public. This presentation presents the efforts of the Green Team in the past year.

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

No impact.

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

No impact.

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

N/A

Required Signature

**Elected Official or
 Department/
 Agency Director:**

Carol M. Ford

Date: 11/19/07

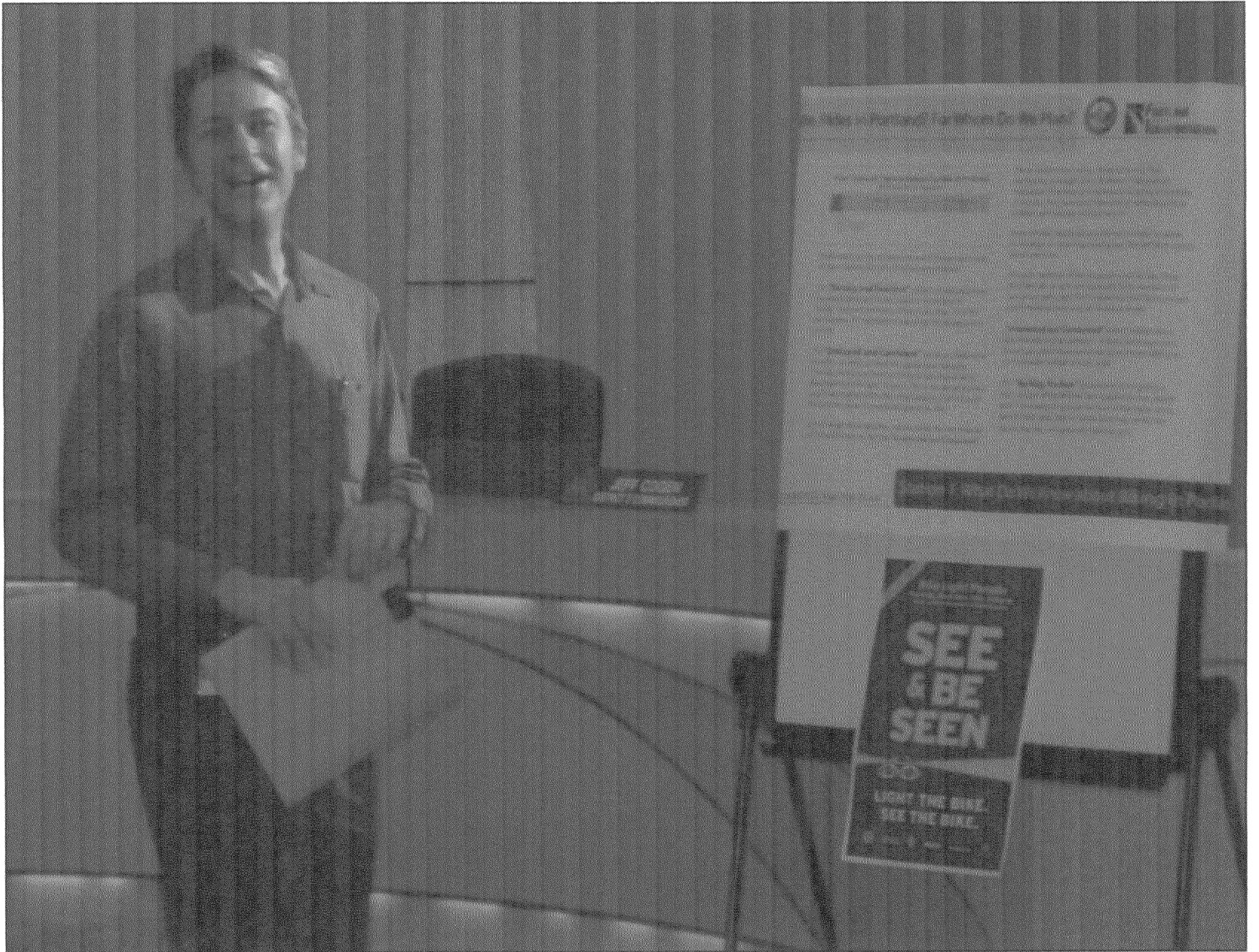


**MULTNOMAH
COUNTY**

Multnomah County Green Team

Leave but a Small Footprint Upon the Earth

http://mint/dbcs/sustainability/green_team.shtml

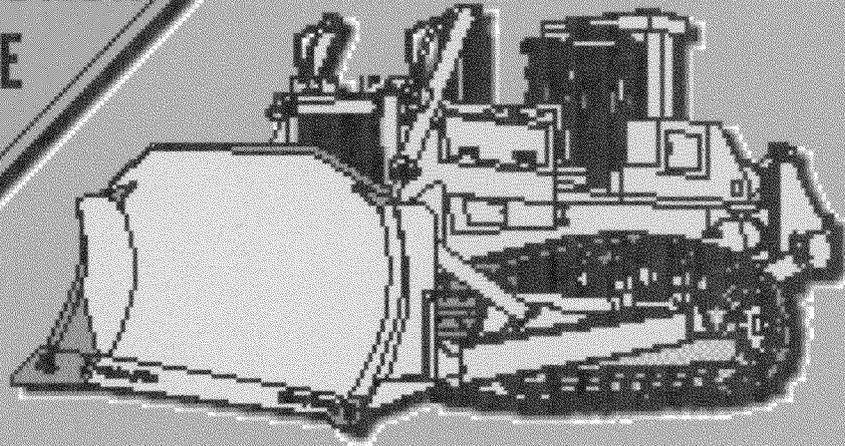






Northwest Earth Institute Discussion Courses







Sustainability Film Series



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-11 DATE 12.13.07
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 12/13/07
Agenda Item #: R-11
Est. Start Time: 11:00 AM
Date Submitted: 11/27/07

NOTICE OF INTENT to Submit a Proposal to the National Institutes of Health/National Cancer Institute "Small Grants for Behavior Research in Cancer Control" Funding Opportunity Announcement (PAR-06-458)

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

Requested Meeting Date: <u>December 13, 2007</u>	Amount of Time Needed: <u>5 minutes</u>
Department: <u>Health Department</u>	Division: <u>Program Design and Evaluation Services</u>
Contact(s): <u>Clyde Dent, Nicole Hermanns</u>	
Phone: <u>503-988-3663</u> Ext.: <u>26314</u> I/O Address: <u>160/9</u>	
Presenter(s): <u>Clyde Dent, Nicole Hermanns</u>	

General Information

1. What action are you requesting from the Board?

Authorization to submit a proposal to the National Institutes of Health/National Cancer Institute to request one-time funding in the amount of approximately \$100,000 to statistically analyze existing behavioral risk survey data.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

Research on adolescent smoking suggests that the acquisition of smoking behavior is progressive and unidirectional; among those that continue to smoke, escalation to higher levels of use and addiction is common while receding to lower levels of use is infrequent. Understanding the steps that adolescents go through as they move toward the development of a smoking habit is important for targeting tobacco control efforts. In the proposed study we will make use of existing survey data that was collected annually on 400 White and African American adolescents and their families over a seven year period in Multnomah County regarding their tobacco use knowledge, attitudes, and behaviors, as well as potential precursors to those behaviors. Using newly developed statistical methods, we will attempt to identify and understand gender and ethnic disparities in the

developmental trajectories of cigarette smoking habits in these youth.

The objective of the NCI Small Grants Program for Behavioral Research in Cancer Control is to provide support for secondary analysis of existing data as self-contained research projects.

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

We will request up to \$100,000 for a two-year project. This is a one-time only request.

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

No legal or policy issues are involved.

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

None.

ATTACHMENT A

Grant Application/Notice of Intent

If the request is a Grant Application or Notice of Intent, please answer all of the following in detail:

- **Who is the granting agency?**
The National Institutes of Health/National Cancer Institute.
- **Specify grant (matching, reporting and other) requirements and goals.**
This grant does not require any cost sharing or matching. An annual progress and financial report is required. The goal of the grant is to fund behavioral research studies in cancer control to aid and facilitate the growth of a nationwide cohort of scientists with a high level of research experience in behavioral cancer control research. Tobacco Control Research is a stated area of interest.
- **Explain grant funding detail – is this a one time only or long term commitment?**
This is a one-time only grant for up to \$100,000 for a two-year grant period.
- **What are the estimated filing timelines?**
The grant application is due Dec. 20, 2007.
- **If a grant, what period does the grant cover?**
The grant period covers two years and is expected to run from 7/1/08 through 6/30/10.
- **When the grant expires, what are funding plans?**
When the grant expires, the statistical analysis will be complete. No future funding for this project will be needed.
- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**
Indirect costs will be covered by the grant.

ATTACHMENT B

Required Signatures

Elected Official or
Department/
Agency Director:

Lillian Shirley

/kj/

Date: 11/27/07

Budget Analyst:

Angela Burdine

Date: 11/27/07



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (long form)

APPROVED : MULTNOMAH COUNTY
 BOARD OF COMMISSIONERS
 AGENDA # R-12 DATE 12-13-07
 DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 12/13/07
Agenda Item #: R-12
Est. Start Time: 11:03 AM
Date Submitted: 12/05/07

Agenda Title: **NOTICE OF INTENT to Request a \$40,000 Grant from the Environmental Protection Agency to Support Environmental Health Education in Local Schools**

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

Requested Meeting Date: December 13, 2007 **Amount of Time Needed:** 5 minutes
Department: Health **Division:** Community Health Services
Contact(s): Mark Fulop, Environmental Health Services, or Kari Lyons, Health Educator
Phone: 503-988-3400 **Ext.** 22551 **I/O Address:** 420/SEHC/1
Presenter(s): Mark Fullop, Program Supervisor

General Information

1. What action are you requesting from the Board?

Authorize the Director of the Health Department to apply for \$40,000 in grant funding through the Environmental Protection Agency's Environmental Education Grants Program to support environmental health education in local schools through an "Environmental Health Stewardship and Education Project."

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

Multnomah County Environmental Health Services Division (EHS), a unit within the Health Department's Community Health Services division, provides environmental health programs that serve to protect and inform the public in response to environmental health related issues: food, water, vector borne diseases, toxic contaminants and environmental health threats. The unit is organized into four main areas: Vector and Nuisance Control, Food Handlers/Inspections, Vital Records, and Community Services.

The proposed grant would fund the Environmental Health Stewardship and Education Project. The project is consistent with Program Offer 40037 Community Environmental Health, and the Department's effort to provide environmental health community education and outreach to attract students into the environmental health workforce.

The project will increase knowledge and practice of environmental stewardship among ten high school students and 45 eighth grade students' through the design and implementation of an interactive, hands-on toxic tour and school-based curriculum using existing web-based and community partner education resources. The goals of the project are to: (1) increase students' knowledge of the value of natural resources in their community, and (2) increase their understanding of how their health is impacted by environmental pollutants, and how they can protect these resources through individual action. The project's objectives are to: (1) create an Environmental Health and Stewardship curriculum using existing web resources and community partners by September 2008; (2) develop an Environmental Stewardship tour with 10 high school seniors by December 2008; (3) implement the tour with eighth graders by April 2008; (4) organize an in-house poster project with students about individual actions to protect natural resources by Earth Day 2009; and (5) develop an oral testimony project featuring students' perspectives on environmental issues and environmental health issues in our community by June 2009.

The project's curriculum will be compiled and coordinated by the EHS' Health Educator and supported by a Community Outreach Specialist. Students' learning will be supported through in-class workshops and presentations by community-based environmental health professionals, such as the Portland Water Bureau's Google Earth watershed tour, and existing web-based interactive tools such as the National Institute of Medicine's Tox Town Tour, the EPA Ecological Footprint calculator, and Classroom Earth's "Living Lightly in the City and Living Lightly on the Planet." The high school students will develop an Environmental Stewardship Tour through these in-class sessions, and coordinate interactive field trips, or "stops" for eighth grade students at various natural resources sites, such as the Willamette River, the Columbia Wastewater Treatment Plant, and a Brownfields site.

The eighth grade students will participate in small group discussions with the seniors and EHS staff in the middle school classroom after each tour stop. These in-class sessions will encourage critical thinking and individual actions through group dialogue, and creative brainstorming in small group sessions. The project will increase environmental stewardship and transform young adults' ability to identify environmental health concerns, recognize the need to protect our local natural resources, synthesize information and distinguish new behaviors that decrease their ecological footprint, and choose an academic path, and career focus, in environmental health. The project will reach approximately 10 seniors at a local high school, approximately 45 eighth graders, 4 teachers, 2 principals, and 6-8 environmental professionals.

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

The Health Department will request \$40,000 through the EPA's Environmental Education grant program. Funds will support a 0.5 FTE Community Outreach Specialist, 0.2 FTE Health Educator, and miscellaneous supplies and expenses. This is a one-year project.

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

None. The Health Department works with local schools in numerous capacities to promote healthy lifestyles and provide health education.

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

The Environmental Health Stewardship and Education Project, as part of the Community Services team, will work within the Portland Public School District, specifically the Sunnyside K-8 Environmental School and the Benson High School Health Occupation Academy. Partners include the Portland Water Bureau, Portland Bureau of Environmental Services, Oregon Environmental Council, Portland Wastewater Treatment Plant, Willamette Riverkeepers, and Columbia Slough Watershed Council.

ATTACHMENT A

Grant Application/Notice of Intent

If the request is a Grant Application or Notice of Intent, please answer all of the following in detail:

- **Who is the granting agency?**

U.S. Environmental Protection Agency

- **Specify grant (matching, reporting and other) requirements and goals.**

This EPA program requires a 25% local match from the applicant. Local match will be provided through General Funds that have historically been awarded to the Department for community outreach and education (new dollars for the grant match are not being requested, but will enable the County to leverage local dollars with federal grant funding).

Specific financial, technical, and other reporting requirements to measure the Department's progress will be identified in the EPA grant award agreement. The Department must submit periodic formal progress reports, as instructed in the award agreement. Also, copies of a Final Technical Report and copies of all work products must be sent to the EPA project officer within 90 days after the expiration of the project period.

- **Explain grant funding detail – is this a one time only or long term commitment?**

This is a one-time grant.

- **What are the estimated filing timelines?**

Grant applications are due on December 20, 2007.

- **If a grant, what period does the grant cover?**

July 1, 2008 through June 30, 2009.

- **When the grant expires, what are funding plans?**

This is one-time funding. Additional grant funding may be sought if the project is highly successful and other funding opportunities are available.

- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**

These expenses are allowable.

ATTACHMENT B

Required Signatures

Elected Official or
Department/
Agency Director:

Jillian Sturkey / W2

Date: 12/06/07

Budget Analyst:

Angela Burdine

Date: 12/06/07



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (Budget Modification)

APPROVED : MULTNOMAH COUNTY
 BOARD OF COMMISSIONERS
 AGENDA # R-13 DATE 12.13.07
 DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 12/13/07
Agenda Item #: R-13
Est. Start Time: 11:06 AM
Date Submitted: 11/13/07

BUDGET MODIFICATION: HD - 22

**Budget Modification HD-22 Appropriating \$9,072 from the National Association
 Agenda of County and City Health Officials for Addressing Health Equity through
 Title: Social Justice in Public Health Preparedness**

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

Requested Meeting Date:	<u>December 13, 2007</u>	Amount of Time Needed:	<u>5 minutes</u>
Department:	<u>Health</u>	Division:	<u>Community Health Services</u>
Contact(s):	<u>Lester A. Walker, Finance and Budget Manager</u>		
Phone:	<u>503-988-3674</u>	Ext.	<u>26457</u>
		I/O Address:	<u>167/2/210</u>
Presenter(s):	<u>Jessica Guernsey, Program Supervisor and Loreen Nichols, Program Manager</u>		

General Information

1. What action are you requesting from the Board?

Approval of appropriation of \$9,072 in FY08 funding from the National Association of County and City Health Officials (NACCHO) for the Multnomah County Health Department to address health equity through social justice in public health preparedness. The Health Department will hold a tabletop exercise around the issue of Pandemic Flu with representatives from the various communities and populations within Multnomah County.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

In the wake of Hurricane Katrina, government agencies at all levels have been re-examining their emergency preparedness systems to ensure the plans are socially just. To further this effort, the National Association of County and City Health Officials (NACCHO), in conjunction with the Centers for Disease Control, has awarded Multnomah County Health Department a grant to "strengthen the public health preparedness infrastructure of local health departments in addressing health equity through social justice by combating the root causes of inequity."

Multnomah County Health Department (MCHD) has been engaged in a Community Emergency Preparedness Process for the past several years. Beginning in the summer of 2003, MCHD completed an assessment of internal community emergency preparedness capacity, in which several MCHD employees with specialized knowledge, skills, and relationships with communities of color and immigrant/refugee communities were identified and invited to take part in the process as *Community Connectors*. Participating Community Connectors were then trained in emergency preparedness and risk communications, and the new Community Connector Network was integrated into the Health Department and the Incident Command System. After the Network was in place, Community Connectors began to engage community based organizations around the issue of emergency preparedness. MCHD is now working to bring these stakeholders together in the final phase of the process. On August 14, a tabletop exercise around a pandemic flu scenario was convened with members of MCHD, Incident Command, and representatives from community based organizations. The goal of the exercise was to identify and address aspects of the plan, that when applied, will create issues for individuals and communities that will hinder successful implementation.

This budget modification will provide MCHD with the resources to expand the current levels of community involvement in emergency preparedness by providing the funds to hold a second tabletop exercise that will involve both new community based organizations and individual members from the community. By expanding the level of involvement in emergency preparedness to the community member level, our emergency preparedness plans will be more equitable, socially just, and inclusive. Our community will be more engaged and knowledgeable in emergency preparedness.

This action supports Program Offer 40005 – Public Health and Regional Health Systems Emergency Preparedness.

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

Approval of this budget modification will increase the Health Department's FY08 federal/state budget by \$9,072.

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

There are no legal and/or policy issues.

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

This budget modification will allow for an expansion in community involvement by inviting individual community members to the table to provide input and shape emergency preparedness planning, with the goal of creating equitable, culturally competent plans. Current community-based partners (Cultures Uniting for Emergency Preparedness (CUEP)) include: African American Health Coalition, African Community Center of Oregon, Asian Health & Service Center, Hacienda Community Development Corporation, Immigrant and Refugee Community Organization, Latino Network, Native American Rehabilitation Association, El Programa Hispano, and Russian Oregon Social Services.

ATTACHMENT A

Budget Modification

If the request is a **Budget Modification**, please answer **all** of the following in detail:

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

The Health Department's FY08 federal/state revenue will increase by \$9,072 as a result of the work performed under this grant.

- **What budgets are increased/decreased?**

The Health Department's Community Health Services FY08 federal/state budget will increase by \$9,072. Professional Services will increase by \$7,252 (to plan, coordinate the logistics, and facilitate the tabletop exercise), Supplies by \$1,100 (emergency preparedness educational materials, meeting supplies, food), Indirect by \$720.

- **What do the changes accomplish?**

The changes will accomplish the planning and implementation of a tabletop event around the health issue of pandemic flu and the implementation of community mitigation strategies that may cause inordinate disruption in communities that are more vulnerable. Multnomah County Health Department, in conjunction with current Cultures Uniting for Emergency Preparedness (CUEP) members, will identify new community organizations and community leaders and invite them to participate in the tabletop and in ongoing preparedness activities through CUEP. The inclusion of as many communities as possible will work to ensure that MCHD emergency plans will meet the needs of all Multnomah County residents.

- **Do any personnel actions result from this budget modification? Explain.**

No personnel actions result from this budget modification.

- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**

Revenue covers indirect.

- **Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?**

The revenue is one-time-only in nature. The project will be completed by the end of the grant period. However, the work of this project will be sustained after the grant year through the inclusion of new members in the work of the Cultures Uniting for Emergency Preparedness.

- **If a grant, what period does the grant cover?**

The grant period is October 1, 2007 to May 31, 2008.

- **If a grant, when the grant expires, what are funding plans?**

When the grant expires, the Pandemic Flu tabletop exercise will be completed.

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

ATTACHMENT B

BUDGET MODIFICATION: HD - 22

Required Signatures

**Elected Official or
Department/
Agency Director:**

Lillian Shirley

/lp/

Date: 11/13/07

Budget Analyst:

Angela Burdine

Date: 11/16/07

Department HR:

Theresa Fuller Poe

Date: 11/08/07

Countywide HR:

Date: _____

Budget Modification ID: **HD-22**

EXPENDITURES & REVENUES

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

Budget/Fiscal Year: 2008

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
1	40-30	32270	30			4CA107-1	50210	-	(9,072)	(9,072)		NACCHO Grant - Health Equity
2	40-30	32270	30			4CA107-1	60170		7,252	7,252		Prof. Svcs. to plan, facilitate exercise.
3	40-30	32270	30			4CA107-1	60240		1,100	1,100		Supplies, educational materials, food
4	40-30	32270	30			4CA107-1	60350		191	191		Central Indirect
5	40-30	32270	30			4CA107-1	60355		530	530		Departmental Indirect
6												
7	19	1000	0020		9500001000		50310		(191)	(191)		Indirect reimbursement revenue in GF
8	19	1000	0020		9500001000		60470		191	191		CGF Contingency expenditure
9									0			
10	40-90	1000	30		409050		50370		(530)	(530)		Indirect Dept reimbursement revenue in GF
11	40-90	1000	30		409001		60000		530	530		Off setting Dept expenditure in GF
12									0			
13									0			
14									0			
15									0			
16									0			
17									0			
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20									0			
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23									0			
24									0			
25									0			
26									0			
27									0			
28									0			
29									0			
										1	0	Total - Page 1
										1	0	GRAND TOTAL



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 12/13/07
 Agenda Item #: R-14
 Est. Start Time: 11:10 AM
 Date Submitted: 11/28/07

Agenda Title: Briefing on Emerging Public Health Policy Issue: Fast Food and Chain Restaurant Menu Labeling

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

Requested Meeting Date: December 13, 2007 Amount of Time Needed: 25 minutes
 Department: Health Division: CHP3, Chronic Disease Prevention
 Contact(s): Sonia Manhas
 Phone: 503-988-3674 Ext. 26221 I/O Address: 160/9
 Presenter(s): Lillian Shirley, Sonia Manhas

General Information

1. What action are you requesting from the Board?

No action is requested. The Health Department would like to brief the Board on fast food and chain restaurant menu labeling, an emerging public health policy approach to promote healthy eating.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

Issue: While there is no single solution to the obesity epidemic, there is increasing support within the public health community for fast food and chain restaurant menu labeling as an important tool to enable consumers to make more informed and ultimately healthier decisions when dining out. More than 20 states, cities and counties are considering legislation and regulations that would require fast food and other chain restaurants to provide calories and other nutrition information on menus and menu boards.

Background. Increasingly, Multnomah County residents are relying on restaurant meals to feed themselves and their families. Roughly 44% of adults dine at a restaurant at least once a day. Americans spend almost half of their food dollars (46%) on restaurant meals and other food prepared outside their homes, as compared to a 26% in 1970. Increases in Americans' caloric intake over the past two decades are due in part to increases in the frequency of eating out. While it may

seem like the public can make their own healthy choices about what to eat while dining out, the reality is that the nutritional quality of restaurant foods and meals varies widely and without nutrition information, it can be difficult to compare options and make informed decisions. Studies show that it is difficult for consumers, including nutrition experts, to estimate portion sizes as well as the calorie and fat content of restaurant foods.

Overview of Briefing. This briefing will include: 1) an explanation of fast food and chain restaurant menu labeling, 2) a summary of actions taken in other communities to introduce fast food and chain restaurant menu labeling, 3) an analysis of the potential benefits and concerns related to implementation of this policy, and 4) an outline of the Health Department's next steps in developing a policy recommendation.

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

Briefing only, no action requested.

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

Briefing will include discussion of a fast food and chain restaurant menu labeling regulation.

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

The Health Department is working with the following community advisory bodies who are helping us to better understand the complexities of a fast food and chain restaurant menu labeling as well as developing recommendations on the issue:

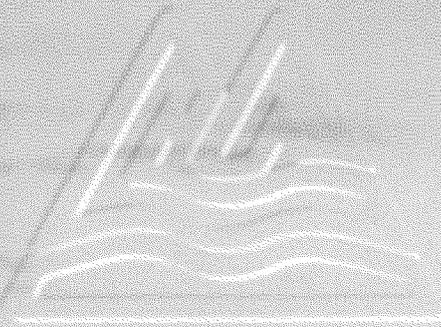
1. The Portland Multnomah Food Policy Council
2. The Multnomah County Food Service Advisory Council
3. The Oregon Nutrition Policy Alliance

Required Signature

**Elected Official or
Department/
Agency Director:**

Lillian Shirley

Date: 11/08/07



Fast Food & Chain Restaurant Menu Labeling

Lillian Shirley, RN, MPH, MPA
Health Department Director

Sonia Manhas, MSW
Chronic Disease Prevention Program Supervisor

Changes in Food Choices

- People eat 300 or more calories a day compared to the 1980's
- Eating out more
- Portion distortion
- Advertising and marketing is much greater for unhealthy foods



How often do you eat away-from-home?

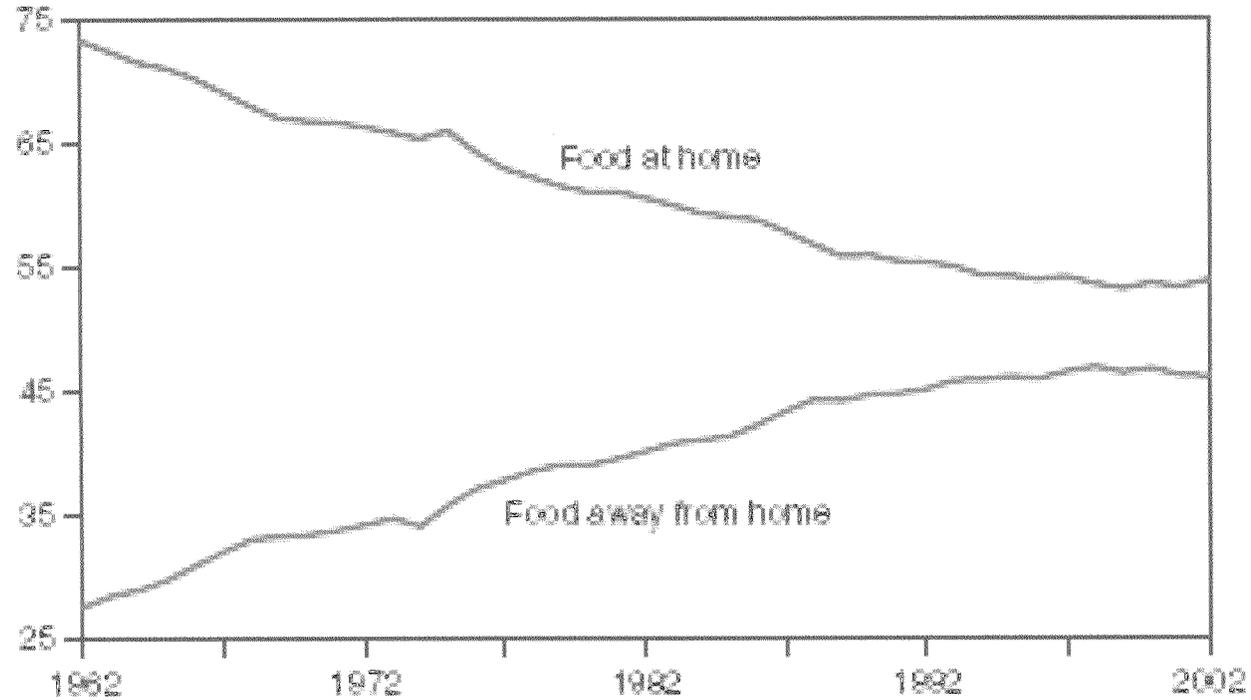
- 1 - 2 times / week
- 3 -4 times / week
- 5 -6 times / week
- 7 -8 times / week



Trends

Figure 1
Share of total food expenditures spent on food at home and
away from home

Percent

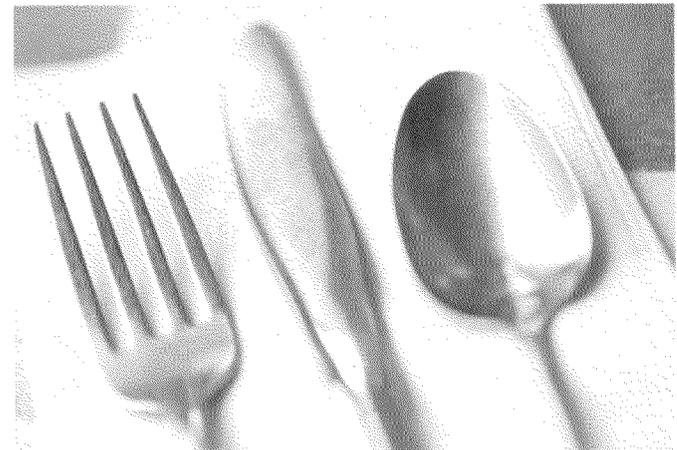


Source: Food Consumption (per capita) Data System, Economic Research Service, USDA.

Eating away-from-home

The average American:

- Spends 46% of food budget eating away-from-home
- Consumes 33% of calories eating away-from-home



Eating Out & Weight Gain

Foods eaten away-from-home are:

- Higher in calories
- Often less nutritious
- Linked to overweight and obesity

Healthy Eating Quiz

- Which 6" sandwich at Subway do you think has the **FEWEST** number of calories?

Meatball Marinara

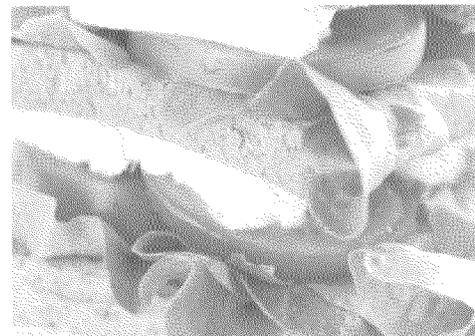
Steak & Cheese

Chicken & Bacon Ranch

Tuna

Healthy Eating Quiz

- Which 6" sandwich at Subway do you think has the **FEWEST** number of calories?
 - Meatball Marinara (560 calories)
 - ✓ **Steak & Cheese (400 calories)**
 - Chicken & Bacon Ranch (580 calories)
 - Tuna (530 calories)

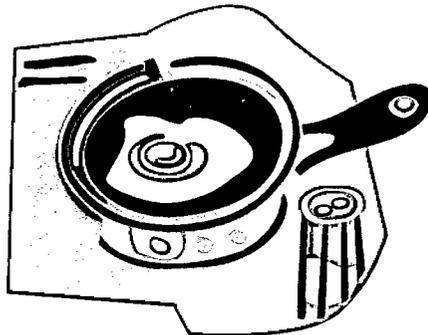


Healthy Eating Quiz

- Which of the following breakfast items that are served at Denny's restaurant do you think has the **FEWEST** number of calories?
 - Ham and Cheddar Omelet
 - Country Fried Steak & Eggs
 - Three slices of french toast w/ syrup & margarine
 - Three pancakes w/ syrup & margarine

Healthy Eating Quiz

- Which of the following breakfast items that are served at Denny's restaurant do you think has the FEWEST number of calories?
 - Ham and Cheddar Omelet (595 calories)
 - ✓ **Country Fried Steak & Eggs (543 calories)**
 - Three slices of french toast w/ syrup & margarine (1,261 calories)
 - Three pancakes w/ syrup & margarine (650 calories)



Healthy Eating Quiz

- **Which of the following items that are served at McDonald's restaurant do you think has the MOST calories:**
 - A Big Mac
 - Two Egg McMuffins
 - One large chocolate shake
 - Three regular hamburgers

Healthy Eating Quiz

- Which of the following items that are served at McDonald's restaurant do you think has the **MOST** calories?
 - A Big Mac (540 calories)
 - Two Egg McMuffins (600 calories)
 - ✓ **One large chocolate shake (1160 calories)**
 - Three regular hamburgers (750 calories)



Healthy Eating Quiz

What happens when you add dressing to a turkey salad from Subway?

- 2 oz of fat-free Italian dressing
- 2 oz of Ranch dressing



Healthy Eating Quiz

Turkey Salad: 110 calories

With Italian dressing: 145 calories

With Ranch dressing: 430 calories



???

Studies show that even nutrition experts are unable to accurately estimate calories and portion sizes



Portion Distortion

Muffin

20 years ago

1.5 ounce

215 calories



today

4 ounce

500 calories



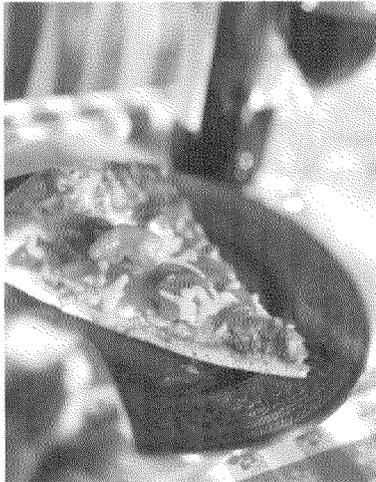
Portion Distortion

Pizza

20 years ago

2 slices

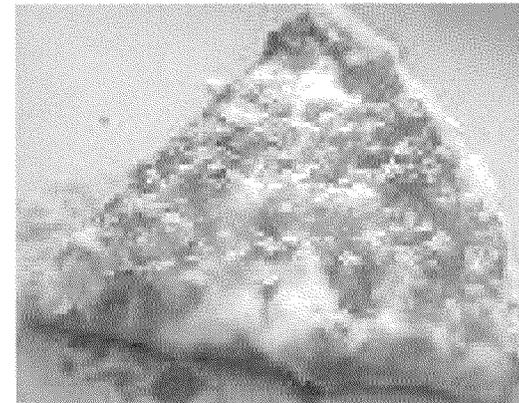
500 calories



Today

2 slices

850 calories



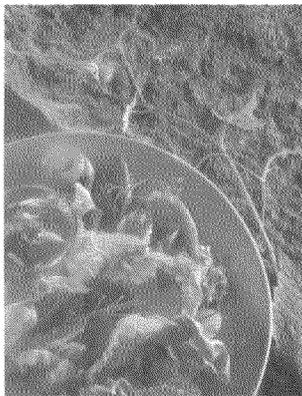
Portion Distortion

Chicken Caesar Salad

20 years ago

1 ½ cup

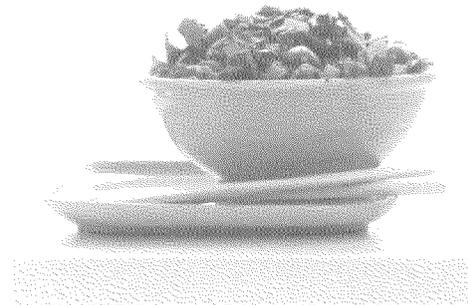
390 calories



Today

3 ½ cup

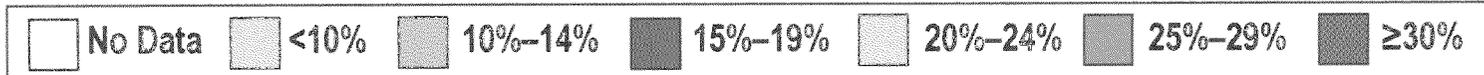
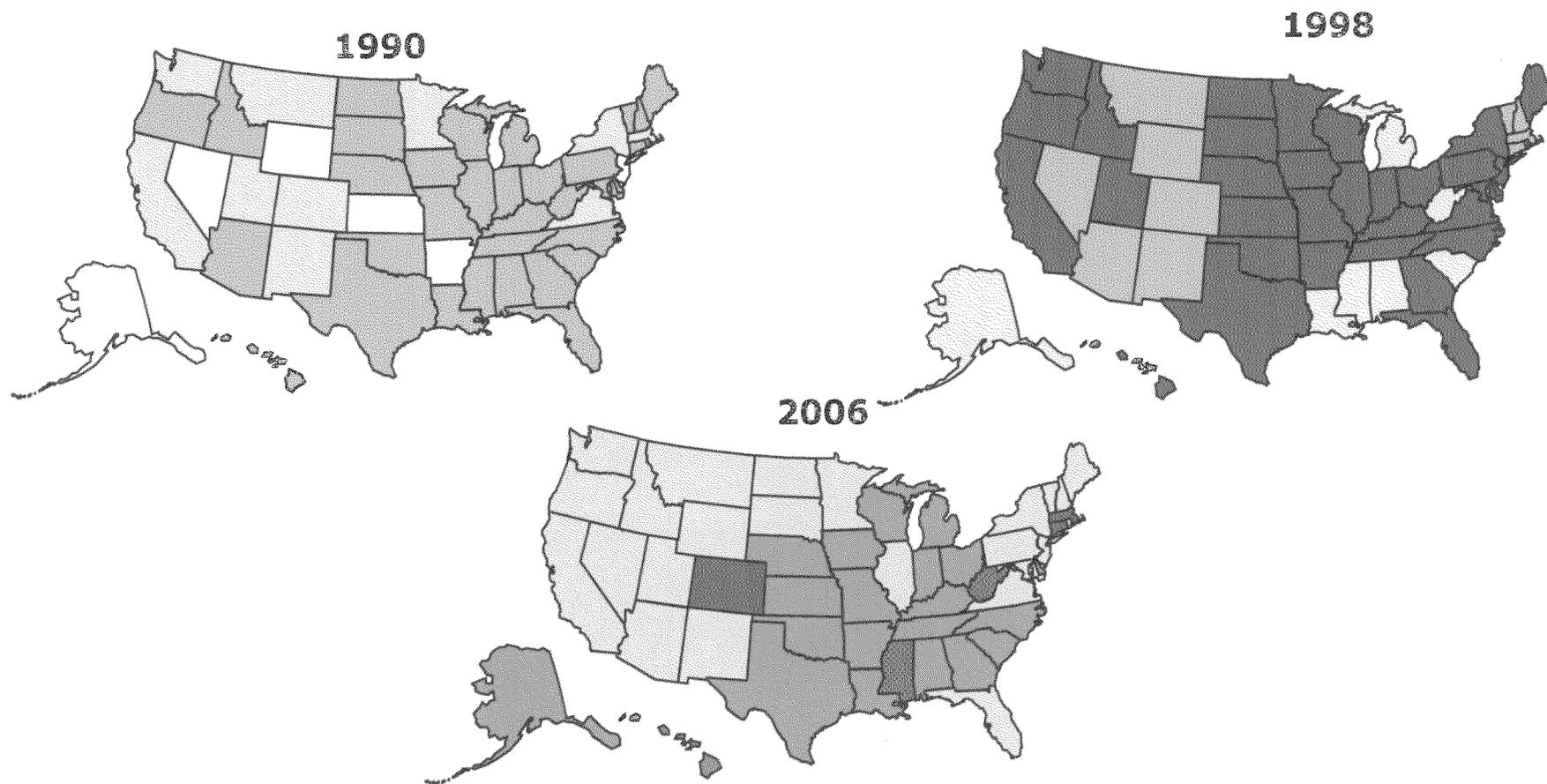
790 calories



Obesity Trends* Among U.S. Adults

BRFSS, 1990, 1998, 2006

(*BMI ≥ 30 , or about 30 lbs. overweight for 5'4" person)

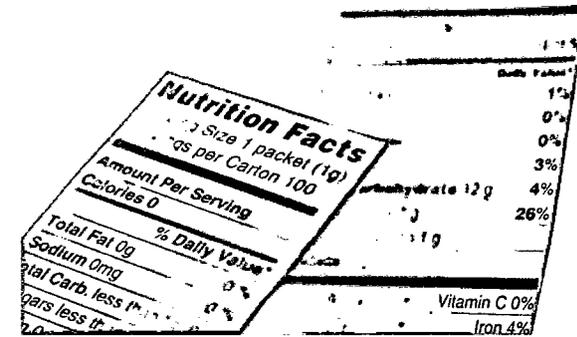


Source: Behavioral Risk Factor Surveillance System, CDC.

Data and societal trends
are clear related to the
importance of **increased
caloric intake in driving
the rising obesity rates.**



Informed choices



- Three-fourths of adults report using food labels
- People who use nutrition labels are more likely to have a diet lower in fat & cholesterol and higher in vitamin C
- Labeling has resulted in the reformulation of existing products to improve their nutritional quality and the introduction of new nutritionally-improved products

Fast Food & Chain Restaurant Menu Labeling

- Enables 'point of purchase' decision-making
- Applies only to chains of at least 10 locations
- Applies only to standard menu items (at least 60 days on the menu)

SANDWICHES	CALORIES	PRICE
HAMBURGER	280	.89
CHEESEBURGER	330	.99
FILET-O-FISH®	470	1.99
CRISPY CHICKEN	550	2.79
QUARTER POUNDER®	430	2.29
BIG N' TASTY®	540	2.29
BIG MAC®	590	2.39
CHICKEN McGRILL®	450	2.89
DOUBLE QUARTER POUNDER®	760	2.99

King County (Seattle) Board of Health

- Passed menu labeling regulation in October 2007
- Affects food establishments with 10 or more national locations
- Only applies to standard menu items (60 days)
- Companies with a revenue of \$1 million annual sales
- In process of forming ad hoc committees to develop specific guidelines for implementation

Support for Fast Food & Chain Restaurant Menu Labeling

- American Heart Association
 - American Cancer Association
 - American Diabetes Association
 - Latino Diabetes Association
 - American Medical Association
 - American Academy of Pediatrics
 - Society of Nutrition Education
 - American Association of Retired Persons
 - American Public Health Association
-
- **Over 80% of Americans support requiring nutrition labeling of restaurant foods**



Public Health

Next Steps:

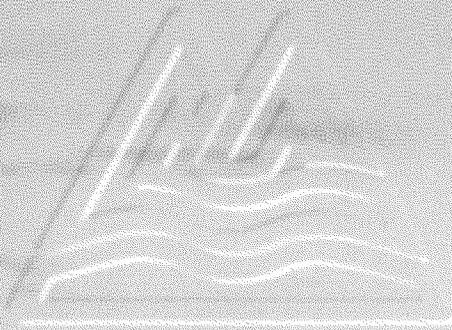
- Seek input from community members
- Continue to work with key stakeholders



**Informed choices can
make a difference**



Public Health



**A Policy Approach to Address Chronic Disease:
Fast Food & Chain Restaurant Menu Labeling**

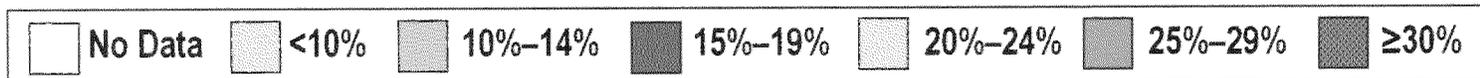
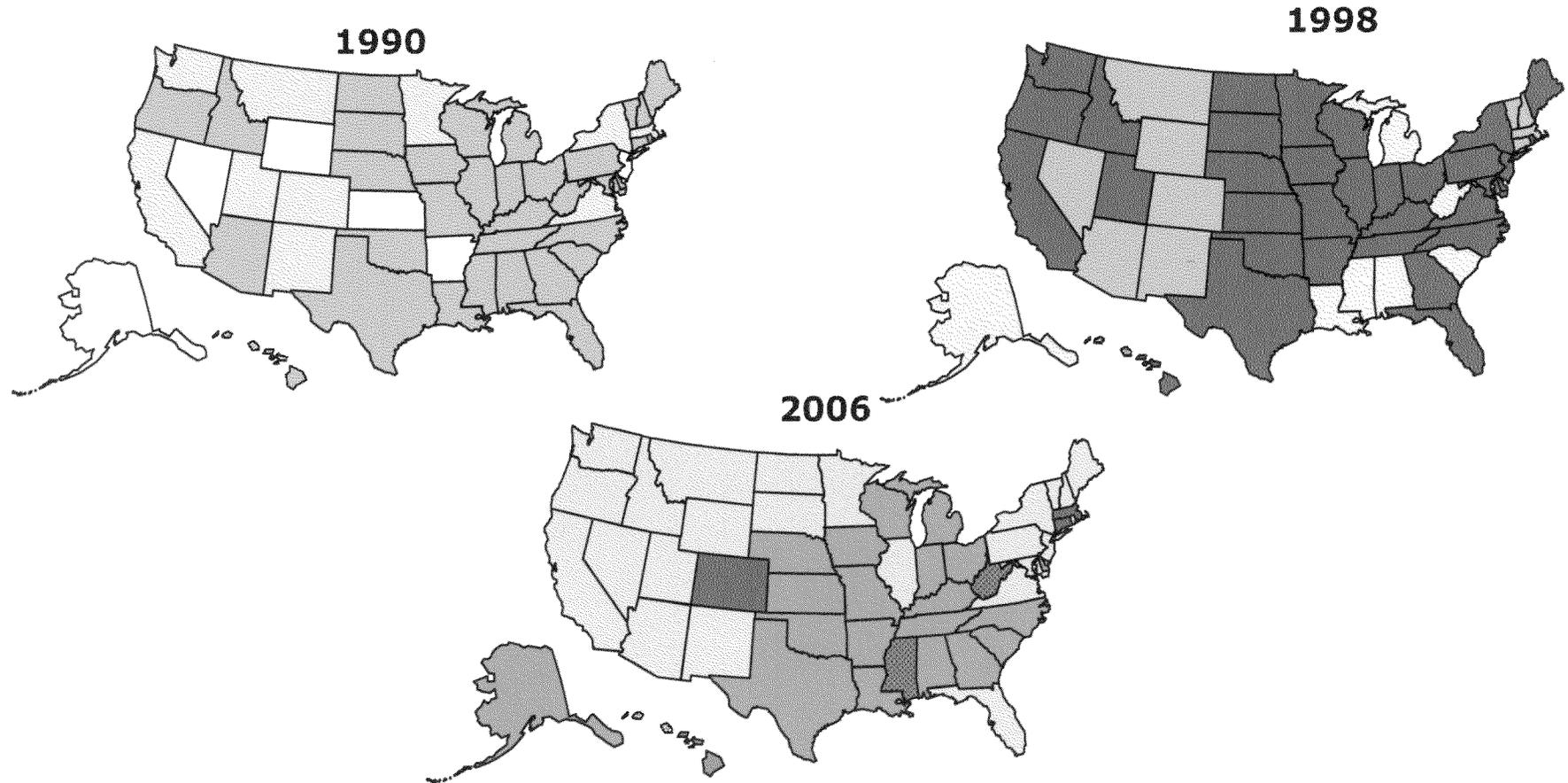
**Lillian Shirley, RN, MPH, MPA
Health Department Director**

**Sonia Manhas, MSW
Chronic Disease Prevention Program Supervisor**

Obesity Trends* Among U.S. Adults

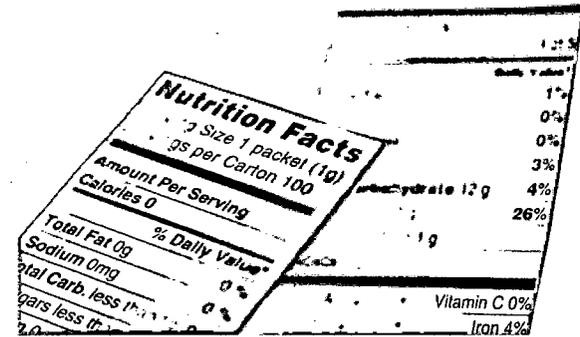
BRFSS, 1990, 1998, 2006

(*BMI ≥ 30 , or about 30 lbs. overweight for 5'4" person)



Source: Behavioral Risk Factor Surveillance System, CDC.

Informed choices



- Three-fourths of adults report using food labels
- People who use nutrition labels are more likely to have a diet lower in fat & cholesterol and higher in vitamin C
- Labeling has resulted in the reformulation of existing products to improve their nutritional quality and the introduction of new nutritionally-improved products

How often do you eat away-from-home?

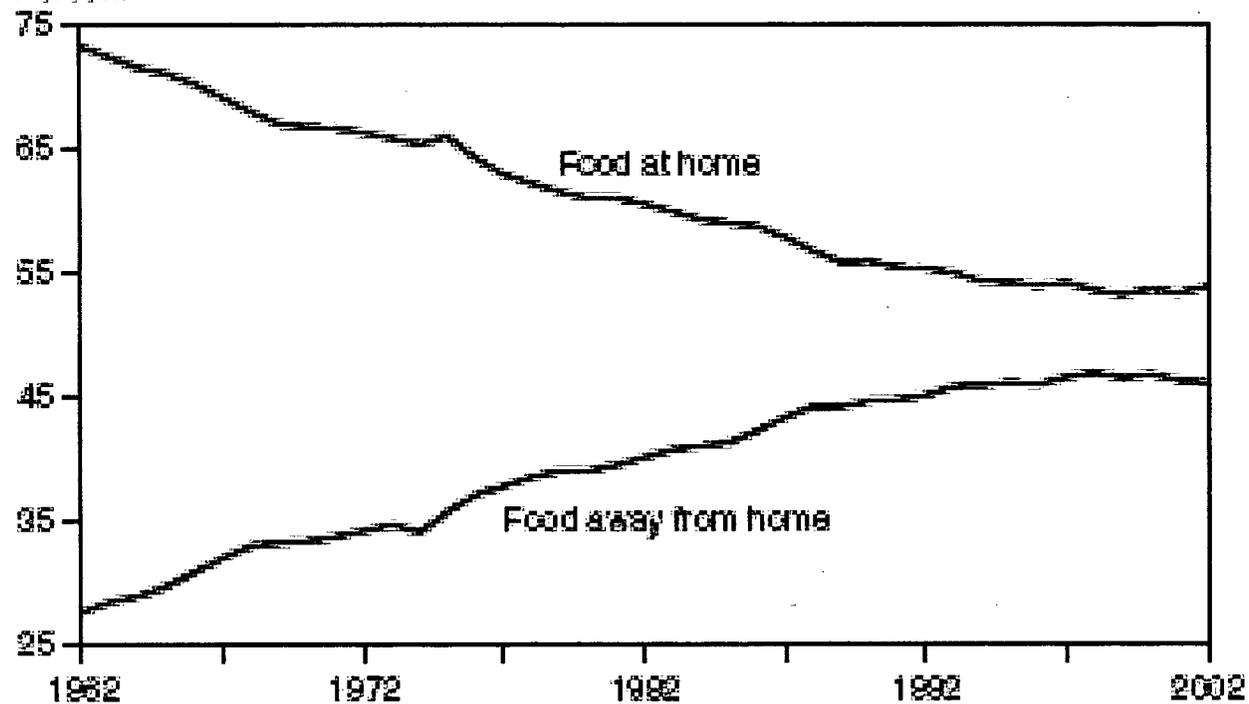
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Trends

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Percent



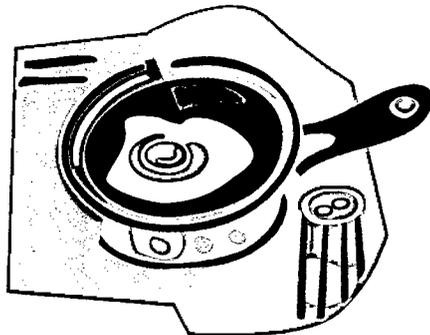
Source: Food Consumption (per capita) Data System, Economic Research Service, USDA.

Healthy Eating Quiz

- **Which of the following breakfast items that are served at Denny's restaurant do you think has the FEWEST number of calories?**
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- Which of the following breakfast items that are served at Denny's restaurant do you think has the FEWEST number of calories?
 - Ham and Cheddar Omelet (595 calories)
 - ✓ **Country Fried Steak & Eggs (543 calories)**
 - Three slices of french toast w/ syrup & margarine (1,261 calories)
 - Three pancakes w/ syrup & margarine (650 calories)



Healthy Eating Quiz

What happens when you add dressing to a turkey salad from Subway?

- 2 oz of fat-free Italian dressing
- 2 oz of Ranch dressing



Healthy Eating Quiz

Turkey Salad: 110 calories

With Italian dressing: 145 calories

With Ranch dressing: 430 calories



Portion Distortion

Muffin

20 years ago

1.5 ounce

215 calories



today

4 ounce

500 calories



Fast Food & Chain Restaurant Menu Labeling

- Enables 'point of purchase' decision-making
- Applies only to chains of at least 10 locations
- Applies only to standard menu items (at least 60 days on the menu)

SANDWICHES	CALORIES	PRICE
HAMBURGER	280	.89
CHEESEBURGER	330	.99
FILET-O-FISH®	470	1.99
CRISPY CHICKEN	550	2.79
QUARTER POUNDER®	430	2.29
BIG N' TASTY®	540	2.29
BIG MAC®	590	2.39
CHICKEN McGRILL®	450	2.89
DOUBLE QUARTER POUNDER®	760	2.99

Support for Fast Food & Chain Restaurant Menu Labeling

- American Heart Association
 - American Cancer Association
 - American Diabetes Association
 - Latino Diabetes Association
 - American Medical Association
 - American Academy of Pediatrics
 - Society of Nutrition Education
 - American Association of Retired Persons
 - American Public Health Association
- **Over 80% of Americans support requiring nutrition labeling of restaurant foods**



Public Health