

ANNOTATED MINUTES

Tuesday, August 4, 1992 - 8:30 AM
Multnomah County Courthouse, Room 602

EXECUTIVE SESSION

- E-1 *The Multnomah County Board of Commissioners will Meet in Executive Session to Discuss Collective Bargaining Negotiations Pursuant to ORS 192.660(1)(d)*

EXECUTIVE SESSION HELD.

Tuesday, August 4, 1992 - 9:30 AM
Multnomah County Courthouse, Room 602

BOARD BRIEFINGS

- B-1 *Advise the Board of County Commissioners of the Preliminary Decisions that the Library Board has made on the Library's Capital Needs at the Central Library and Midland Branch Library. Presented by Ginnie Cooper, Jim Emerson and Terry McCall, Chair of the Library Board's Capital Needs Subcommittee.*

GINNIE COOPER, TERRY McCALL AND MIKE HARRINGTON PRESENTATION, DISCUSSION AND RESPONSE TO BOARD QUESTIONS. BOARD INVITED TO ATTEND TWO PUBLIC HEARINGS REGARDING LIBRARY BOARD RECOMMENDATIONS FOR LIBRARY FUNDING ON MONDAY, AUGUST 10, 1992 AT CENTRAL LIBRARY AND TUESDAY, AUGUST 11, 1992 AT MIDLAND LIBRARY. COMMISSIONER HANSEN REQUESTED SPECIFIC CAPITAL IMPROVEMENTS INFORMATION.

- B-2 *Review and Discuss Replacement for Serial Levies in Coming Fiscal Year and Other Revenue Issues. Presented by Dave Warren and Ben Buisman.*

DAVE WARREN, BEN BUISMAN, FRED NEAL, GARY WALKER AND BOARD DISCUSSION OF REVENUE SHORTFALL AND BUDGET NEEDS DUE TO EXPIRATION OF LIBRARY AND SHERIFF LEVIES, LIBRARY CONSTRUCTION COSTS, REDUCTION OF FEDERAL MARSHAL BEDS, CERTIFICATES OF PARTICIPATION FOR JUVENILE DETENTION FACILITY CONSTRUCTION AND CUTS IN STATE PASS THROUGH REVENUES. CHAIR DIRECTED BUDGET STAFF TO COORDINATE ELECTION DEADLINES WITH LEVY AND/OR TAX PROPOSAL SUBMITTAL.

- B-3 *Update on Three Pending Statutory Way of Necessity Cases and Discussion of the Procedures Outlined in Resolution 92-51 Concerning Rules for the Conduct of*

Hearings. Presented by County Counsel Jacqueline Weber.

MS. WEBER EXPLAINED THAT IN ADDITION TO TODAY'S HEARING, A HEARING ON ANOTHER CASE IS SET FOR SEPTEMBER 1, 1992 AND THE THIRD CASE IS NOT YET SCHEDULED DUE TO INADEQUACIES IN SUBMITTED PETITION. MS. WEBER PROVIDED AND DISCUSSED A SUMMARY OF THE ISSUES IN CONNECTION WITH THE CRITERIA NECESSARY TO ESTABLISH A STATUTORY WAY OF NECESSITY AND EXPLAINED THAT FOLLOWING THE HEARING, COUNTY COUNSEL WILL PREPARE A FINAL ORDER FOR ADOPTION, WHICH SETS FORTH THE BOARD'S DECISION AND THE AMOUNT OF ATTORNEY FEES COMPENSATION.

Tuesday, August 4, 1992 - 11:30 AM
Multnomah County Courthouse, Room 602

AGENDA REVIEW

- B-4 Review of Agenda for Regular Meeting of August 6, 1992.
- R-3 CHAIR McCOY ADVISED HER STAFF IS WORKING ON A PROCESS TO EXPEDITE FUTURE NOTICE OF INTENT SUBMITTALS TO THE BOARD.
- R-5 CHAIR McCOY ADVISED SHE WILL REQUEST THAT THIS ITEM BE HELD OVER.
- R-6 STAFF EXPLAINED THAT BUDGET MODIFICATION DES #1 SHOULD BE CONSIDERED ALONG WITH THIS ITEM.
- R-10 VICE-CHAIR KELLEY REQUESTED THAT AN ANALYSIS BE DONE TO SEE IF THERE IS A BETTER WAY OF DOING BUSINESS, SUCH AS SELLING CONTRACTS TO A BANK.
- R-14 STAFF EXPLANATION AND DISCUSSION OF PROCESS AND APPLICATION SUBMITTALS.
- R-17 BOARD AND STAFF EXPLANATION AND DISCUSSION OF IMPLICATIONS OF REQUEST FOR DECLARATION OF DROUGHT EMERGENCY AND FINANCIAL ASSISTANCE AVAILABLE UNDER SAME.
- R-18 COMMISSIONER HANSEN EXPLAINED THIS ORDINANCE IS ADVISORY ONLY AND WILL ALLOW VOTERS IN UNINCORPORATED MULTNOMAH COUNTY AN OPPORTUNITY TO ADDRESS THE ISSUE. COUNTY COUNSEL ADVISED A CERTIFIED COPY OF THE

**ORDINANCE NEEDS TO BE FILED WITH ELECTIONS BY
SEPTEMBER 3, 1992.**

*Tuesday, August 4, 1992 - 1:30 PM
Multnomah County Courthouse, Room 602*

WAY OF NECESSITY HEARING

Chair Gladys McCoy convened the hearing at 1:35 p.m., with Vice-Chair Sharron Kelley, Commissioners Pauline Anderson and Gary Hansen present, and Commissioner Rick Bauman excused.

PH-1 Quasi-Judicial Hearing Followed by Board Deliberations and Order in the Matter of a Petition to Establish a Way of Necessity for Property Located on Sauvie Island Known as Tax Lot 8, Section 9, 2N, 1W, Multnomah County, Oregon, Filed by Mr. and Mrs. Ronald Brown and Mr. and Mrs. David Smith; Case No. 92-51B

MS. WEBER REPORTED THAT PETITIONERS AND RESPONDENTS HAVE AGREED TO WITHDRAW THE PETITION IN ORDER TO PURSUE OTHER LEGAL MEANS FOR OBTAINING AN EASEMENT. MS. WEBER DISCUSSED THE \$334.79 SURVEYOR'S REPORT AND REQUESTED THAT THE PARTIES LEGAL COUNSEL HELP HER RESEARCH THE STATUTE TO SEE WHETHER ATTORNEY FEES NEED TO BE PAID IF A PETITION IS WITHDRAWN PRIOR TO THE ACTUAL HEARING. RESPONDENTS' ATTORNEY LES BUSH, AND PETITIONERS' ATTORNEY MR. MARTIN EXPLAINED THEY WILL ATTEMPT TO SETTLE THE AMOUNT AND PAYMENT OF ATTORNEY FEES AND COSTS BEFORE FORMAL WITHDRAWAL OF PETITION. UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER ANDERSON, IT WAS UNANIMOUSLY APPROVED THAT THE HEARING BE POSTPONED INDEFINITELY. MS. WEBER TO SUBMIT DOCUMENTATION FOR FINAL BOARD ACTION FOLLOWING NOTIFICATION OF A SETTLEMENT AGREEMENT BETWEEN THE PARTIES.

There being no further business, the hearing was adjourned at 1:45 p.m.

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



Deborah L. Bogstad

*Thursday, August 6, 1992 - 9:30 AM
Multnomah County Courthouse, Room 602*

REGULAR MEETING

Chair Gladys McCoy convened the meeting at 9:30 a.m., with Vice-Chair Sharron Kelley, Commissioners Pauline Anderson and Gary Hansen present, and Commissioner Rick Bauman excused.

CONSENT CALENDAR

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER ANDERSON, THE CONSENT CALENDAR (ITEMS C-1 THROUGH C-3) WAS UNANIMOUSLY APPROVED.

JUSTICE SERVICES

SHERIFF'S OFFICE

- C-1 *In the Matter of a Restaurant/New Outlet Liquor License Application Submitted by the Sheriff's Office with Recommendation for APPROVAL, for ROYAL CHINOOK INN, 2609 SE CORBETT HILL ROAD, CORBETT*
- C-2 *In the Matter of a Malt Beverage/Change of Ownership Liquor License Application Submitted by the Sheriff's Office with Recommendation for DENIAL, for the BOTTOMS UP, 16900 SW ST. HELENS HWY.*

DEPARTMENT OF SOCIAL SERVICES

- C-3 *Ratification of an Intergovernmental Revenue Agreement, Contract #102853, Between Multnomah County, Social Services Division and the City of Portland, Bureau of Community Development, to Help Fund \$52,000 of the Homeless Shelter for Chronically Mentally Ill Clients, for the Period July 1, 1992 to June 30, 1993*

REGULAR AGENDA

DEPARTMENT OF SOCIAL SERVICES

- R-1 *Ratification of an Intergovernmental Revenue Agreement, Contract #102873, Between Multnomah County, Housing & Community Services Division and the City of Portland, Bureau of Community Development, to Provide Contract Funds, \$96,765, for the City's Portion of Emergency Services Clearinghouse Operations and Client Assistance Vouchers for Homeless People through the American Red Cross, for the Period July 1, 1992 to June 30, 1993*

UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER KELLEY, R-1 WAS UNANIMOUSLY APPROVED.

- R-2 *Budget Modification DSS #2 Requesting Authorization to Add \$122,265 of City of Portland Revenues to the Housing and Community Services Division, Community Action Program Pass-Through Budget to Pay for Designated Emergency Assistance Clearinghouse and Relocation Services for Homeless and Low Income People through*

County Administered Subcontracts

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER ANDERSON, R-2 WAS UNANIMOUSLY APPROVED.

- R-3 *NOTICE OF INTENT Requesting Approval for Multnomah County Housing & Community Services Division to Submit a Grant Application to the U.S. Department of Housing and Urban Development for \$1,222,055 Federal Funds Over Five Years to Pay for Operational and Supportive Services at the Turning Point Transitional Housing Project for Homeless Families with Children*

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER ANDERSON, R-3 WAS UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL
MANAGEMENT SUPPORT

- R-4 *First Reading of an ORDINANCE Amending Ordinance No. 709, in Order to Revise, Add and Delete Exempt Salary Ranges*

PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER ANDERSON MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF THE FIRST READING. NO ONE WISHED TO TESTIFY. FIRST READING UNANIMOUSLY APPROVED. SECOND READING SCHEDULED FOR THURSDAY, AUGUST 13, 1992.

- R-5 *Ratification of an Intergovernmental Agreement, Contract #500083, Between Multnomah County, Finance Division and the State of Oregon, Department of General Services to Provide Travel Management Services to the County through the State Department of General Services Contract*

AT THE REQUEST OF CHAIR McCOY AND UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KELLEY, IT WAS UNANIMOUSLY APPROVED THAT R-5 BE HELD OVER FOR ONE WEEK, TO THURSDAY, AUGUST 13, 1992.

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-6 *Ratification of an Intergovernmental Agreement, Contract #300283, Between the City of Gresham and Multnomah County, Fleet & Electronic Services Division to Provide Electronic Equipment Maintenance to the City of Gresham*

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER ANDERSON, R-6 WAS UNANIMOUSLY APPROVED.

**UPON MOTION OF COMMISSIONER ANDERSON,
SECONDED BY COMMISSIONER KELLEY, CONSIDERATION
OF THE FOLLOWING ITEM WAS UNANIMOUSLY
APPROVED.**

- UC-1 *Budget Modification DES #1 Requesting Authorization to Increase the General Fund by \$21,015 in Revenues to be Received in Connection with Intergovernmental Agreement Contract #300283 (R-6) Between Multnomah County and the City of Gresham for Electronics Equipment Maintenance for FY 92/93*

**UPON MOTION OF COMMISSIONER KELLEY, SECONDED
BY COMMISSIONER ANDERSON, BUDGET MODIFICATION
DES #1 WAS UNANIMOUSLY APPROVED.**

- R-7 *RESOLUTION in the Matter of the Improvement of S.E. Hogan Road, No. 4974*

**UPON MOTION OF COMMISSIONER KELLEY, SECONDED
BY COMMISSIONER ANDERSON, RESOLUTION 92-135 WAS
UNANIMOUSLY APPROVED.**

- R-8 *RESOLUTION in the Matter of the Improvement of S.E. 242nd Drive, No. 4997*

**UPON MOTION OF COMMISSIONER HANSEN, SECONDED
BY COMMISSIONER KELLEY, RESOLUTION 92-136 WAS
UNANIMOUSLY APPROVED.**

- R-9 *Ratification of an Intergovernmental Agreement, Contract #300733, Between Multnomah County Transportation Division and the Oregon Department of Transportation, Highway Division Regarding County and State Obligations on the S.E. Water Avenue Ramps for the Morrison Bridge*

**UPON MOTION OF COMMISSIONER KELLEY, SECONDED
BY COMMISSIONER HANSEN, R-9 WAS UNANIMOUSLY
APPROVED.**

- R-10 *In the Matter of the Return of the Proceedings on the Sale of Tax Foreclosed Properties, June 29, 1992*

**UPON MOTION OF COMMISSIONER KELLEY, SECONDED
BY COMMISSIONER HANSEN, R-10 WAS UNANIMOUSLY
APPROVED.**

- R-11 *ORDER in the Matter of Declaring Various Tax Foreclosed Properties Abandoned and Subject to Waste and Ordering the Tax Collector to Issue a Deed*

**UPON MOTION OF COMMISSIONER KELLEY, SECONDED
BY COMMISSIONER HANSEN, ORDER 92-137 WAS
UNANIMOUSLY APPROVED.**

- R-12 *ORDER in the Matter of Vacation of Second Street in Section 20, T2N, R1W, W.M.,*

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, ORDER 92-138 WAS UNANIMOUSLY APPROVED.

- R-13 *ORDER in the Matter of Setting a Hearing Date to Consider Transfer of Tax Foreclosed Property to the City of Portland for a Continuing Public Use*

UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER ANDERSON, ORDER 92-139 SETTING A HEARING DATE FOR THURSDAY, AUGUST 20, 1992, WAS UNANIMOUSLY APPROVED.

- R-14 *ORDER Setting a Hearing Date in the Matter of Request for Transfer of Tax Foreclosed Property Under the County Housing Affordability Demonstration Program*

UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KELLEY, ORDER 92-140 SETTING A HEARING DATE FOR THURSDAY, AUGUST 27, 1992, WAS UNANIMOUSLY APPROVED.

- R-15 *First Reading of an ORDINANCE Amending Multnomah County Code Chapter 9.10 [Uniform Mechanical Permit Fees]*

PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. NO ONE WISHED TO TESTIFY. UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER ANDERSON, THE FIRST READING WAS UNANIMOUSLY APPROVED. SECOND READING SCHEDULED FOR THURSDAY, AUGUST 13, 1992.

- R-16 *First Reading of an ORDINANCE Amending Multnomah County Code Chapter 9.30 [Uniform Plumbing Permit Fees]*

PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. NO ONE WISHED TO TESTIFY. UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER ANDERSON, THE FIRST READING WAS UNANIMOUSLY APPROVED. SECOND READING SCHEDULED FOR THURSDAY, AUGUST 13, 1992.

NON-DEPARTMENTAL

- R-17 *RESOLUTION in the Matter of Requesting Governor Roberts to Declare Multnomah County a Drought Emergency Area*

ROBERT TRACHTENBERG, BILL BACH, REBECCA BULLOCK, DENNIS HICKETHIER, JOHN KELLER, DAVID LEEN, AMY DANIELSON, PAUL DANIELSON, AMANDA

**FERGUSON-CRADLER, ERICA DAGLE AND STEVE VARGA
TESTIMONY IN SUPPORT. KAREN RUSSELL TESTIMONY
IN OPPOSITION AND RESPONSE TO BOARD QUESTIONS.
UPON MOTION OF COMMISSIONER KELLEY, SECONDED
BY COMMISSIONER HANSEN, RESOLUTION 92-141 WAS
UNANIMOUSLY APPROVED.**

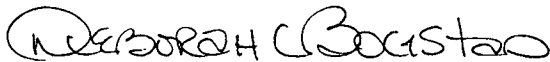
R-18 *First Reading of an ORDINANCE Submitting to the Voters the Question of Whether
Legislation Should Be Adopted to Authorize the Voters to Abolish Multnomah,
Washington and Clackamas Counties, the Metropolitan Service District and Tri-Met,
and Create a Single Consolidated Government*

**PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES
AVAILABLE. COMMISSIONER HANSEN MOVED AND
COMMISSIONER ANDERSON SECONDED, APPROVAL OF
THE FIRST READING. TOM CROPPER TESTIMONY IN
OPPOSITION AND RESPONSE TO BOARD QUESTIONS.
FIRST READING UNANIMOUSLY APPROVED. SECOND
READING SCHEDULED FOR THURSDAY, AUGUST 13, 1992.**

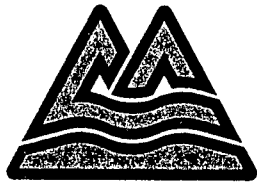
**COMMISSIONER HANSEN REQUESTED THAT A LETTER
OR RESOLUTION COMMENDING METRO CHARTER
COMMITTEE MEMBER MATT HENNESSEE BE SENT ON
BEHALF OF THE BOARD.**

There being no further business, the meeting was adjourned at 10:35 a.m.

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



Deborah L. Bogstad



MULTNOMAH COUNTY OREGON

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

GLADYS McCOY • CHAIR • 248-3308
PAULINE ANDERSON • DISTRICT 1 • 248-5220
GARY HANSEN • DISTRICT 2 • 248-5219
RICK BAUMAN • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213
CLERK'S OFFICE • 248-3277 • 248-5222

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

AUGUST 3 - 7, 1992

Tuesday, August 4, 1992 - 9:30 AM - Board Briefings Page 2
Tuesday, August 4, 1992 - 11:30 AM - Agenda Review Page 2
Tuesday, August 4, 1992 - 1:30 PM - Public Hearing Page 2
Thursday, August 6, 1992 - 9:30 AM - Regular Meeting Page 2

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

Thursday, 10:00 PM, Channel 11 for East and West side subscribers
Thursday, 10:00 PM, Channel 49 for Columbia Cable (Vancouver) subscribers
Friday, 6:00 PM, Channel 22 for Paragon Cable (Multnomah East) subscribers
Saturday 12:00 PM, Channel 21 for East Portland and East County subscribers

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

Tuesday, August 4, 1992 - 9:30 AM

Multnomah County Courthouse, Room 602

BOARD BRIEFINGS

- B-1 Advise the Board of County Commissioners of the Preliminary Decisions that the Library Board has made on the Library's Capital Needs at the Central Library and Midland Branch Library. Presented by Ginnie Cooper, Jim Emerson and Terry McCall, Chair of the Library Board's Capital Needs Subcommittee. 9:30 TIME CERTAIN, ONE HOUR REQUESTED.
- B-2 Review and Discuss Replacement for Serial Levies in Coming Fiscal Year and Other Revenue Issues. Presented by Dave Warren and Ben Buisman. 30 MINUTES REQUESTED.
- B-3 Update on Three Pending Statutory Way of Necessity Cases and Discussion of the Procedures Outlined in Resolution 92-51 Concerning Rules for the Conduct of Hearings. Presented by County Counsel Jacqueline Weber. 20 MINUTES REQUESTED.
-

Tuesday, August 4, 1992 - 11:30 AM

Multnomah County Courthouse, Room 602

AGENDA REVIEW

- B-4 Review of Agenda for Regular Meeting of August 6, 1992
-

Tuesday, August 4, 1992 - 1:30 PM

Multnomah County Courthouse, Room 602

WAY OF NECESSITY HEARING

- PH-1 Quasi-Judicial Hearing Followed by Board Deliberations and Order in the Matter of a Petition to Establish a Way of Necessity for Property Located on Sauvies Island Known as Tax Lot 8, Section 9, 2N, 1W, Multnomah County, Oregon, Filed by Mr. and Mrs. Ronald Brown and Mr. and Mrs. David Smith; Case No. 92-51B
-

Thursday, August 6, 1992 - 9:30 AM

Multnomah County Courthouse, Room 602

REGULAR MEETING

CONSENT CALENDAR

JUSTICE SERVICES

SHERIFF'S OFFICE

- C-1 In the Matter of a Restaurant/New Outlet Liquor License Application Submitted by the Sheriff's Office with Recommendation for APPROVAL, for ROYAL CHINOOK INN, 2609 S.E. CORBETT HILL ROAD, CORBETT

- C-2 In the Matter of a Malt Beverage/Change of Ownership Liquor License Application Submitted by the Sheriff's Office with Recommendation for DENIAL, for the BOTTOMS UP, 16900 S.W. ST. HELENS HWY.

DEPARTMENT OF SOCIAL SERVICES

- C-3 Ratification of an Intergovernmental Revenue Agreement, Contract #102853, between Multnomah County, Social Services Division and the City of Portland, Bureau of Community Development to Help Fund \$52,000, the Homeless Shelter for Chronically Mentally Ill Clients, for the Period July 1, 1992 to June 30, 1993

REGULAR AGENDA

DEPARTMENT OF SOCIAL SERVICES

- R-1 Ratification of an Intergovernmental Revenue Agreement, Contract #102873, between Multnomah County, Housing & Community Services Division and the City of Portland, Bureau of Community Development to Provide Contract Funds, \$96,765, for the City's Portion of Emergency Services Clearinghouse Operations and Client Assistance Vouchers for Homeless People through the American Red Cross, for the Period July 1, 1992 to June 30, 1993
- R-2 Budget Modification DSS #2 Requesting Authorization to Add \$122,265 of City of Portland Revenues to the Housing and Community Services Division, Community Action Program Pass-Through Budget to Pay for Designated Emergency Assistance Clearinghouse and Relocation Services for Homeless and Low Income People through County Administered Subcontracts
- R-3 NOTICE OF INTENT Requesting Approval for Multnomah County Housing & Community Services Division to Submit a Grant Application to the U.S. Department of Housing and Urban Development for \$1,222,055 Federal Funds Over Five Years to Pay for Operational and Supportive Services at the Turning Point Transitional Housing Project for Homeless Families with Children

NON-DEPARTMENTAL

MANAGEMENT SUPPORT

- R-4 First Reading of an ORDINANCE Amending Ordinance No. 709, in Order to Revise, Add and Delete Exempt Salary Ranges
- R-5 Ratification of an Intergovernmental Agreement, Contract #500083, between Multnomah County, Finance Division and the State of Oregon, Department of General Services to Provide Travel Management Services to the County through the State Department of General Services Contract

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-6 Ratification of an Intergovernmental Agreement, Contract #300283, between the City of Gresham and Multnomah County, Fleet & Electronic Services Division to Provide Electronic Equipment Maintenance to the City of Gresham
- R-7 RESOLUTION in the Matter of the Improvement of S.E. Hogan Road, No. 4974
- R-8 RESOLUTION in the Matter of the Improvement of S.E. 242nd Drive, No. 4997
- R-9 Ratification of an Intergovernmental Agreement, Contract #300733, between Multnomah County Transportation Division and the Oregon Department of Transportation, Highway Division Regard County and State Obligations on the S.E. Water Avenue Ramps for the Morrison Bridge
- R-10 In the Matter of the Return of the Proceedings on the Sale of Tax Foreclosed Properties, June 29, 1992
- R-11 ORDER in the Matter of Declaring Various Tax Foreclosed Properties Abandoned and Subject to Waste and Ordering the Tax Collector to Issue a Deed
- R-12 ORDER in the Matter of Vacation of Second Street in Section 20, T2N, R1W, W.M., Multnomah County, Oregon/Vacation No. 5000
- R-13 ORDER in the Matter of Setting a Hearing Date to Consider Transfer of Tax Foreclosed Property to the City of Portland for a Continuing Public Use
- R-14 ORDER in the Matter of Requesting for Transfer of Tax Foreclosed Property Under the County Housing Affordability Demonstration Program, and Setting a Hearing Date
- R-15 First Reading of an ORDINANCE Amending Multnomah County Code Chapter 9.10 [Uniform Mechanical Permit Fees]
(Continued from Thursday, July 30, 1992)
- R-16 First Reading of an ORDINANCE Amending Multnomah County Code Chapter 9.30 [Uniform Plumbing Permit Fees]
(Continued from Thursday, July 30, 1992)

NON-DEPARTMENTAL

- R-17 RESOLUTION in the Matter of Requesting that the Governor Declare a Drought Emergency in Multnomah County
- R-18 First Reading of an ORDINANCE Submitting to the Voters the Question of Whether Legislation Should Be Adopted to Authorize the Voters to Abolish Multnomah, Washington and Clackamas Counties, the Metropolitan Service District and Tri-Met, and Create a Single Consolidated Government



MULTNOMAH COUNTY OREGON

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CLERK'S OFFICE • 248-3277 • 248-5222

SUPPLEMENTAL AGENDA

Tuesday, August 4, 1992 - 8:30 AM

Multnomah County Courthouse, Room 602

EXECUTIVE SESSION

E-1 The Multnomah County Board of Commissioners will Meet in Executive Session to Discuss Collective Bargaining Negotiations Pursuant to ORS 192.660(1)(d). 8:30 AM TIME CERTAIN, 1 HOUR REQUESTED.

SUPPLEMENTAL AGENDA

Thursday, August 6, 1992 - 9:30 AM

Multnomah County Courthouse, Room 602

UNANIMOUS CONSENT ITEM

UC-1 Budget Modification DES #1 Requesting Authorization to Increase the General Fund by \$21,015 in Revenues to be Received in Connection with Intergovernmental Agreement Contract #300283 (R-6) Between Multnomah County and the City of Gresham for Electronics Equipment Maintenance for FY 92/93

0202C/24
cap/db

RICK BAUMAN
Multnomah County Commissioner
District 3



606 County Courthouse
Portland, Oregon 97204
(503) 248-5217

June 17, 1992

TO: Clerk of the Board
FR: Commissioner Rick Bauman
RE: Scheduled Board Absences

A handwritten signature, likely of Rick Bauman, is written over the "FR:" line of the memo.

I will be out of town on the following dates this summer:

July 27 through August 7, and
August 24 through September 11

and will therefore miss board meetings on July 28 and 30, August 25
and 27 and September 1, 3, 8 and 10.

BOARD OF
COUNTY COMMISSIONERS
1992 JUN 23 AM 11:58
MULTNOMAH COUNTY
OREGON

Meeting Date: AUG 04 1992

Agenda No.: B-1

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Briefing on Library's Capital Needs

BCC Informal 8/4/92 - 9:30 time certain BCC Formal _____
(date) (date)

DEPARTMENT Library DIVISION _____

CONTACT Ginnie Cooper TELEPHONE x5403

PERSON(S) MAKING PRESENTATION Ginnie Cooper, Jim Emerson

ACTION REQUESTED:

☒ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 45 minutes - 1 hour

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: _____

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

The purpose of this briefing is to advise the Board of County Commissioners of the preliminary decisions that the Library Board has made on the Library's capital needs at Central Library and Midland Branch Library. Terry McCall, chair of the Library Board's Capital Needs Subcommittee will also be present.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER 

(All accompanying documents must have required signatures)

BOARD OF
COUNTY COMMISSIONERS
1992 JUL 27 PM 1:57
MULTNOMAH COUNTY
OREGON



MEMORANDUM

TO: Board of County Commissioners
FROM: Ginnie Cooper *Ginnie*
DATE: July 29, 1992
SUBJECT: Briefing on Library Capital Needs

As you know, a briefing is set for Tuesday, August 4, at 9:30, to provide you with information on the preliminary decisions made by the Multnomah County Library Board on the library's capital needs. The Library Board understands that their role is advisory only and all decisions come to you for final approval.

Chair of the Library Board's Capital Needs Subcommittee, Terry McCall, will be present at the briefing to answer any questions you may have. I will also be present.

The Library Board and library staff have been working closely with County facilities and property management staff. They prepared the estimate summary of library capital projects which is attached, and will also be present to answer any questions you might have.

The Library Board has made the following preliminary decisions relating to the Central Library:

1. Central Library should be renovated and repaired, and will then be able to fill the functions as a central library for the foreseeable future. This alternative is preferable to a new building or another site.
2. Preliminary estimates to repair and renovate Central Library are \$24.6 million. This estimate assumes that work goes out for bid in September of 1993. See the attached summary sheet for more information.
3. The technology of installing seismic isolators should not be pursued for the Central Library. Though the building would be more likely to survive and be usable after a major earthquake, the cost of retrofitting the building to accommodate this technology is very high.

4. Architectural design and engineering work has continued in order to be ready to proceed with the work at Central at such time as money is available. The building's classification as a "dangerous building" because of structural deficiencies also requires that we continue to work towards a permanent solution to the problems that are present.

The Library Board also sees a critical need for an expanded library to replace the Midland Library, located near 122nd and Burnside. This need was identified a number of years ago, and residents of this neighborhood were given reason to believe that this expanded library would be a part of what was funded in each of the last two library levies.

Expanding at the present Midland site is not ideal. A building of about 30,000 is needed, and such a building would need to be on three floors if built on the current site. Public use of the building would be awkward. Staff would be required on all three floors; this means high staffing costs would always be present. Needed parking would be difficult to locate on the present site.

A new site has not been identified, though some have been considered. Because no site has been identified, cost estimates are even more preliminary than those for Central Library. Current estimate is about \$5.3 million.

MULTNOMAH COUNTY LIBRARY CAPITAL PROJECTS: ESTIMATE SUMMARY
Facilities and Property Management July 24, 1992

A.) CENTRAL LIBRARY

- Option 1 Repair & Renovate - Phased to remain open
120,000 sf No parking 5 floors Bid 9/93, Done 3/98
\$24,600,000
- Option 2 Renovate on Isolators, without new basement
120,000 sf No Parking 5 floors Bid 9/93, Done 9/98.
\$31,000,000
- Option 3 Renovate on Isolators, expand basement
136,000 sf No Parking 4 floors Bid 9/93, Done 3/99
\$37,400,000
- Option 4 New Central Library, same site, on isolators
120,000 sf No Parking 4 floors Bid 1/94, Done 12/96
\$36,300,000 (60 parking stalls would add \$1,000,000)
- Option 5 New Central Library, different downtown site
120,000 sf No Parking 4 floors Bid 6/94, Done 6/97
\$35,700,000 (parking as above)

NOTES, Central Library:

1. All figures are preliminary estimates.
2. Dates assume funding approval by November 1992; bid date is for initial phase only, most optimistic date.
3. Library Board has designated Option 1 as the preferred option.
4. Required structural repairs ONLY are \$8,800,000.

B.) MIDLAND BRANCH LIBRARY

- Option 1 Expand branch at existing location.
30,000 sf 35 parking spaces 3 floors Bid 9/93, Done 9/94
\$4,600,000 BRANCH CLOSED FOR 15 MONTHS
- Option 2 Relocate branch to a new building.
30,000 sf 100 parking spaces 1 floor Bid 6/94, Done 8/95
\$5,300,000 Branch stays open

NOTES, Midland:

1. Same assumptions as notes 1 and 2, above.
2. Library Board has designated Option 2 as the preferred option.



MEMORANDUM

TO: Board of County Commissioners

Gladys McCoy, Chair
Pauline Anderson
Rick Bauman
Gary Hansen
Sharron Kelley

FROM: Ginnie Cooper, *Ginnie* Director of Libraries

DATE: August 5, 1992

SUBJECT: Capital Improvements in Current Library Levy

BOARD OF
COUNTY COMMISSIONERS
1992 AUG - 6 PM 3:17
MULTNOMAH COUNTY
OREGON

At yesterday morning's Board of County Commissioners meeting, Commissioner Hansen asked how much the current library three-year serial levy had included for capital improvements for Central Library and Midland Branch library. The amounts were as follows:

Central:	\$1,227,000
- for first floor renovations	
Midland Branch:	2,075,705
- for an expanded building	

As you are aware, the original budget for the three-year serial levy was not accurate for a number of reasons: incomplete estimates of the cost of the transition from the Library Association of Portland to county administration of the Library, a \$3 million carry-over anticipated from the previous levy, very inaccurate capital cost estimates. And, of course, the property tax limit reduced levy collections from the expected \$10.3 million per year to \$8.2 million for the last two years of the levy. The support for library operations from the county's general fund is also less than had been anticipated at the time the levy budget was developed.

If you have further questions, please let me know.

GC:rg

Date Submitted 7/28/92

Meeting Date **AUG 04 1992**
Agenda No B-2

REQUEST FOR PLACEMENT ON THE AGENDA

Subject **Review of 1993-94 Revenue Shortfall in Multnomah County**

Informal Only **8/4/92**

Formal Only

DEPARTMENT **Nondepartmental**

DIVISION **Planning & Budget**

CONTACT **Dave Warren**

TELEPHONE **248-3822**

Brief Summary

Review and discuss replacement for serial levies in coming fiscal year and other revenue issues

Action Requested:

☒ Information Only ☐ Preliminary Approval ☐ Policy Direction ☐ Approval

Estimated Time Needed on Agenda **30 minutes**

IMPACT:

☐ Personnel
☐ Fiscal/Budgetary
☐ General Fund
☐ Other

BOARD OF
COUNTY COMMISSIONERS
1992 JUL 28 PM 5:04
MULTNOMAH COUNTY
OREGON

SIGNATURES

Department Manager

Budget/Personnel

County Counsel

Other

David C. Warren

MULTNOMAH COUNTY, OREGON

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY
PAULINE ANDERSON
GARY HANSEN
RICK BAUMAN
SHARRON KELLEY

PLANNING & BUDGET
PORTLAND BUILDING
1120 S.W. FIFTH - ROOM 1400
P. O. BOX 14700
PORTLAND, OR 97214
PHONE (503)248-3883

TO: Board of County Commissioners
FROM: Dave Warren, Budget Manager *DCW*
DATE: July 23, 1992
SUBJECT: What Impact do Various Sizes of Serial Levies Have on Portland?

As you review the issue of replacing the Jail and Library serial levies, it will be essential to keep in mind the impact of the County's actions on other taxing jurisdictions. Although it is slightly presumptuous of us to make estimates about other jurisdictional revenue sources, I think it is important that you operate with at least an understanding of the probable magnitude of the impact. The numbers included with this memo may be different from estimates developed by the other governments in question, and those estimates may be more accurate. However, until other estimates are available, these should put the issue in perspective and will probably be substantially correct.

Attached is a one page summary, prepared by Tom Simpson, of the amounts we believe Portland, Metro, and the Port would collect in property taxes if we levied any of several possible combinations of serial levies. Following the one page summary is a three page restatement that includes subtotals for both the County and Portland for each option and arrays the options differently. As far as I have been able to make them so, the numbers are the same. Any discrepancy between the two arrays means I made an error in transferring information from Tom's worksheet.

To oversummarize, the situation looks like this.

If we levy NO levies, our property tax receipts will be \$84.9 million in 1993-94 and Portland's receipts will be \$147.6 million.

If we levy at the current amounts for the Library and Jail, our property tax receipts in 1993-94 will be 16 million higher than if we did not have the serial levies - a total of \$100.9 million. Portland, according to our estimate, would receive \$10.9 million less - a total of 136.7 million.

If we levy what we need for the Library and the Jail, using three year levies, the County's 1993-94 property tax receipts will be \$107.9 million and Portland's will be \$132.2 million. (Note that the County's increase cuts into the County General Fund share of property taxes by about \$2 million)

If we levy what we need for the Library and the Jail, using five year levies, the County's 1993-94 property tax receipts will be \$109.2 million and Portland's will be \$131.4 million. (The County General Fund revenue is reduced by another \$400 thousand).

Since it is possible that we might be using a serial levy to replace either of the current levies but not necessarily both of them, the summary sheets show the differences using each levy independently as well.

All computations are based on:

City and County tax bases and the other two levies are estimated to grow 6%,
City Police and Fire Disability and Retirement Fund levy at \$52,912,507, an estimate received from
Drew Barden in May and perhaps no longer current,
Property value growth from 1991-92 of six percent per year.

Changes in these factors would alter the results, but the relative impact of each option will, I believe be about the same under any likely set of circumstances.

attachments

1993-94

COUNTY TAX BASE			PORTLAND TAX BASE			PORTLAND P&FR			METRO			PORT								
LEVIES	90,956,081		107,679,800			52,912,507			3,042,617			2,259,088								
PROJECTED RECEIPTS WITH ... CURRENT SERIAL LEVIES																				
Both @ 23.8 million	79,975,931	87.9%	91,699,544			45,060,009			85.2%			2,699,314			88.7%		1,984,225		87.9%	
Library @ 10.3 million	82,657,575	90.9%	95,680,869			47,016,382			88.9%			2,760,048			90.7%		2,050,769		90.9%	
Jail @ 13.5 million	82,001,099	90.2%	94,706,187			46,537,436			88.0%			2,737,834			90.0%		2,105,564		90.2%	
NEW THREE YEAR SERIAL LEVIES																				
Both @ 35.0 million	77,911,410	85.7%	88,639,193			43,556,191			82.3%			2,599,576			85.4%		1,933,080		85.7%	
Library @ 16.4 million	81,418,310	89.5%	93,839,513			46,111,563			87.1%			2,718,082			89.3%		2,019,992		89.5%	
Jail @ 18.6 million	80,978,699	89.0%	93,193,152			45,793,949			86.5%			2,703,352			88.8%		2,009,189		89.0%	
NEW FIVE YEAR SERIAL LEVIES																				
Both @ 37.0 million	77,548,542	85.3%	88,095,069			43,288,815			81.8%			2,587,176			85.0%		1,923,986		85.3%	
Library @ 17.4 million	81,219,453	89.3%	93,544,885			45,966,787			86.9%			2,711,367			89.1%		2,015,067		89.3%	
Jail @ 19.7 million	80,771,201	88.8%	92,880,518			45,640,325			86.3%			2,696,227			88.6%		2,003,963		88.8%	
NO SERIAL LEVIES	84,865,729	93.3%	98,958,925			48,627,178			91.9%			2,834,762			93.2%		2,105,564		93.3%	

NO LEVIES

	Tax Base	Library Levy	Jail Levy	Total
County Levies	90,956,081	0	0	90,956,081
County Receives	84,865,729	0	0	84,865,729

	Tax Base	P&FR	Total
Portland Levies	107,679,800	52,912,507	160,592,307
Portland Receives	98,958,925	48,627,178	147,586,103

Metro Levies	3,042,617
Metro Receives	2,834,762

Port Levies	2,259,088
Port Receives	2,105,564

CURRENT LEVY AMOUNTS

	Tax Base	Library Levy	Jail Levy	Total
County Levies	90,956,081	10,300,000	0	101,256,081
County Receives	82,657,575	9,360,265	0	92,017,840
	Tax Base	P&FR		Total
Portland Levies	107,679,800	52,912,507		160,592,307
Portland Receives	95,680,869	47,016,382		142,697,251
Metro Levies	3,042,617			
Metro Receives	2,760,048			
Port Levies	2,259,088			
Port Receives	2,050,769			

THREE YEAR LEVY AMOUNTS

	Tax Base	Library Levy	Jail Levy	Total
County Levies	90,956,081	16,400,000	0	107,356,081
County Receives	81,418,310	14,680,275	0	96,098,585
	Tax Base	P&FR		Total
Portland Levies	107,679,800	52,912,507		160,592,307
Portland Receives	93,839,513	46,111,563		139,951,076
Metro Levies	3,042,617			
Metro Receives	2,718,082			
Port Levies	2,259,088			
Port Receives	2,019,992			

FIVE YEAR LEVY AMOUNTS

	Tax Base	Library Levy	Jail Levy	Total
County Levies	90,956,081	17,400,000	0	108,356,081
County Receives	81,219,453	15,537,372	0	96,756,825
	Tax Base	P&FR		Total
Portland Levies	107,679,800	52,912,507		160,592,307
Portland Receives	93,544,885	45,966,787		139,511,672
Metro Levies	3,042,617			
Metro Receives	2,711,367			
Port Levies	2,259,088			
Port Receives	2,015,067			

CURRENT LEVY AMOUNTS

	Tax Base	Library Levy	Jail Levy	Total
County Levies	90,956,081	0	13,500,000	104,456,081
County Receives	82,001,099	0	12,170,872	94,171,971
	Tax Base	P&FR		Total
Portland Levies	107,679,800	52,912,507		160,592,307
Portland Receives	94,706,187	46,537,436		141,243,623
Metro Levies	3,042,617			
Metro Receives	2,737,834			
Port Levies	2,259,088			
Port Receives	2,105,564			

THREE YEAR LEVY AMOUNTS

	Tax Base	Library Levy	Jail Levy	Total
County Levies	90,956,081	0	18,600,000	109,556,081
County Receives	80,978,699	0	16,559,682	97,538,381
	Tax Base	P&FR		Total
Portland Levies	107,679,800	52,912,507		160,592,307
Portland Receives	93,193,152	45,793,949		138,987,101
Metro Levies	3,042,617			
Metro Receives	2,703,352			
Port Levies	2,259,088			
Port Receives	2,009,189			

FIVE YEAR LEVY AMOUNTS

	Tax Base	Library Levy	Jail Levy	Total
County Levies	90,956,081	0	19,700,000	110,656,081
County Receives	80,771,201	0	17,494,077	98,265,278
	Tax Base	P&FR		Total
Portland Levies	107,679,800	52,912,507		160,592,307
Portland Receives	92,880,518	45,640,325		138,520,843
Metro Levies	3,042,617			
Metro Receives	2,696,227			
Port Levies	2,259,088			
Port Receives	2,003,963			

CURRENT LEVY AMOUNTS COMBINED

	Tax Base	Library Levy	Jail Levy	Total
County Levies	90,956,081	10,300,000	13,500,000	114,756,081
County Receives	79,975,931	9,053,700	11,866,500	100,896,131

	Tax Base	P&FR	Total
Portland Levies	107,679,800	52,912,507	160,592,307
Portland Receives	91,699,544	45,060,009	136,759,553

Metro Levies	3,042,617
Metro Receives	2,699,314

Port Levies	2,259,088
Port Receives	1,984,225

THREE YEAR LEVY AMOUNTS COMBINED

	Tax Base	Library Levy	Jail Levy	Total
County Levies	90,956,081	16,400,000	18,600,000	125,956,081
County Receives	77,911,410	14,047,957	15,932,439	107,891,806

	Tax Base	P&FR	Total
Portland Levies	107,679,800	52,912,507	160,592,307
Portland Receives	88,639,193	43,556,191	132,195,384

Metro Levies	3,042,617
Metro Receives	2,599,576

Port Levies	2,259,088
Port Receives	1,933,080

FIVE YEAR LEVY AMOUNTS COMBINED

	Tax Base	Library Levy	Jail Levy	Total
County Levies	90,956,081	17,400,000	19,700,000	128,056,081
County Receives	77,548,542	14,835,123	16,796,087	109,179,752

	Tax Base	P&FR	Total
Portland Levies	107,679,800	52,912,507	160,592,307
Portland Receives	88,095,069	43,288,815	131,383,884

Metro Levies	3,042,617
Metro Receives	2,587,176

Port Levies	2,259,088
Port Receives	1,923,986

Revenue Shortfall in Multnomah County



An Analysis

Multnomah County Planning & Budget
July, 1992

Revenue Shortfall in Multnomah County - an Analysis
July 17, 1992

SUMMARY

This paper is a first step to deal with the consequences of the expiration of the Library and Jail serial levies. It is organized in three parts,

1. Overview of the problem and potential solutions,
2. Detailed analysis of the Problem - explanations of the components of the problem and factors surrounding the potential solutions.
3. Appendices - supplemental financial and other information related to the issue(s).

1. OVERVIEW

I. THE PROBLEM

Several major revenue issues face Multnomah County in the 1993-94 fiscal year and beyond. It is imperative to recognize these now and begin to deal with them so we will have sufficient lead time to implement corrective measures in time for the 1993-94 budget.

- The two serial levies will expire, a net loss to the County of about \$15.5 million in 1993-94, (See Appendix C for a discussion of compression)
- Because of Measure 5, the serial levies were, in any case, a minimum of \$6.1 million less than the amounts needed to cover the costs of the Library and Inverness Jail as contemplated when the levies were proposed and passed.
- Essential construction at Central Library will cost about \$24,600,000 and at the Midland Branch about \$5,000,000; amortization of the combined sum will cost about \$2.6 million per year,
- The number of jail beds leased by the Federal Marshal will fall 50 short of projections, an annual revenue loss to the General Fund of about \$1.6 million in fiscal year 1993-94, \$2.8 million in the following years.
- Juvenile detention construction will cost about \$2.2 million more to amortize in 1993-94 than the 1992-93 budgeted amount.
- Juvenile programs implemented to respond to the consent decree will cost an additional \$2 million annually.
- The State will probably be forced to respond to Measure 5 by making spending cuts; a 20% reduction in State support would cost the County about \$11.1 million per year (\$13.5 million if the State cutbacks result in lower Federal pass-through).
- There will probably be a state wide tax reform measure on a ballot or before the legislature by this time next year. A number of the proposals limit the ability of local government to raise needed funds. These include an assessed value cap and limits on local taxing options. As the proposals become more concrete, they will be analyzed in separate documents.

The range of magnitude of the problems is between \$15.5 million (if we choose to focus only on the loss of the serial levies) and more than \$60 million (if we choose to attempt a revenue solution to all the additional costs and lower receipts we will face).

II. REVENUE OPTIONS POTENTIALLY AVAILABLE

A. Replace Serial Levies

Replacement serial levies can be put together to address operating requirements only for both programs at their existing (1991-92) level (the Library at reduced hours and material purchases, the Jail Levy paying for reduced A&D beds) or to fund them at the level prior to Measure 5. These two options can be crafted as 3-year or 5-year levies.

	3-Year Levy Annually	5-Year Levy Annually
Current Funding Level	\$35,020,000	37,076,000
Full (Pre-Measure 5) Funding Level	41,550,000	43,268,000

Replacement levies will reduce the amount of property taxes collected by Portland and the amount collected by the Multnomah County General Fund Tax Base. 5 year levies at the Full Operational Level will result in County tax base receipts of \$76.4 million - down from \$91 million. (See Appendix C for a discussion of compression).

New serial levies could be sent to the voters at any election held before June 30, 1993, to be correctly calculated on the October 1993 tax bills and fund 1993-94 fiscal year programs.

B. Increase the Tax Base

The 1993-94 tax base levy will be \$91.0 million.

Adding 1993-94 funding for the levy-funded services at the existing level of service would bring the total to \$128.1 million. With the levy-funded services at the pre-Measure 5 level, the tax base would have to be about \$134.7 million. If voters approved this amount, this new amount could legally grow 6% annually to accommodate inflation.

This new tax base would, like new special levies, change the sizes of the wedges of the property tax revenue "pie" local governments share. (See Appendix C for a discussion of compression).

Tax base elections may be held only in the primary and general elections scheduled during even-numbered years. The only remaining date in the current biennium is the November 3rd general election. Filing deadline for this election is September 3rd.

C. Utility Surcharge

Much discussion has been held about placing a surcharge on electric and natural-gas customer bills. A 4.0% rate would return about \$18.0 million annually. To raise sufficient revenue to replace both serial

Revenue Shortfall in Multnomah County - an Analysis
July 17, 1992

levies would therefore cost ratepayers about 5.5%. The severity of the winter weather will cause fluctuations of this revenue source.

Replacing the serial levies by a utility surcharge would allow the County and Portland to collect more of their property tax base. The County tax base collections would increase about \$4.9 million.

The County could impose this tax without approval of the voters, although it is subject to voter referendum. The legislature could eliminate the County's authority to impose the surcharge.

D. Payroll Tax on Employers

Employers in the County pay their workers about \$10 billion annually. A 0.1% tax on this payroll would return \$10 million.

Replacing the serial levies by a payroll tax on employers would allow the County and Portland to collect more of their property tax base. The County tax base collections would increase about \$9.5 million to \$100.5 million.

To raise sufficient revenue to replace the serial levies would cost employers about .34% of their payroll. Charging an additional rate of .17% would allow the County to replace the Business Income Tax (BIT), possibly making the payroll tax more palatable to business.

This tax may place Multnomah County at a disadvantage to other local metropolitan area in attracting and holding businesses. There are about 40,000 businesses in the County. Administration of the tax would likely cost in excess of \$0.5 million.

The County could impose this tax without approval of the voters, although it is subject to voter referendum. The legislature could eliminate the County's authority to impose the tax.

E. Local Income Tax

The same tax rate as discussed above imposed on employees' gross wages would return the same revenue. This could be collected through straight withholding, submitted by the employer on the same schedule State income tax withholdings are submitted. Like employee-paid FICA and Workers Compensation amounts, there would be no subsequent tax form filing required. Similarly, the rate would be fixed, with no subsequent adjustments.

A rate of .34% is necessary to replace the levies. At .34%, the annual amount paid by a \$20,000 a year wage earner would be \$68. A \$37,000 earner would pay \$126 per year. It is likely that this tax would be deductible from Federal income tax; it is not clear that it would be deductible from State income tax.

Administration costs should be less than for the Payroll tax.

Revenue Shortfall in Multnomah County - an Analysis
July 17, 1992

The County could impose this tax without approval of the voters, although it is subject to voter referendum. The legislature could eliminate the County's authority to impose the surcharge.

F. Increase the Business Income Tax (BIT)

The current BIT rate is 1.46%, and nets the County about \$16 million annually. To raise an additional \$26 million (\$42 million total) would require a total rate of 3.83%.

The County could impose this tax without approval of the voters, although it is subject to voter referendum. The legislature could eliminate the County's authority to impose the surtax.

G. General Obligation Bond for Capital

A General Obligation Bond could be used to deal with the capital components of the problem - Library construction and, potentially, refinancing the C.O.P.'s for JDH.

General Obligation Bonds require voter approval. They increase property taxes but do not fall under the Measure 5 \$10 cap for local governments.

Approximately \$2.6 million of the estimated shortfall is the estimated cost of amortizing Library construction. These costs would be eligible for financing through a General Obligation Bond. Additional bonding to refinance the C.O.P.'s for JDH would offset \$2.2 million of the estimated shortfall and would also offset \$1.2 million of ongoing General Fund obligation already included in the 1992-93 budget.

2. DETAILED ANALYSIS

I. ANALYSIS OF THE PROBLEM

A. SERIAL LEVIES EXPIRE

The County currently has 2 special levies which will expire at the end of fiscal year 1992-93: the Library Levy, in the amount of \$10.3 million, and the Jail Levy in the amount of \$13.5 million. The County will lose the authority to levy \$23.8 million when these levies expire. The actual revenue lost is lower due to the compression of tax rates dictated by Measure 5. Actual losses for the 2 levies is therefore closer to \$20.4 million.

With no special levies, tax compression among all jurisdictions would result in an increase to the County General Fund of approximately \$4.9 million. The net loss to the County without the levies is therefore approximately \$15.5 million for fiscal year 1993-94.

The tax base receipts for most other jurisdictions, and particularly the City of Portland would also rise. Portland's tax base receipts would increase approximately \$10.9 million (estimate by Planning & Budget, not confirmed by Portland staff at this time). (See Appendix C for a discussion of compression).

The existing special levies are not sufficient to cover the on-going operational costs for the programs to which they are dedicated. The difference between total requirements and levy revenues is currently augmented through General Fund support (\$5.3 million for the Library Levy fund and \$1.8 million to the Jail Levy fund).

Even with this support the Library has had to curtail hours and cut back significantly on materials purchases (e.g. books, video and audio tapes, etc.). The result has been Library operations which do not keep pace with per capita national averages. The total FY 1993-94 revenue necessary to provide library services at the level contemplated when the serial levy was originally approved in 1988 would total 23.6 million. (\$18.1 million would have to be provided from a new or replacement revenue source)

Similarly, the Jail levy supports both Inverness Jail and a number of contracted Alcohol & Drug beds.

The total FY 1993-94 revenue needed to operate the jail will be \$16.0 million. \$1.8 million of this is currently General Fund revenue. This analysis assumes any new or replacement revenue source would provide the total requirement of \$16 million.

We currently contract for 80 A&D beds. Because of the funding limitations imposed by Measure 5, this is 40 beds lower than the levy was originally imposed to support. The cost of acquiring the total 120 beds anticipated when the levy was imposed would be an additional \$725,000. This analysis assumes funding for 120 A&D beds.

Note that these amounts are computed by Planning & Budget, and may differ from actual levy proposals should the Board choose this option.

B. SHORTFALLS BEYOND LOSS OF SERIAL LEVIES

Federal Marshal Beds

The Sheriff's Office had anticipated leasing 172 jail beds in 1991-92 to the Federal Marshal for the detention of prisoners awaiting trial in U.S. District Court. In April, the County was informed by the Federal

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July 16, 1992

Marshal's Office that they were beginning construction of a pre-trial holding facility in Sheridan. This will necessarily have an impact on the revenue we receive for detaining those federal prisoners. The Sheriff's Office has reduced their estimate of the number of beds the Federal Marshal will require to 125; which will result in a \$1.6 million revenue shortfall in FY 92-93. Long-term projections suggest that the Federal Marshal's commitment to the Sheriff's Office will be reduced to an annual level of approximately 80-85 beds.

Juvenile Detention

Certificates of Participation have been issued to fund the rebuilding of the Donald E. Long juvenile facility. The cost to amortize these is \$3.4 million per year. The 1992-93 Budget includes only the first year's interest on the C.O.P.'s. In future years, amortization costs will be \$2.2 million more than the 1992-93 budget level. Additionally, when complete in 1994-95, continuing operational costs will increase by \$2 million annually.

The cost to the General Fund of Juvenile Justice Division programs over the next three years is:

	<u>92/93</u>	<u>93/94</u>	<u>94/95</u>	<u>95/96</u>	<u>96/97</u>	<u>97/98</u>
JJD Programs	\$4.0	\$6.2	\$8.1	\$8.3	\$8.5	\$8.8

This means that we will need to increase ongoing funding by approximately \$2 million in each of the next two fiscal years to implement the program plan recommended by the Juvenile Justice Division as a response to the consent decree.

This increase results from two factors:

1. the difference between the debt service cost in the first year (\$1.15 million) and the debt service cost in all succeeding years (\$3.27 million) and
2. the additional cost of programs in 1994-95 (\$2.03 million).

Capital - repair/replacement

Prior to the imposition of Measure 5 the County had tentative plans to rebuild the Midland branch of the Library and to repair the structural flaws at Central. The anticipated costs of these improvements/repairs is \$24.6 million and \$5 million respectively, requiring annual amortization payments of approximately \$2.6 million.

Summary

The total annual costs of all these anticipated needs is approximately \$41.6 million. This amount does not include replacing General Fund support for the Library levy. This amount does include funding for the Library at the level in existence prior to Measure 5, operational costs of Inverness Jail, amortization of COP's for the Juvenile Facility, amortization of Capital repairs/replacement of the Libraries, the additional programs for JDH, and the loss of the Federal Marshal revenue.

Detailed spreadsheets are presented in Appendix A.

Revenue Shortfall in Multnomah County - an Analysis
July 16, 1992

C. STATE SHORTFALLS

The State of Oregon is reviewing 20% cuts in spending to supplement revenue lost to Measure 5 for school support. Assuming the legislature and the voters cannot agree to a method of raising replacement revenue, a 20% reduction in direct State aid to Multnomah County would amount to about \$11.1 million. Another \$2.4 million is in jeopardy if the State cuts, by 20%, matching funds to Federal grants. (Details are presented in Appendix A)

TOTAL SHORTFALL

Using the Library, Jail and Juvenile facility needs discussed above, and assuming the desire to continue programs formerly funded by State revenues, the 5-yr requirements are presented below.

	<u>93/94</u>	<u>94/95</u>	<u>95/96</u>	<u>96/97</u>	<u>97/8</u>
Total Shortfall:	\$57.1	\$62.4	\$64.4	\$66.6	\$68.9

II. ANALYSIS OF REVENUE OPTIONS POTENTIALLY AVAILABLE

A. REPLACE SERIAL LEVIES

New serial levies could be sent to the voters at any election held before June 30, 1993, to be correctly calculated on the October 1993 tax bills and fund 1993-94 fiscal year programs. Appendix B shows election dates and filing deadlines.

The suggested serial levies address operating requirements only, and do not include funds needed to reduce library or detention debt for construction or major remodeling or the replacement of General Fund support to the Library.

The calculations below include two options for funding the library operations. The first funds the library at its existing (1991-92) level, with the reduced hours and material purchases. The second envisions the library operating at the level prior to Measure 5. Additionally, these two options are presented as 3-year or 5-year levies.

Current Operating Level

<u>LEVY TYPE</u>	<u>SPECIAL LEVY AUTHORITY</u>	<u>LEVY with COMPRESSION</u>	<u>COUNTY TAX BASE AUTHORITY</u>	<u>COUNTY TAX BASE with COMPRESSION</u>
3-YR LIBRARY	\$16,400,000	\$14,049,000		
3-YR JAIL	18,620,000	15,950,000	90,956,081	77,915,394
5-YR LIBRARY	17,401,000	14,779,000		
5-YR JAIL	19,675,000	16,710,000	90,956,081	77,552,526

Full Operational Level

<u>LEVY TYPE</u>	<u>SPECIAL LEVY AUTHORITY</u>	<u>LEVY with COMPRESSION</u>	<u>COUNTY TAX BASE AUTHORITY</u>	<u>COUNTY TAX BASE with COMPRESSION</u>
3-YR LIBRARY	\$22,560,000	\$19,043,000		
3-YR JAIL	18,990,000	16,029,000	90,956,081	76,775,415
5-YR LIBRARY	23,693,000	19,827,000		
5-YR JAIL	19,975,000	16,715,000	90,956,081	76,410,304

B. INCREASE THE TAX BASE

Discussion of Special Levies becomes moot if the County were to receive voter approval to increase its tax base. The County's tax base levy in 1992-93 is nearly \$85.9 million. The law allows a 6% annual increase so the 1993-94 tax base levy will be \$91.0 million.

Adding 1993-94 funding for the library, at the existing level of service, and jail would bring the total to \$128.1 million. With the library at the enhanced level, the tax base would have to be about \$134.7 million. If voters approved this amount, this new amount could legally grow 6% annually to accommodate inflation.

This new tax base would, like new special levies, change the sizes of the wedges of the property tax revenue "pie" local governments share. Portland, Metro, and the Port will each receive a smaller percentage of the total. The east-County cities rate may exceed \$10 and therefore be subject to a small amount of compression.

The law states that tax-base elections may be held only in the primary and general elections scheduled during even-numbered years. The only remaining date in the current biennium is the November 3rd general election. Filing deadline for this election is 61 days before the election, or September 3rd, 1992. The issue must also be filed with the Tax Supervising and Conservation Commission 55 days prior to the election, or September 9, 1992.

C. UTILITY SURCHARGE

Much discussion has been held about placing a surcharge on electric and natural-gas customer bills. A 5.5% rate would return about \$25 million annually. The severity of the winter weather would likely cause fluctuations of \$2 to 3 million.

Portland already imposes a 5% "franchise fee" on the utilities. As a direct cost of doing business, this fee is reflected in the utility rates and is paid by the utility customers. We know that Portland collects, from Northwest Natural Gas, PGE, and PacifiCorp (PP&L), utility franchise fees of about \$17 million at a 5% rate. Projecting that amount out over the entire County using a ratio of population (assuming people are the users of natural gas and electricity), a 5% surcharge should result in about \$22.7 million annually countywide. Therefore, each 1% of surcharge would return about \$4.5 million. Warm winters would reduce this rate.

The County is forbidden by State law from imposing a franchise fee. A surcharge is permissible and may be imposed without referring the action to the voters. An initiative petition could subsequently be placed on the ballot to block the surtax. The legislature could also move to eliminate the County's authority to impose the surtax.

D. PAYROLL TAX ON EMPLOYERS

Employers in the County pay their workers about \$10 billion annually. A two-tenths of one percent (0.2%) tax on this payroll would return about \$20 million. Twice that rate, to 0.4%, could be used to also replace the Business Income Tax (BIT), making the payroll tax more palatable to business. The east-County cities would suffer revenue losses from current BIT sharing if the BIT was repealed. The agreement the County has with Gresham, Fairview, Troutdale and Wood Village says that if the County wishes to reduce the percentage shared with these cities, or not share the BIT with them at all, two years notice from the next July 1 must be given. But if the County were to repeal the BIT, the sharing stops automatically as of the effective date of the repeal.

Although the cost of this tax could likely be deducted from Federal and State returns, this tax may place Multnomah County at a disadvantage to other local metropolitan areas in attracting and holding businesses. Businesses will compare the amount they would pay in this payroll tax to the savings their business receives from reduced Measure 5 property tax rates to ascertain which tax is least onerous.

There are about 40,000 businesses in the County. Administration of the tax would likely exceed \$0.5 million. The State Department of Revenue (DOR) is the obvious place to do the collection and enforce compliance. The County would pay for DOR staff through administrative charges prior to the turnover of revenue to the County.

The County could impose this tax without approval of the voters, although it is subject to voter referendum.

E. A LOCAL INCOME TAX

Taxes on the wages of individual employees has been reviewed. At its simplest, the same 0.2% tax rate as derived above, placed against the individual's gross wages, would return \$20 million. As originally proposed, this would be straight withholding, submitted by the employer on the same schedule used for State income tax withholdings. Like employee-paid FICA and Workers Compensation amounts, there would be no subsequent tax form filing required. Similarly, the rate would be fixed, with no subsequent adjustments.

At 0.2%, the annual amount paid by a \$20,000 a year wage earner would be \$40. A \$50,000 earner would pay \$100 per year. Deductibility of this tax for individual Federal income tax determination is quite likely. For Oregon tax purposes, the answer is not clear.

Administration costs should be less than with the Payroll tax. The State Department of Revenue (DOR) is the obvious place to do the collection and enforce compliance. The County would pay for DOR staff through administrative charges prior to the turnover of revenue to the County.

The County could impose this tax without approval of the voters, although it is subject to voter referendum

F. INCREASE THE BUSINESS INCOME TAX (BIT) RATE

The current BIT rate is 1.46%, and nets the County about \$16 million annually. To raise an additional \$20 million (\$36 million total) would require a total rate of 3.29%.

G. GENERAL OBLIGATION BOND FOR CAPITAL

General Obligation Bonds require voter approval. They also require a number of steps in addition to the process used to place serial levies or tax bases on the ballot. These steps include:

- Call for a public hearing on the issue
- Publish two notices of the public hearing, at least a week apart
- Hold the hearing, pass the resolution placing the issue on the ballot
- Notify Tax Supervising of the proposed election at least 60 days prior to the election date
- Attend a Tax Supervising hearing on the issue

These additional steps make it imperative that the process for putting a General Obligation Bond issue on the ballot begin earlier than for placing a levy on the ballot. A timeline for the General Obligation Bond process with dates for the elections in 1992 and 1993 is included in Appendix B.

Repayments of General Obligation Bonds are outside the \$10 limit imposed by Measure 5. Their repayment will not decrease the property taxes levied by the County, cities, Metro, or the Port.

APPENDIX A

SUMMARY OF LIBRARY, DETENTION, AND JUVENILE SHORTFALLS

LIBRARY

An annual budget for the Library that would return operations to a 1990-91 level in 1993-94 is about \$23.5 million. Assuming 3.5% annual inflation for the next 5 years, that would grow to \$27.2 million for the 1997-98 fiscal year.

<u>Requirements</u>	<u>93/94</u>	<u>94/95</u>	<u>95/96</u>	<u>96/97</u>	<u>97/98</u>
Total Operating Requirements	\$23.6	\$24.3	\$25.1	\$26.1	\$27.2
Debt Retirement(Midland & Central)	<u>2.6</u>	<u>2.6</u>	<u>2.6</u>	<u>2.6</u>	<u>2.6</u>
Total Requirements:	\$26.2	\$26.9	\$27.7	\$28.7	\$29.8
<u>Revenues</u>					
Existing Library Levy 162	0.6	0.3	0.2	0.1	0.1
General Fund Supplement	4.2	4.2	4.2	4.2	4.2
Other Revenues	1.8	1.9	2.0	2.1	2.1
Carryover	<u>0.3</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
Identified Revenues:	\$6.9	\$6.4	\$6.4	\$6.4	\$6.4
Shortfall:	\$19.3	\$20.5	\$21.3	\$22.3	\$23.4

DETENTION

An annual budget for a Jail Levy that would return operations to a 1990-91 level in 1993-94 is about \$16.7 million. This amount includes funding for 120 A&D beds.

<u>Requirements</u>	<u>93/94</u>	<u>94/95</u>	<u>95/96</u>	<u>96/97</u>	<u>97/98</u>
Total Requirements	\$15.6	\$16.2	\$16.8	\$17.6	\$18.3
<u>Revenues</u>					
Existing Jail Levy 169	\$0.7	\$0.3	0.0	0.0	0.0
Federal Marshal through GF	<u>0.9</u>	<u>0.9</u>	<u>0.9</u>	<u>0.9</u>	<u>0.9</u>
Identified Revenues:	\$1.6	\$1.2	\$0.9	\$0.9	\$0.9
Shortfall:	\$14.0	\$15.0	\$15.9	\$16.7	\$17.4

JUVENILE

New JDH Operational Increase	0.0	2.0	2.1	2.1	2.2
JDH C.O.P. Retirement	<u>2.2</u>	<u>2.2</u>	<u>2.2</u>	<u>2.2</u>	<u>2.2</u>
Total Requirements:	\$ 2.2	\$ 4.2	\$ 4.3	\$ 4.3	\$ 4.4

APPENDIX A

SUMMARY OF STATE-SUPPLIED REVENUE SHORTFALLS

The State of Oregon is reviewing 20% cuts in spending to find revenue lost to Measure 5 for school support. Assuming the legislature and the voters cannot agree to a method of raising replacement revenue, a 20% reduction in direct State aid could amount to about \$11.1 million. Major areas where a 20% reduction may occur are:

General Fund	\$0.83 million	Lottery, liquor, cigarette revenues
Health	1.20 million	Grants
Social(Mental Health)	5.06 million	Grants
Aging	0.75 million	Grant
Housing & Community Develop.	0.36 million	Grants
Juvenile Services	0.45 million	Grant & State program
Community Corrections	2.18 million	State program
District Attorney	0.22 million	Grants
9-1-1, Fair, Parks	<u>0.05 million</u>	Miscellaneous
Subtotal:	11.10 million	

Another \$2.40 million in Federal funds are in jeopardy if the State cuts by 20%.

Health	\$1.20 million	Medicaid
Mental Health	0.70 million	Mental Health Grant
Aging	<u>0.50 million</u>	Medicaid
Subtotal:	2.40 million	
Subtotal from above:	<u>11.10 million</u>	
 TOTAL STATE SHORTFALL:	 \$ 13.5 million	

Revenue Shortfall in Multnomah County - an Analysis
July 16, 1992

APPENDIX A

SUMMARY OF SHORTFALLS

	(amounts in millions)				
	<u>93/94</u>	<u>94/95</u>	<u>95/96</u>	<u>96/97</u>	<u>97/98</u>
Library Levy	\$17.4	\$18.4	\$19.2	\$20.1	21.1
Jail Levy	<u>15.6</u>	<u>16.2</u>	<u>16.8</u>	<u>17.6</u>	<u>18.3</u>
Subtotal of Levy Shortfall:	\$33.0	\$34.6	\$36.0	\$37.7	\$39.4
Library: GF support	4.2	4.2	4.2	4.2	4.2
JDH Programs	0.0	2.0	2.1	2.1	2.2
Federal Marshal	1.6	2.8	2.8	2.8	2.8
Capital-JDH	2.2	2.2	2.2	2.2	2.2
Capital - Central Library	2.1	2.1	2.1	2.1	2.1
Capital - Midland Branch	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>
Subtotal of General Fund Shortfall:	\$10.6	\$13.8	\$13.9	\$13.9	\$14.0
State Revenue Shortfall:	11.1	11.5	11.9	12.3	12.7
State Match of Fed Funds:	<u>2.4</u>	<u>2.5</u>	<u>2.6</u>	<u>2.7</u>	<u>2.8</u>
Subtotal of State Shortfalls:	13.5	14.0	14.5	15.0	15.5
Levy Shortfall:	33.0	\$34.6	\$36.0	\$37.7	\$39.4
General Fund Shortfall:	\$10.6	\$13.8	\$13.9	\$13.9	\$14.0
State Shortfalls:	13.5	14.0	14.5	15.0	15.5
TOTAL SHORTFALL:	\$57.1	\$62.4	\$64.4	\$66.6	\$68.9

APPENDIX A

SUMMARY OF ALTERNATIVE REVENUE SOURCES

ALTERNATIVE SOURCES - REQUIREMENTS AND RATES

	<u>Requirement</u>	<u>Utility Surcharge</u>	<u>Payroll Tax</u>	<u>Employee Income Tax</u>	<u>BI</u>
Library operations less GF and other	\$17.4	3.867 %	0.174 %	0.174 %	1.588 %
Gen'l Fund Support to the Library	4.2	0.933 %	0.042 %	0.042 %	0.383 %
Inverness operation less GF & old levy	16.7	3.711 %	0.167 %	0.167 %	1.524 %
Additional JDH Programs	2.0	0.444 %	0.020 %	0.020 %	0.183 %
Capital - Central Library	2.1	0.467 %	0.021 %	0.021 %	0.192 %
Capital - Midland Branch Library	0.5	0.111 %	0.005 %	0.005 %	0.046 %
Capital costs of JDH	2.2	0.489 %	0.022 %	0.022 %	0.201 %
Lost Federal Marshal revenue	1.6	0.356 %	0.016 %	0.016 %	0.146 %
Replace State Revenues	11.1	2.467 %	0.111 %	0.111 %	1.013 %
Replace Matching Funds	<u>2.4</u>	<u>0.533 %</u>	<u>0.024 %</u>	<u>0.024 %</u>	<u>0.219 %</u>
Subtotal:	\$62.0	13.378 %	0.602 %	0.602 %	5.494 %
Additional Tax Base Collections:	(\$4.9)	(1.089)%	(0.049)%	(0.049)%	(0.455)%
Total:	<u>\$57.1</u>	<u>12.289 %</u>	<u>0.553 %</u>	<u>0.553 %</u>	<u>5.039 %</u>

NOTE: Rates expressed as percentages, Requirements in millions

APPENDIX B

ELECTION DATES AND DEADLINES

The following chart shows the dates of elections for tax measures. Each election date includes a date that the Elections Office needs the Board's adopted Resolution calling the election. These deadlines will need to be preceded by publication of hearing notices, public hearings, and Board approval.

<u>Election Date</u>	<u>Filed With Elections Division</u>
September 15, 1992	July 30, 1992
November 3, 1992	September 3, 1992
March 23, 1993	January 21, 1993
May 18, 1993	March 18, 1993
June 29, 1993	May 26, 1993
September 21, 1993	August 5, 1993
November 2, 1993	September 2, 1993

GENERAL OBLIGATION BONDS DATES AND DEADLINES

<u>Election Date</u>	<u>11/3/92</u>	<u>3/23/93</u>	<u>5/18/93</u>	<u>6/29/93</u>	<u>9/21/93</u>	<u>11/2/93</u>
Call for Hearing	8/13/93	12/31/92	2/25/93	5/5/93	7/15/93	8/12/93
Notify TSCC				5/6/93		
1st published notice	8/20/93	1/7/93	3/4/93	5/12/93	7/22/93	8/19/93
Notify TSCC					7/29/93	
2nd published notice	8/27/92	1/14/93	3/11/93	5/19/93	7/29/93	8/26/93
Hearing on Bond	9/3/92	1/21/93	3/18/93	5/26/93	8/5/93	9/2/93
Filing Date	9/3/92	1/21/93	3/18/93	5/26/93	8/5/93	9/2/93
Notify TSCC	9/9/92	1/28/93	3/25/93			9/9/93
TSCC Hearing	9/21? - 11/2/92	2/15? - 3/22/93	4/12? - 5/17/93	5/24? - 6/28/93	8/16? - 9/20/93	9/27? - 11/1/93
Election Date	11/3/92	3/23/93	5/18/93	6/29/93	9/21/93	11/2/93

APPENDIX C

MEASURE 5's EFFECTS ON LOCAL GOVERNMENT FUNDING

Measure 5, as written into law via HB 2550 by the 1991 legislature, says that no property owner will have to pay more than \$10.00 per thousand dollars of valuation of his or her property to support the operation of local governments. Property taxes to reduce the voter-approved debt incurred for capital projects is outside this limit. Local governments include cities, water, fire, port and other special districts, and the county. In the local area, the Metropolitan Service District is included.

Local governments can levy voter-approved taxes against all property that they serve. For any given property, if the total taxes levied by overlapping governments exceed \$10, the amount each government collects is reduced proportionally. For example, if the total amount that could be legally levied against a property was \$15 per thousand, each affected government would receive $10/15 = \text{two-thirds}$ of what could have expected without Measure 5's cap.

How much each government receives, of the resulting \$10, is a function of what share it had of the original \$15 levied. For example, if a city had a \$9 levy rate, a special district a \$2 levy rate, and the county a \$4 levy rate, the Measure 5-reduced rates shown on the property owners tax bill would be:

\$9 times \$10/\$15 equals \$6.0000 for the city,
\$2 times \$10/\$15 equals \$1.3333 for the special district, and
\$4 times \$10/\$15 equals \$2.6666 for the county.

For the 1991-92 tax year, the value of property in all of Multnomah County was \$23.6 billion. The tax bills for about 80% of that property were affected by Measure 5 property tax limitation, all the areas within the cities of Portland and Troutdale and Fairview. For 1992-93, the 80% number should stay about the same. Portland will continue its annexation, but Troutdale and Fairview's move from District 10's fire protection should lower total local government needs below \$10 per thousand within their boundaries. In 1993/94 and beyond, the area within the County subject to property tax limitation may change. If the amount local governments can by law levy, or voters allow them to levy, increases, the \$10 cap will be reached in more places.

For 1991-92, Gresham taxpayers paid \$9.09 per thousand. If one of the County levies had been 91¢ higher, the limit would have been reached. That would have placed more than 90% of the property, measured by value, under property tax limitation.

A simple model might assume 100% of the property is subject to the property tax limit. In a year or two, total value of all property in the County will be about \$25 billion. At \$10 per thousand, taxpayers will supply \$250 million to support local governments. No more is available. So if any government receives voter approval to increase a levy to gain more revenue, that money must come from other governments' revenues, those that share common areas with the agency whose increased levy was approved by voters.

If Portland voters approved a new levy, programs of the Port, Metro and the County would suffer from a reduction in funds available.

If the County, did not renew its special levies, Portland, the Port and Metro would benefit from increased revenues. The County revenues from its tax base would also increase, because the tax base would receive a proportional share of the revenues that formerly went for library and jail functions.

Meeting Date: AUG 04 1992

Agenda No.: B-3

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: BOARD BRIEFING - PROCEDURE FOR WAY OF NECESSITY HEARINGS

BOARD BRIEFING AUGUST 4, 1992 REGULAR MEETING
(date) (date)
DEPARTMENT NON-DEPARTMENTAL DIVISION COUNTY COUNSEL
CONTACT JACQUELINE WEBER TELEPHONE 248-3138
PERSON(S) MAKING PRESENTATION JACQUELINE WEBER

ACTION REQUESTED:

☒ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 20 MINUTES

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN:

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

COUNTY COUNSEL TO UPDATE AND BRIEF BOARD ON STATUTORY
WAYS OF NECESSITY CASES PENDING AND ON PROCEDURE/GUIDE-
LINES SET FORTH IN RULES FOR THE CONDUCT OF HEARINGS
PURSUANT TO EXHIBIT A OF RESOLUTION 92-51 DATED APRIL
16, 1992

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1992 JUL 10 PM 4:32

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL Gladys McCoy

Or

DEPARTMENT MANAGER John L. D. Bay

(All accompanying documents must have required signatures)

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the Matter of Rules to Process
Petitions for Statutory Ways of
Necessity

RESOLUTION 92-51

WHEREAS, a Petition for Statutory Way of Necessity has been filed with the Board of County Commissioners by each of the following petitioners:

JERRY M. FINLEY and PHILLIP R. MEYERS
MR. AND MRS. RONALD BROWN and MR. AND MRS. DAVID SMITH
THE MCQUINN FAMILY PIONEER CEMETARY ASSOCIATION

WHEREAS, ORS 376.150 to 376.200 gives the Board of County Commissioners jurisdiction to grant a Statutory Way of Necessity and establishes statutory procedures therefor, and

WHEREAS, the Board does not have an established process for the purpose of implementing ORS 376.150 to 376.200,

THEREFORE BE IT RESOLVED, that the Board of County Commissioners adopt the rules set out in Exhibit A attached hereto to process the petitions for Statutory Ways of Necessity specified above.

ADOPTED this 16th day of April, 1992.



By Gladys McCoy
Gladys McCoy, Chair
Multnomah County, Oregon

LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By Jacqueline A. Weber
Jacqueline A. Weber
Assistant County Counsel

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03/18/92:1

In the Matter of the Petition)
for Statutory Way of Necessity.) SUMMONS
)

YOU ARE HEREBY REQUIRED TO APPEAR and defend the Petition for Statutory Way of Necessity filed against you in the above-entitled action within thirty (30) days from the date of service of this summons upon you, and in case of your failure to do so, for want thereof, petitioner(s) will apply to the Board of County Commissioners for the relief demanded in the Petition.

City	State	Zip	Phone
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RULES FOR THE CONDUCT OF HEARINGS
BEFORE THE MULTNOMAH COUNTY BOARD OF COUNTY COMMISSIONERS
REGARDING STATUTORY WAYS OF NECESSITY

I. FILING AND SERVICE OF PETITION

- A. Filing shall be accomplished by mailing the original petition to the Multnomah County Board of County Commissioners. The filing shall be complete upon receipt of the petition by the Board of County Commissioners.
- B. Upon filing of a petition, the Clerk of the Board shall cause a copy of the petition to be served upon all persons owning land across which the Way of Necessity could be located as identified in the petition. Service shall be by summons as specified in ORCP 7, and in the form specified in Addendum A. The Clerk shall direct the Sheriff to serve summons.

II. INVESTIGATION AND REPORT BY COUNTY SURVEYOR

- A. Upon filing of the petition, the Clerk of the Board shall forward a copy of the petition to the County Surveyor, directing the County Surveyor to investigate the proposed Way of Necessity and issue a written report. The County Surveyor shall submit to the Board of County Commissioners a written report no later than 30 days from the date the petition is forwarded by the clerk. If the County Surveyor cannot issue the report within 30 days, he must so notify the Clerk and identify a date certain upon which the report will be provided to the Board.
- B. The report of the County Surveyor shall conform with ORS 376.160(2) and shall include:
 - 1. Possible alternate routes for Ways of Necessity to the property;
 - 2. A determination of whether the proposed Way of Necessity meets the requirements under ORS 376.150 to 376.200;
 - 3. The reasonableness of the Way of Necessity proposed in the petition; and
 - 4. A recommendation for a specific location and width for a Way of Necessity.

- C. The County Surveyor shall submit to the Board an accounting of the actual costs incurred in the investigation and preparation of the written report.
- D. Upon receipt of the Surveyor's report by the Board of County Commissioners, the County Clerk shall cause a copy of said Report and Petition to be served on all persons owning land across whose property the Way of Necessity is proposed to be located in the report and in the petition. Service of the Surveyor's report shall be accomplished in the same manner as described in IB above.

III. FILING OF ANSWER BY LANDOWNER

- A. Any person owning land across which a Way of Necessity is proposed to be established under ORS 376.150 to 376.200 may file an answer controverting any matter in the petition or report and alleging any new matter relevant to the proceedings. An answer must be filed within 30 days from the date of service of the petition and report. Filing of an answer shall be accomplished by mailing the original to the Board of County Commissioners and shall be deemed filed on either the date of receipt, or the date of mailing.
- B. The Clerk of the Board shall provide for service of the answer upon the petitioner in the same manner provided for service of summons in Section IB above.
- C. The petitioner may file a reply controverting any matter presented in the answer. A reply must be filed within ten days after receipt of service of the answer by the petitioner and shall be filed with the Board of County Commissioners. Filing shall be complete on either the date of receipt by the Board of County Commissioners, or the date of mailing. The Clerk of the Board shall provide for service of the reply upon the person filing the answer in the manner provided for service in Section IB above.

IV. HEARING ON THE PETITION

A. Notice of Hearing

Hearing shall be before the Multnomah County Board of County Commissioners. The notice of hearing will be issued by the Clerk of the Board to the petitioner and to all persons across whose property a Way of Necessity could be located as specified in the Petition and the Surveyor's Report, specifying the date, time and location of the hearing. Hearing shall be scheduled no later than 45 days from the date the Surveyor's report is received by the Multnomah County Board of County Commissioners.

B. Conduct of Hearing

1. The Board, in conducting a hearing on a petition for a statutory Way of Necessity pursuant to ORS 376.150 to ORS 376.200, is acting in a quasi-judicial capacity. Interested parties are entitled to an opportunity to be heard, to present and rebut evidence to a tribunal which is impartial, to have the proceedings recorded, and to have a decision based on evidence offered supported by findings of fact as a part of that record.
2. No person shall be disorderly, abusive or disruptive of the orderly conduct of the hearing.
3. No person shall speak more than once without obtaining permission from the presiding officer at the first opportunity.
4. No person shall testify without first receiving recognition from the presiding officer and stating his or her full name and residence address.
5. No person shall present irrelevant, immaterial or repetitious testimony or evidence.
6. There shall be no audience demonstrations, such as applause, cheering, display of signs, or other conduct disruptive of the hearing. Such conduct may be cause for immediate termination of the hearing by the Board.
7. The presiding officer and Board members may question any person who testifies.

V. CHALLENGE FOR BIAS, PREJUDGMENT OR PERSONAL INTEREST

- A. Any party to an appeal to be heard by the Board may challenge the qualification of any Board member to participate in such hearing and decision. Such challenge must be by affidavit and state the facts relied upon by the submitting party relating to a member's bias, prejudgment, personal interest, or other facts from which the party has concluded that the member will not participate and make a decision in an impartial manner.
 1. Such challenge shall be incorporated into the record of the hearing.
- B. No commissioner shall participate in a hearing or a decision on a proposal when he/she:
 1. Is a party to or has a direct personal or pecuniary interest in the proposal;

2. Is related to the proponent or opponent;
3. Is in business with the proponent or opponent; or
4. For any other reason, has determined that he/she cannot participate in the hearing and decision in an impartial manner.

VI. PRESIDING OFFICER

- A. The Presiding Officer shall have authority to:
1. Regulate the course and decorum of the hearing;
 2. Dispose of procedural requests or similar matters;
 3. Rule on offers of proof and relevancy of evidence and testimony; and
 4. Take such other action authorized by the Board appropriate for conduct commensurate with the nature of the hearing;
 5. Impose time limits on those appearing before the Board.

VII. ORDER OF PROCEDURE. The presiding officer, in the conduct of the hearing, shall:

- A. Commence the hearing. Announce the nature and purpose of the hearing and summarize the rules for the conduct of the hearing.
- B. Abstentions. Any member announcing his/her abstention shall not participate in the hearing, participate in discussion of the question, or vote on the question.
1. Any member whose participation has been challenged by allegation of bias, prejudgment, personal interest, or partiality or who has been subject to significant ex parte or prehearing contact from proponents or opponents may make a statement in response thereto or in explanation thereof, for the record, and his decision to abstain or not. This statement shall not be subject to cross-examination, except upon consent of that member, but shall be subject to rebuttal by the proponent or opponent, as appropriate.
- C. Staff Report. The Presiding Officer may request the representative of the County Surveyor to summarize the nature of the proposal, explain any graphic or pictorial displays which are a part of the record, summarize the

Surveyor's report, and provide such other information as may be requested by the Board.

D. Petitioner's Case.

1. The petitioner shall be heard first. Petitioner may appear personally, or by a designated representative. Petitioner may present testimony and/or documentary evidence in support of the petition.
2. Failure of the petitioner or designated representative to appear shall be cause to dismiss the petition.

E. Respondent's Case. At the conclusion of the presentation of petitioner's case, respondent(s) personally or by representative, shall be recognized by the Presiding Officer, and shall have the opportunity to present respondent(s)' case through testimony or documentary evidence.

1. If there is more than one respondent, they shall be heard in the order designated by the Presiding Officer.

F. Rebuttal. The petitioner may offer rebuttal of respondent(s)' case within the time limits established.

G. Close of Hearing and Deliberation by Board. The Presiding Officer shall conclude the hearing and the Board shall deliberate concerning the petition. The Board shall either make its decision and state its findings, or may continue its deliberations to a subsequent meeting, the time and place of which shall then be announced. The subsequent meeting shall be for the purpose of continued deliberation and shall not allow for additional testimony or evidence, except upon decision of the Board.

H. Order of the Board of County Commissioners.

Following hearing and consideration of the matters and issues presented to the Board by petitioner and respondent(s), the Board shall enter an order granting or denying the Way of Necessity. The order shall conform with ORS 376.175(2) and shall:

1. State whether the Way of Necessity is granted or denied;
2. Declare as established any Way of Necessity that it granted;

3. Describe the exact location and width of any Way of Necessity established;
4. Describe those uses that are permitted on any Way of Necessity established;
5. Direct the petitioner to pay costs and reasonable attorney fees incurred by each owner of land whose land was subject to the petitioner's action for a Way of Necessity;
6. Establish the amount of compensation due to any owner of land across which any Way of Necessity has been established and direct the petitioner to pay the compensation; and
7. Establish the costs incurred by the County in the procedures for the Way of Necessity and direct the petitioner to reimburse the County for those costs. Any costs assessed to the petitioner under an order shall be paid within 60 days after the entry of the order pursuant to ORS 376.175(4).

I. Appeal of Order of the Board of County Commissioners.

Appeal from the order of the Board of County Commissioners shall be as specified in ORS 376.175(5).

VIII. RECORD OF PROCEEDINGS.

- A. The Clerk of the Board or a designee of the Presiding Officer shall be present at each hearing and shall provide that the proceedings be electronically or stenographically recorded.
- B. The Presiding Officer shall, where practicable, cause to be received all physical and documentary evidence presented which shall be marked to show the identity of the person offering and whether presented on behalf of petitioner or respondent(s). Such exhibits shall be retained by the Board until after any applicable appeal period has expired, at which time the exhibit shall be released upon demand to the person identified thereon.

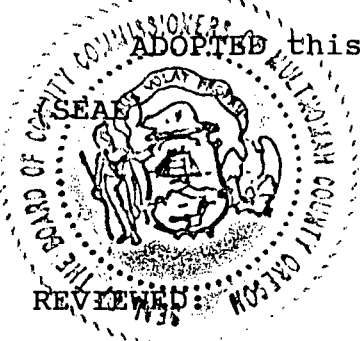
IX. PUBLICATION OF RULES.

These rules shall be placed on record with the Clerk of the Board of County Commissioners and be available to the public at all Board hearings. These rules are supplementary to the Rules of Procedure previously adopted for the Board of the conduct of Board meetings on March 29, 1973; provided, however, these rules shall control where there are conflicting provisions.

X. AMENDMENT AND SUSPENSION OF RULES.

Any rule of procedure not required by law or the Charter for Multnomah County may be amended, suspended or repealed at any hearing by majority vote of those Board members present and voting.

ADOPTED this 16th day of April, 1992.



By

Gladys McCoy
Gladys McCoy, Chair
Multnomah County, Oregon

LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By

Jacqueline A. Weber
Jacqueline A. Weber
Assistant County Counsel

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CRITERIA NECESSARY TO ESTABLISH
STATUTORY WAY OF NECESSITY

1. A finding that petitioner has shown the necessity for the establishment of a way of necessity.
2. The proposed way of necessity does not connect to a public road that has access rights acquired and limited by the state or the county.
3. The proposed way of necessity may be connected to a public road safely.
4. The specific location proposed for the way of necessity is the nearest practicable point for connection to a public road.
5. The petitioner does not have an existing easement or right to an easement to provide access to a public road.
6. The petitioner does not have any enforceable access to a public road.
7. The petitioner has not knowingly eliminated access to all public roads from the land by the sale of other land owned by petitioner.

Of these criteria, the respondents in Petition No. 92-51-B (Brown and Smith, Petitioners) have raised issues concerning:

- (1) Whether the petitioners knowingly eliminated access to all public roads from the land by the sale of other land owned by them;
- (2) Whether the proposed way of necessity is the nearest practicable point for connection to a public road; and
- (3) Whether the petitioner may have other enforceable legal access to a public road.