



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

REVISED 2/10/07

BOARD OF COMMISSIONERS

Ted Wheeler, Chair

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

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

Maria Rojo de Steffey, Commission Dist. 1

501 SE Hawthorne Boulevard, Suite 600
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Jeff Cogen, Commission Dist. 2

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Lonnie Roberts, Commission Dist. 4

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FEBRUARY 13 & 15, 2007 BOARD MEETINGS FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	8:45 a.m. Tuesday Executive Session
Pg 2	10:00 a.m. Tuesday Legislative Briefing
Pg 2	10:30 a.m. Tuesday Work Session on East County Justice Facility Project Plan
Pg 2	11:10 a.m. Tuesday Briefing on Law Enforcement and Mutual Aid Agreements
Pg 3	9:30 a.m. Thursday Public Comment
Pg 4	10:10 a.m. Thursday Public Hearing to Consider an Order Granting with Conditions Ballot Measure 37 Claim of Dorothy English
Pg 5	10:40 a.m. Thursday Animal Services Briefing
Pg 5	11:00 a.m. Thursday School-Age Services Task Force Report

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Tuesday, February 13, 2007 - **8:45 AM**
Multnomah Building, Sixth Floor Commissioners Conference Room 635
501 SE Hawthorne Boulevard, Portland

EXECUTIVE SESSION

- E-1 The Multnomah County Board of Commissioners will meet in Executive Session Pursuant to Executive Session Pursuant to ORS 192.660(2)(e). 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. 75 MINUTES REQUESTED.
-

Tuesday, February 13, 2007 - **10:00 AM**
Multnomah Building, Sixth Floor Commissioners Conference Room 635
501 SE Hawthorne Boulevard, Portland

BOARD BRIEFINGS

- B-1 **10:00 AM:** Briefing Update on the Work of the 2007 Legislature as it Pertains to Issues of Interest to Multnomah County. Presented by Gary Conklin and Gina Mattioda. 30 MINUTES REQUESTED.
- B-2 **10:30 AM:** Board Work Session on East County Justice Facility Project Plan. Presented by Doug Butler and Pam Krecklow. 40-60 MINUTES REQUESTED.
- B-3 **11:10 AM:** Briefing on MCSO Law Enforcement and Mutual Aid Agreements. Presented by Sheriff Giusto, Chief Deputy Tim Moore and Christine Kirk. 15 MINUTES REQUESTED.

Thursday, February 15, 2007 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

NON-DEPARTMENTAL

SA-1 RESOLUTION Calling for the United States Congress and the President to Reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000 for 2007

CONSENT CALENDAR - 9:30 AM

NON-DEPARTMENTAL

- C-1 Consenting to Chair's Appointment of Jeff Cogen to the Multnomah County Commission on Children, Families and Community
- C-2 Appointment of Ted Wheeler to Local Public Safety Coordinating Council of Multnomah County

DEPARTMENT OF COMMUNITY SERVICES

- C-3 RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to BENJAMIN and IUDITA CLAPA
- C-4 RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to BRIAN A SMITH [Tax Account R327739]
- C-5 RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to BRIAN A SMITH [Tax Account R327814]

DEPARTMENT OF COUNTY HUMAN SERVICES

- C-6 Amendment 2 to Intergovernmental Expenditure Agreement 4600006028 with the Housing Authority of Portland for the Addition of FEMA 25 Grant Funding Award

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 SERVICES - 9:30 AM

- R-1 Intergovernmental Expenditure Agreement 4600006501 with the City of Wood Village for Design and Construction of a Storm Drain Improvement Project on NE Village Court
- R-2 Public Hearing and Proposed Adoption of an ORDER Authorizing Legalization of Clara Smith Road from NE Corbett Hill Road No. 1972, Easterly Approximately 0.5 Mile as County Road No. 5024
- R-3 Public Hearing and Consideration of an ORDER Authorizing Legalization of Salzman Road from NE Larch Mountain Road No. 2098, Southerly Approximately 0.8 Mile as County Road No. 5023

DEPARTMENT OF COUNTY HUMAN SERVICES - 9:40 AM

- R-4 RESOLUTION Approving Allocation of Strategic Investment Program Community Housing Funds to Assist in Developing a Low Income Housing Project by Human Solutions, Inc.

NON-DEPARTMENTAL - 9:50 AM

- R-5 RESOLUTION Confirming the Interim Designation for Multnomah County Commissioner District 1 in the Event of a Vacancy
- R-6 RESOLUTION Establishing a Task Force on Vital Aging
- R-7 PUBLIC HEARING to Consider an ORDER Granting with Conditions the Ballot Measure 37 Claim of Dorothy English to Not Apply Certain Regulations in Lieu of Payment of Compensation to Allow the Creation of Legal Parcels at 13100 NW McNamee Road, Portland

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.

Thursday, February 15, 2007 - **10:40 AM**
(OR IMMEDIATELY FOLLOWING REGULAR MEETING)
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BOARD BRIEFINGS

- B-4 **10:40 AM:** Briefing on Animal Services Response to Budget Note Asking for Policy Options Regarding Multnomah County's Pet Licensing Fees. Presented by Mike Oswald. 20 MINUTES REQUESTED.
- B-5 **11:00 AM:** School-Age Services Task Force Report. Presented by Chair Ted Wheeler, Bill Scott, Krista Larson, Dr. Terry Kneisler, Lisa Turpel and Pam Curtis. 45 MINUTES REQUESTED.



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MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 02/15/07
Agenda Item #: SA-1
Est. Start Time: 9:30 AM
Date Submitted: 02/12/07

Agenda Title: **RESOLUTION Calling for the United States Congress and the President to Reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000 for 2007**

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

Requested Meeting Date: 2/15/2006 Amount of Time Needed: 10 minutes
Department: Non-Departmental Division: Chair, Commissioners
Contact(s): Marissa Madrigal
Phone: 503-988-5239 Ext. 85239 I/O Address: 503/600
Presenter(s): Chair Ted Wheeler and Commissioner Jeff Cogen

General Information

1. What action are you requesting from the Board?

Approval of a resolution calling for the U.S. Congress to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000 for 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 1908, the U.S. Congress promised ongoing funding to timberland counties across the nation in exchange for removing millions of acres of trees from the public tax rolls. In 2000, the U.S. Congress renewed and updated that promise with the Secure Rural Schools and Community Protection Act (PL 106-393) but that Act expired in 2006.

The funding provided by PL 106-393 is owed to the citizens of Oregon counties in lieu of the taxes that were forgone to allow the creation of the National Forests. As a direct result of the expiration of PL 106-393 schools and counties in Oregon will lose an estimated \$230 million in 2007.

Without PL 106-393 dollars, vital and basic public health and safety services may disappear

completely from many communities in Oregon. Examples of these services include, but are not limited to, safe road maintenance, sheriff patrols, the regulation of drinking water, safe food handling practices, library services and childhood immunization programs.

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

There is no fiscal impact to the passing of this resolution

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:**

TED WHEELER

Date: 02/12/07

Maria Rojo de Steffen

Jill S

Chia Nanto

Lonnie Roberts

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Calling for the United States Congress and the President to Reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000 for 2007

The Multnomah County Board of Commissioners Finds:

- a. In 1908, the U.S. Congress promised ongoing funding to timberland counties across the nation in exchange for removing millions of acres of trees from the public tax rolls.
- b. In 2000, the U.S. Congress renewed and updated that promise with the Secure Rural Schools and Community Protection Act (PL 106-393) but that Act expired in 2006.
- c. The funding provided by PL 106-393 is owed to the citizens of Oregon counties in lieu of the taxes that were forgone to allow the creation of the National Forests.
- d. As a direct result of the expiration of PL 106-393 schools and counties in Oregon will lose an estimated \$230 million in 2007.
- e. Without PL 106-393 dollars, vital and basic public health and safety services may disappear completely from many communities in Oregon. Examples of these services include, but are not limited to, safe road maintenance, sheriff patrols, the regulation of drinking water, safe food handling practices, library services and childhood immunization programs.
- f. Coos County Oregon faces a budget shortfall of \$7 million dollars due to the expiration of PL 106-393. Coos County Commissioners are considering closing their public health department or returning it to the State of Oregon. The State of Oregon has stated it lacks the resources and infrastructure to administer those services. The Coos County Sheriff predicts that patrol deputies will be cut and that property crimes will not be prosecuted.

- g. Curry County could lose \$4 million of its \$7.9 million dollar budget without PL 106-393. Its Commissioners are unsure that Curry County can remain a viable county, asserting that additional state and federal matching funds will also be lost, leaving the county unable to meet mandated service agreements.
- h. Douglas County is bracing for a \$38 million impact to their General Fund that will require a shift in services, particularly public safety.
- i. Schools in Grant, Harney and other Oregon counties will suffer the loss of significant county contributions to their school districts, possibly resulting in shortened school days or weeks.
- j. In Jackson County, the loss of \$23 million in PL 106-393 funds will mean cuts to vital sheriff's operations and the closure of all Jackson County libraries, including two new branches previously slated to open this year.
- k. Lane County will lose one-third of their General Fund dollars, 65% of which goes to public safety.
- l. Hood River County will lose 40% of its road fund.
- m. The impact of the loss of PL 106-393 to basic services threatens to devastate not only the communities directly impacted, but also the entire state of Oregon. Widespread lack of services may discourage new businesses and industries from locating here, further injuring Oregon's fragile economic balance.
- n. The Board of County Commissioners thanks Senator Ron Wyden, Senator Gordon Smith, Congressman Peter DeFazio, Congressman Earl Blumenauer, Congresswoman Darlene Hooley, Congressman Greg Walden, and Congressman David Wu for their unwavering support and leadership on the reauthorization of PL 106-393.

The Multnomah County Board of Commissioners Resolves:

- 1. In solidarity with our colleagues in counties across all of Oregon, the Multnomah County Board of Commissioners calls for the United States Congress and the President to immediately reauthorize the Secure Rural School and Community Self-Determination Act (PL 106-393), in order to avert an economic, public health and public safety disaster in the State of Oregon.

2. The Board of Commissioners also calls for the citizens of Oregon and all 50 states to demand that no community in the United States should go without basic services and to call for restoration of the Secure Rural School and Community Self-Determination Act.

ADOPTED this 15th day of February, 2007.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Agnes Sowle, County Attorney

SUBMITTED BY:

Ted Wheeler, Chair
Maria Rojo de Steffey, Commissioner, District 1
Jeff Cogen, Commissioner, District 2
Lisa Naito, Commissioner, District 3
Lonnie Roberts, Commissioner, District 4

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-025

Calling for the United States Congress and the President to Reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000 for 2007

The Multnomah County Board of Commissioners Finds:

- a. In 1908, the U.S. Congress promised ongoing funding to timberland counties across the nation in exchange for removing millions of acres of trees from the public tax rolls.
- b. In 2000, the U.S. Congress renewed and updated that promise with the Secure Rural Schools and Community Protection Act (PL 106-393) but that Act expired in 2006.
- c. The funding provided by PL 106-393 is owed to the citizens of Oregon counties in lieu of the taxes that were forgone to allow the creation of the National Forests.
- d. As a direct result of the expiration of PL 106-393 schools and counties in Oregon will lose an estimated \$230 million in 2007.
- e. Without PL 106-393 dollars, vital and basic public health and safety services may disappear completely from many communities in Oregon. Examples of these services include, but are not limited to, safe road maintenance, sheriff patrols, the regulation of drinking water, safe food handling practices, library services and childhood immunization programs.
- f. Coos County Oregon faces a budget shortfall of \$7 million dollars due to the expiration of PL 106-393. Coos County Commissioners are considering closing their public health department or returning it to the State of Oregon. The State of Oregon has stated it lacks the resources and infrastructure to administer those services. The Coos County Sheriff predicts that patrol deputies will be cut and that property crimes will not be prosecuted.

- g. Curry County could lose \$4 million of its \$7.9 million dollar budget without PL 106-393. Its Commissioners are unsure that Curry County can remain a viable county, asserting that additional state and federal matching funds will also be lost, leaving the county unable to meet mandated service agreements.
- h. Douglas County is bracing for a \$38 million impact to their General Fund that will require a shift in services, particularly public safety.
- i. Schools in Grant, Harney and other Oregon counties will suffer the loss of significant county contributions to their school districts, possibly resulting in shortened school days or weeks.
- j. In Jackson County, the loss of \$23 million in PL 106-393 funds will mean cuts to vital sheriff's operations and the closure of all Jackson County libraries, including two new branches previously slated to open this year.
- k. Lane County will lose one-third of their General Fund dollars, 65% of which goes to public safety.
- l. Hood River County will lose 40% of its road fund.
- m. The impact of the loss of PL 106-393 to basic services threatens to devastate not only the communities directly impacted, but also the entire state of Oregon. Widespread lack of services may discourage new businesses and industries from locating here, further injuring Oregon's fragile economic balance.
- n. The Board of County Commissioners thanks Senator Ron Wyden, Senator Gordon Smith, Congressman Peter DeFazio, Congressman Earl Blumenauer, Congresswoman Darlene Hooley, Congressman Greg Walden, and Congressman David Wu for their unwavering support and leadership on the reauthorization of PL 106-393.

The Multnomah County Board of Commissioners Resolves:

- 1. In solidarity with our colleagues in counties across all of Oregon, the Multnomah County Board of Commissioners calls for the United States Congress and the President to immediately reauthorize the Secure Rural School and Community Self-Determination Act (PL 106-393), in order to avert an economic, public health and public safety disaster in the State of Oregon.

2. The Board of Commissioners also calls for the citizens of Oregon and all 50 states to demand that no community in the United States should go without basic services and to call for restoration of the Secure Rural School and Community Self-Determination Act.

ADOPTED this 15th day of February, 2007.




BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Agnes Sowle, County Attorney

SUBMITTED BY:

Ted Wheeler, Chair
Maria Rojo de Steffey, Commissioner, District 1
Jeff Cogen, Commissioner, District 2
Lisa Naito, Commissioner, District 3
Lonnie Roberts, Commissioner, District 4



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 02/15/07
Agenda Item #: C-1
Est. Start Time: 9:30 AM
Date Submitted: 01/30/07

Agenda Title: **Consenting to Chair's Appointment of Jeff Cogen to the Multnomah County Commission on Children, Families and Community**

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

Requested Meeting Date: February 15, 2007 Amount of Time Needed: N/A
Department: Non-Departmental Division: Chair's Office
Contact(s): Barbara Willer
Phone: 503-988-5002 Ext. 85002 I/O Address: 503/600
Presenter(s): Consent Calendar

General Information

1. What action are you requesting from the Board?

Consent to Appointment of Jeff Cogen 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 Commission on Children, Families and Community (CCFC) was established by Ordinance 921 to develop and prepare, in accordance with state law, a comprehensive plan for the delivery of services provided to children and families in the county. The CCFC:

- oversees implementation of the plan and monitors the outcomes, including state and county benchmarks;
- receives and distributes federal and state community service funds for the county;
- reviews and approves local poverty program policy and monitors and evaluates program effectiveness.

The CCFC has a board of at least 9 but no more than 33 members that reflect the diverse county population. One-third of the CCFC board is elected public officials or their designees. At least one-third of the CCFC board members represent persons in poverty in the county. The remaining CCFC

board members have child development expertise. Members have four year terms and are appointed by the County Chair with approval of the Board.

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

N/A

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

None

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

None

Required Signature

Elected Official or
Department/
Agency Director:

TED WHEELER

Date: 01/31/07



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 02/15/07
Agenda Item #: C-2
Est. Start Time: 9:30 AM
Date Submitted: 01/30/07

Agenda Title: Appointment of Ted Wheeler to Local Public Safety Coordinating Council of Multnomah County

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

Requested Meeting Date: February 15, 2007 Amount of Time Needed: N/A
Department: Non-Departmental Division: Chair's Office
Contact(s): Barbara Willer
Phone: 503-988-5002 Ext. 85002 I/O Address: 503/600
Presenter(s): Consent Calendar

General Information

1. What action are you requesting from the Board?

Appointment of Ted Wheeler to the Local Public Safety Coordinating Council (LPSCC).

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 1995 state legislature amended ORS 423.560 to require that the Board of County Commissioners convene a local public safety coordinating council. On November 9, 1995, by Ordinance 839, the Board convened the Multnomah County Public Safety Coordinating Council (aka LPSCC). The LPSCC develops and recommends to the Board a plan for (1) use of state resources to serve local adult and youth offender populations, (2) use of state and local resources to serve the needs of local offenders between ages 15 and 18, including coordination of community-wide services involving prevention, treatment, education, employment resources and intervention strategies; and (3) coordination of local criminal justice policy among affected criminal justice entities. The LPSCC, in consultation with the County Commission on Children and Families, also develops and recommends to the Board a plan designed to prevent criminal involvement by youth and coordinates local juvenile justice policy among affected juvenile justice entities. Under Multnomah County Code § 3.350, the LPSCC membership includes at least one Board member

appointed by the Board.

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

N/A

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

None

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

None

Required Signature

Elected Official or
Department/
Agency Director:



Date: 01/31/07



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST short form

Board Clerk Use Only

Meeting Date: 02/15/07
Agenda Item #: C-3
Est. Start Time: 9:30 AM
Date Submitted: 01/25/07

Agenda Title: **RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to BENJAMIN & IUDITA CLAPA**

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

Requested Meeting Date: February 15, 2007 Amount of Time Needed: Consent Item
Department: Community Services Division: Tax Title
Contact(s): Gary Thomas
Phone: 503-988-3590 Ext. 22591 I/O Address: 503/4/TT
Presenter(s): Gary Thomas

General Information

1. What action are you requesting from the Board?

The Tax Title Section is requesting the Board to approve the private sale of a tax foreclosed property to BENJAMIN & IUDITA CLAPA.

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 subject property is a rectangular shaped lot that came into county ownership through the foreclosure of delinquent tax liens on September 23, 2003. The parcel is more or less 20' x 113' and contains approximately 2,637 square feet. The lot is located between 17112 SE Stephens St and 1924 SE 171st Ave. There was some question about the location of the parcel so we requested the county surveyor to mark the property corners. From this work it was determined that the property corners are located within the fenced area of the property on SE 171st Ave. The attached photos in Exhibit C confirm this. We propose to sell the strip to the owner of the 1924 SE 171st Ave property.

The attached Exhibit A, a plat map shows the location of the property. Exhibit B, an aerial photo, shows the parcel in relation to the adjacent properties and also how it is located within the yard area of the 171st Ave property.

Although no written confirmation from the City of Portland was obtained, the Tax Title Division is

confident that the shape and size of the property make it unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.

This action affects our Vibrant Communities Program Offer by placing a tax foreclosed property back onto the tax roll.

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

The private sale will allow for the recovery of the delinquent taxes, fees, and expenses. The sale will also reinstate the property on the tax roll (see Exhibit D).

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

No legal issues are expected. The parcel will be sold "As Is" without guarantee of clear title.

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

No citizen or government participation is anticipated.

EXHIBIT A

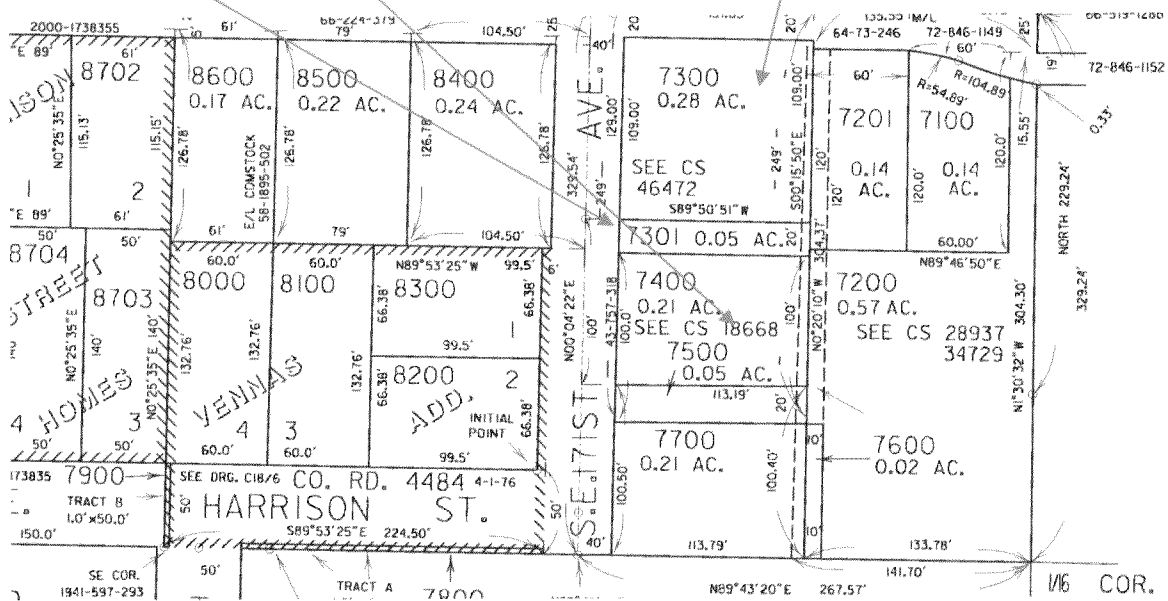
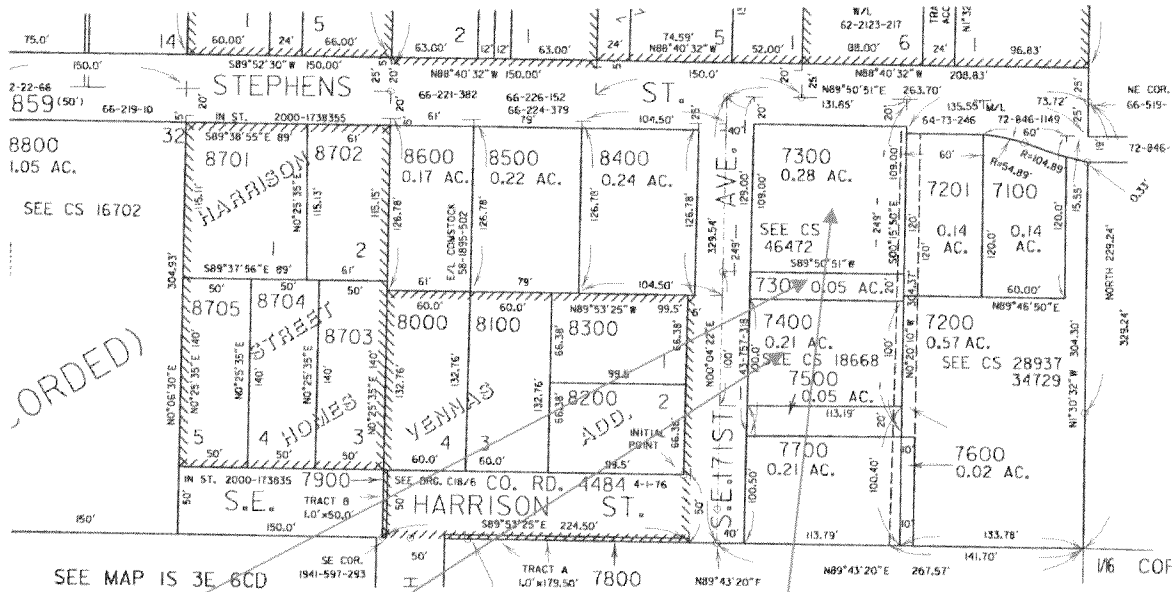


EXHIBIT B



Subject strip

1924 SE 171st Ave

EXHIBIT C



Subject strip

1924 SE 171st Ave



EXHIBIT D
PROPOSED PROPERTY LISTED FOR PRIVATE SALE

LEGAL DESCRIPTION:

A tract of land in the Southwest One-Quarter of Section 6, Township 1 South, Range 3 East of the Willamette Meridian, Multnomah County, Oregon, and described as follows:

The South 20.00 feet of the North 149.00 feet of the West one-half of the following :

Beginning at the Southwest corner of the North one-half of the Southwest One-Quarter of said Section 6; thence N89°43'20"E, along the South line of said North one-half of the Southwest One-Quarter of said Section 6, a distance of 2434.50 feet to the true point of beginning; thence N89°43'20"E, a distance of 267.57 feet; thence N0°40'20"W, a distance of 329.24 feet; thence S89°46'50"W, a distance of 263.70 feet; thence South 329.54 feet to the point of beginning.

ADJACENT PROPERTY ADDRESS:	1924 SE 171st Ave
TAX ACCOUNT NUMBER:	R338175
GREENSPACE DESIGNATION:	No designation
SIZE OF PARCEL:	Approximately 2,637 square feet
ASSESSED VALUE:	\$4,000

ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE

BACK TAXES & INTEREST:	\$703.73
TAX TITLE MAINTENANCE COST & EXPENSES:	\$262.65
RECORDING FEE:	\$26.00
SUB-TOTAL	\$992.38
MINIMUM PRICE REQUEST OF PRIVATE SALE	\$2,000.00

Required Signature

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

M. Cecilia Johnson

Date: 01/25/07

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing the Private Sale of a Tax Foreclosed Property to BENJAMIN and IUDITA CLAPA

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired the real property described in Exhibit A through the foreclosure of liens for delinquent real property taxes.
- b. The property has an assessed value of \$4,000.
- c. Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident that the shape and size of the property make it unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d. BENJAMIN and IUDITA CLAPA have agreed to pay \$2,000, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

The Multnomah County Board of Commissioners Resolves:

1. Upon Tax Title's receipt of the payment of \$2,000 the Chair on behalf of Multnomah County is authorized to execute a deed, number D072122 conveying to BENJAMIN and IUDITA CLAPA the real property described in the attached Exhibit A.

ADOPTED this 15th day of February, 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
Page 1 of 4 - Resolution and Deed Authorizing Private Sale

EXHIBIT A

A tract of land in the Southwest One-Quarter of Section 6, Township 1 South, Range 3 East of the Willamette Meridian, Multnomah County, Oregon, and described as follows:

The South 20.00 feet of the North 149.00 feet of the West one-half of the following:

Beginning at the Southwest corner of the North one-half of the Southwest One-Quarter of said Section 6; thence N89°43'20"E, along the South line of said North one-half of the Southwest One-Quarter of said Section 6, a distance of 2434.50 feet to the true point of beginning; thence N89°43'20"E, a distance of 267.57 feet; thence N0°40'20"W, a distance of 329.24 feet; thence S89°46'50"W, a distance of 263.70 feet; thence South 329.54 feet to the point of beginning.

Until a change is requested, all tax statements
shall be sent to the following address:
BENJAMIN & IUDITA CLAPA
PO BOX 460
ESTACADA OR 97023

After recording, return to:
MULTNOMAH COUNTY
TAX TITLE DIVISION
503/4

Deed D072122

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to BENJAMIN and IUDITA CLAPA, Grantees, the real property described in the attached Exhibit A.

The true consideration paid for this transfer is \$2,000.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 15th day of February 2007, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

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

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 15th day of February 2007, by Ted Wheeler, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

Meagan Swenson
Notary Public for Oregon
My Commission expires: 10/25/10

EXHIBIT A
(Deed D072122 & Tax Account R338175)

A tract of land in the Southwest One-Quarter of Section 6, Township 1 South, Range 3 East of the Willamette Meridian, Multnomah County, Oregon, and described as follows:

The South 20.00 feet of the North 149.00 feet of the West one-half of the following:

Beginning at the Southwest corner of the North one-half of the Southwest One-Quarter of said Section 6; thence N89°43'20"E, along the South line of said North one-half of the Southwest One-Quarter of said Section 6, a distance of 2434.50 feet to the true point of beginning; thence N89°43'20"E, a distance of 267.57 feet; thence N0°40'20"W, a distance of 329.24 feet; thence S89°46'50"W, a distance of 263.70 feet; thence South 329.54 feet to the point of beginning.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-026

Authorizing the Private Sale of a Tax Foreclosed Property to BENJAMIN and IUDITA CLAPA

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired the real property described in Exhibit A through the foreclosure of liens for delinquent real property taxes.
- b. The property has an assessed value of \$4,000.
- c. Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident that the shape and size of the property make it unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d. BENJAMIN and IUDITA CLAPA have agreed to pay \$2,000, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

The Multnomah County Board of Commissioners Resolves:

1. Upon Tax Title's receipt of the payment of \$2,000 the Chair on behalf of Multnomah County is authorized to execute a deed, number D072122 conveying to BENJAMIN and IUDITA CLAPA the real property described in the attached Exhibit A.

ADOPTED this 15th day of February, 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

Page 1 of 4 - Resolution 07-026 and Deed Authorizing Private Sale

EXHIBIT A

A tract of land in the Southwest One-Quarter of Section 6, Township 1 South, Range 3 East of the Willamette Meridian, Multnomah County, Oregon, and described as follows:

The South 20.00 feet of the North 149.00 feet of the West one-half of the following:

Beginning at the Southwest corner of the North one-half of the Southwest One-Quarter of said Section 6; thence N89°43'20"E, along the South line of said North one-half of the Southwest One-Quarter of said Section 6, a distance of 2434.50 feet to the true point of beginning; thence N89°43'20"E, a distance of 267.57 feet; thence N0°40'20"W, a distance of 329.24 feet; thence S89°46'50"W, a distance of 263.70 feet; thence South 329.54 feet to the point of beginning.

Until a change is requested, all tax statements
Shall be sent to the following address:
BENJAMIN & IUDITA CLAPA
PO BOX 460
ESTACADA OR 97023

After recording, return to:
MULTNOMAH COUNTY
TAX TITLE DIVISION
503/4

Deed D072122

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to BENJAMIN and IUDITA CLAPA, Grantees, the real property described in the attached Exhibit A.

The true consideration paid for this transfer is \$2,000.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 15th day of February 2007, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

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

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 15th day of February 2007, by Ted Wheeler, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

Meagan Swenson
Notary Public for Oregon
My Commission expires: 10/25/10

EXHIBIT A
(Deed D072122 & Tax Account R338175)

A tract of land in the Southwest One-Quarter of Section 6, Township 1 South, Range 3 East of the Willamette Meridian, Multnomah County, Oregon, and described as follows:

The South 20.00 feet of the North 149.00 feet of the West one-half of the following:

Beginning at the Southwest corner of the North one-half of the Southwest One-Quarter of said Section 6; thence N89°43'20"E, along the South line of said North one-half of the Southwest One-Quarter of said Section 6, a distance of 2434.50 feet to the true point of beginning; thence N89°43'20"E, a distance of 267.57 feet; thence N0°40'20"W, a distance of 329.24 feet; thence S89°46'50"W, a distance of 263.70 feet; thence South 329.54 feet to the point of beginning.



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST short form

Board Clerk Use Only

Meeting Date: 02/15/07
Agenda Item #: C-4
Est. Start Time: 9:30 AM
Date Submitted: 01/25/07

Agenda Title: RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to BRIAN A SMITH [Tax Account R327739]

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

Date Requested: February 15, 2007 Time Requested: Consent Item
Department: Community Services Division: Tax Title
Contact(s): Gary Thomas
Phone: 503-988-3590 Ext. 22591 I/O Address: 503/4/TT
Presenter(s): Gary Thomas

General Information

1. What action are you requesting from the Board?

The Tax Title Section is requesting the Board to approve the private sale of a tax foreclosed property to BRIAN A. SMITH.

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 subject property is a small square shaped lot that came into county ownership through the foreclosure of delinquent tax liens on September 29, 1997. The parcel is more or less 21' x 18.5' x 24' x 25' and contains approximately 781 square feet. The lot is located adjacent to 2700 SW Commonwealth Ave and to the Broadway View Condominiums. We propose to sell the parcel to the owner of the 2700 SW Commonwealth Ave property.

The attached Exhibit A, a plat map shows the location of the property. Exhibit B, an aerial photo, shows the parcel in relation to the other adjacent properties.

Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident that the shape and size of the property, approximately 781 square feet make it unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.

This action affects our Vibrant Communities Program Offer by placing a tax foreclosed property back onto the tax roll.

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

The private sale will allow for the recovery of the delinquent taxes, fees, and expenses (see Exhibit C).

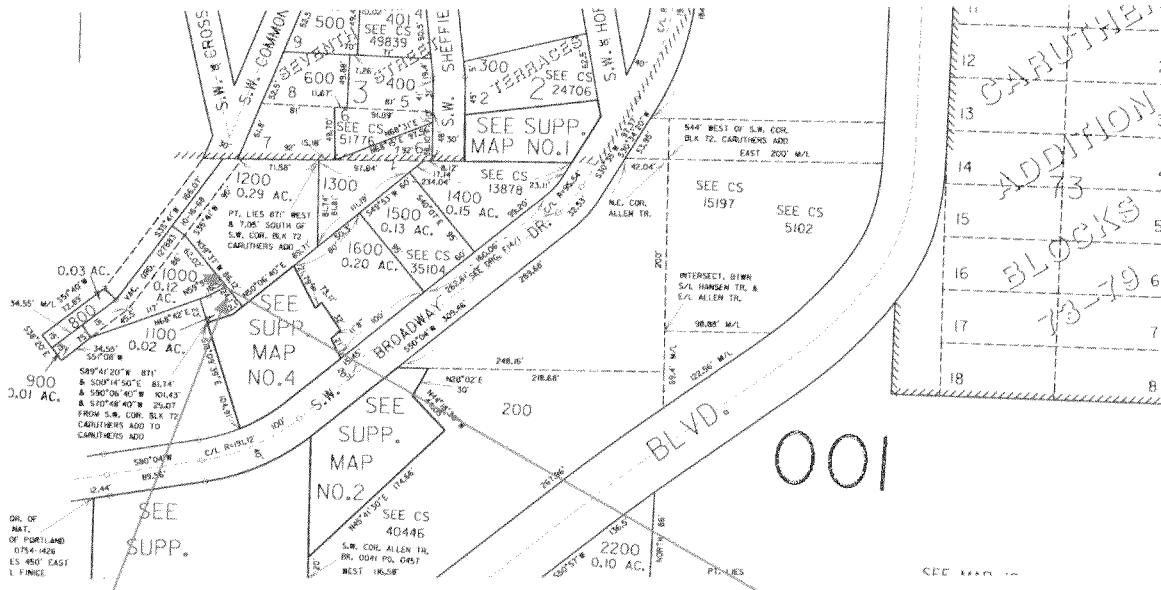
4. Explain any legal and/or policy issues involved.

No legal issues are expected. The parcel will be sold "As Is" without guarantee of clear title.

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

No citizen or government participation is anticipated.

EXHIBIT A



Subject

2700 SW Commonwealth Ave

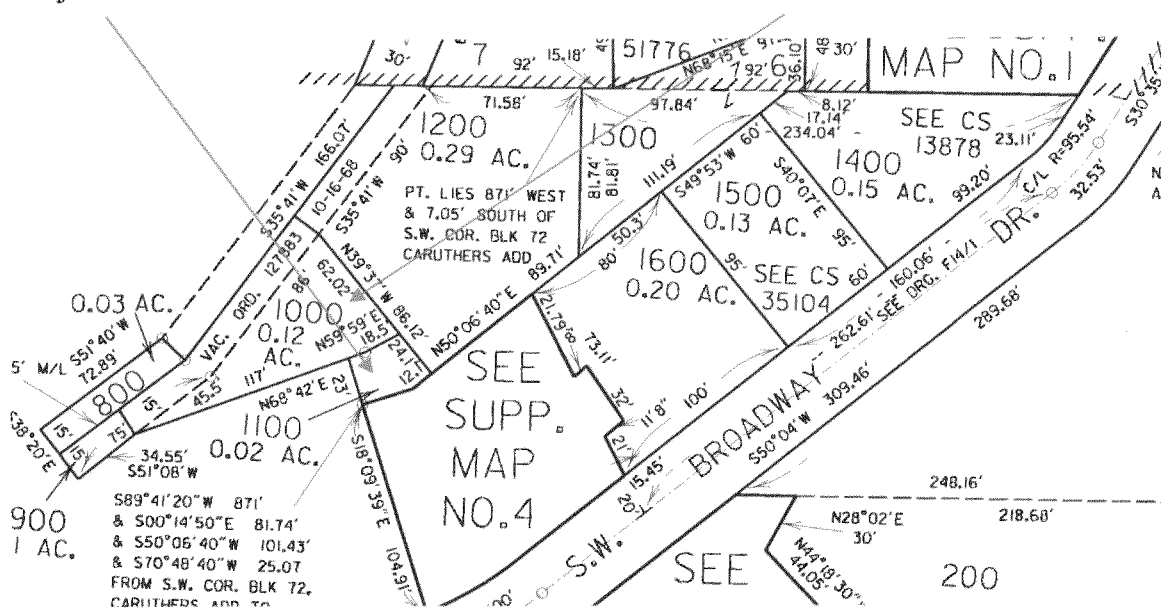


EXHIBIT B



2700 SW Commonwealth

Subject

EXHIBIT C

PROPOSED PROPERTY LISTED FOR PRIVATE SALE

LEGAL DESCRIPTION:

A parcel of land in Section 09, Township 1 South, Range 1 East of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon, described as follows:

Beginning at an iron rod in the South line of the 7th Street Terraces, which iron rod is also in the North line of that certain tract of land conveyed to Nat Costanzo by deed recorded February 8, 1922, in Book 874, Page 318, Deed Records, Multnomah County, Oregon, and which iron rod bears S89°41'20"W 871.00 feet from the S.W. corner of Block 72, CARUTHERS ADDITION TO CARUTHERS ADDITION IN THE CITY OF PORTLAND; thence from said place of beginning and leaving said North line of the Nat Costanzo property S00°14'50" E 81.74 feet to a ½ inch iron rod in the North line of property conveyed to Carl N. Costanzo by deed recorded May 2, 1946, in Book 104, Page 433, Deed Records; thence S50°06'40"W 101.43 feet to a ¾ inch iron pipe; thence S70°48'40" W 25.07 feet to a ¾ inch iron pipe and the Northwesterly corner of that certain tract of land conveyed to Florence Patty by deed recorded July 22, 1948, in Book 1279, Page 219, Deed records, for the true point of beginning of the tract to be described therein; thence N70°48'40" E 25.07 feet to a ¾ inch iron pipe; thence N50°06'40" E 11.72 feet; thence N39°37' W 24.1 feet; thence S59°59' W 18.5 feet; thence S68°42' E to a point, said point lies 23 feet more or less to the true point of beginning; thence S18°09'39" E 23 feet, more or less to the true point of beginning.

ADJACENT PROPERTY ADDRESS:	2700 SW Commonwealth Ave
TAX ACCOUNT NUMBER:	R327739
GREENSPACE DESIGNATION:	No designation
SIZE OF PARCEL:	Approximately 781 square feet
ASSESSED VALUE:	\$900

ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE

BACK TAXES & INTEREST:

TAX TITLE MAINTENANCE COST & EXPENSES:

RECORDING FEE:

SUB-TOTAL

MINIMUM PRICE REQUEST OF PRIVATE SALE

	\$112.84
	\$-0-
	\$26.00
	\$138.84
	\$700.00

Required Signature

**Department/
Agency Director:**

M. Cecilia Johnson

Date: 01/25/07

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing the Private Sale of a Tax Foreclosed Property to BRIAN A. SMITH [Tax Account R327739]

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired the real property described in Exhibit A through the foreclosure of liens for delinquent real property taxes.
- b. The property has an assessed value of \$900.
- c. Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident that the shape and size of the property, approximately 781 square feet make it unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d. BRIAN A. SMITH has agreed to pay \$700, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

The Multnomah County Board of Commissioners Resolves:

1. Upon Tax Title's receipt of the payment of \$700 the Chair on behalf of Multnomah County is authorized to execute a deed, number D072123 conveying to BRIAN A. SMITH the real property described in the attached Exhibit A.

ADOPTED this 15th day of February, 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

A parcel of land in Section 09, Township 1 South, Range 1 East of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon, described as follows:

Beginning at an iron rod in the South line of the 7th street Terraces, which iron rod is also in the North line of that certain tract of land conveyed to Nat Costanzo by deed recorded February 8, 1922, in Book 874, Page 318, Deed Records, Multnomah County, Oregon, and which iron rod bears S89°41'20"W 871.00 feet from the S.W. corner of Block 72, CARUTHERS ADDITION TO CARUTHERS ADDITION IN THE CITY OF PORTLAND; thence from said place of beginning and leaving said North line of the Nat Costanzo property S00°14'50" E 81.74 feet to a ½ inch iron rod in the North line of property conveyed to Carl N. Costanzo by deed recorded May 2, 1946, in Book 104, Page 433, Deed Records; thence S50°06'40"W 101.43 feet to a ¾ inch iron pipe; thence S70°48'40" W 25.07 feet to a ¾ inch iron pipe and the Northwestern corner of that certain tract of land conveyed to Florence Patty by deed recorded July 22, 1948, in Book 1279, Page 219, Deed records, for the true point of beginning of the tract to be described therein; thence N70°48'40" E 25.07 feet to a ¾ inch iron pipe; thence N50°06'40" E 11.72 feet; thence N39°37' W 24.1 feet; thence S59°59' W 18.5 feet; thence S68°42' E to a point, said point lies 23 feet more or less to the true point of beginning; thence S18°09'39" E 23 feet, more or less to the true point of beginning.

Until a change is requested, all tax statements
Shall be sent to the following address:
BRIAN A. SMITH
1217 GAZELLE PLACE
DAVIS, CA 95616-5716

After recording, return to:
MULTNOMAH COUNTY
TAX TITLE DIVISION
503/4

Deed D072123

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to BRIAN A. SMITH, Grantee, the real property described in the attached Exhibit A.

The true consideration paid for this transfer is \$700.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 15th day of February 2007, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

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

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 15th day of February 2007, by Ted Wheeler, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

Meagan Swenson
Notary Public for Oregon
My Commission expires: 10/25/10

EXHIBIT A

(Deed D072123 & Tax Account R327739)

A parcel of land in Section 09, Township 1 South, Range 1 East of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon, described as follows:

Beginning at an iron rod in the South line of the 7th street Terraces, which iron rod is also in the North line of that certain tract of land conveyed to Nat Costanzo by deed recorded February 8, 1922, in Book 874, Page 318, Deed Records, Multnomah County, Oregon, and which iron rod bears S89°41'20"W 871.00 feet from the S.W. corner of Block 72, CARUTHERS ADDITION TO CARUTHERS ADDITION IN THE CITY OF PORTLAND; thence from said place of beginning and leaving said North line of the Nat Costanzo property S00°14'50" E 81.74 feet to a ½ inch iron rod in the North line of property conveyed to Carl N. Costanzo by deed recorded May 2, 1946, in Book 104, Page 433, Deed Records; thence S50°06'40"W 101.43 feet to a ¾ inch iron pipe; thence S70°48'40" W 25.07 feet to a ¾ inch iron pipe and the Northwestern corner of that certain tract of land conveyed to Florence Patty by deed recorded July 22, 1948, in Book 1279, Page 219, Deed records, for the true point of beginning of the tract to be described therein; thence N70°48'40" E 25.07 feet to a ¾ inch iron pipe; thence N50°06'40" E 11.72 feet; thence N39°37' W 24.1 feet; thence S59°59' W 18.5 feet; thence S68°42' E to a point, said point lies 23 feet more or less to the true point of beginning; thence S18°09'39" E 23 feet, more or less to the true point of beginning.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-027

Authorizing the Private Sale of a Tax Foreclosed Property to BRIAN A. SMITH [Tax Account R327739]

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired the real property described in Exhibit A through the foreclosure of liens for delinquent real property taxes.
- b. The property has an assessed value of \$900.
- c. Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident that the shape and size of the property, approximately 781 square feet make it unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d. BRIAN A. SMITH has agreed to pay \$700, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

The Multnomah County Board of Commissioners Resolves:

1. Upon Tax Title's receipt of the payment of \$700 the Chair on behalf of Multnomah County is authorized to execute a deed, number D072123 conveying to BRIAN A. SMITH the real property described in the attached Exhibit A.

ADOPTED this 15th day of February, 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

A parcel of land in Section 09, Township 1 South, Range 1 East of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon, described as follows:

Beginning at an iron rod in the South line of the 7th street Terraces, which iron rod is also in the North line of that certain tract of land conveyed to Nat Costanzo by deed recorded February 8, 1922, in Book 874, Page 318, Deed Records, Multnomah County, Oregon, and which iron rod bears S89°41'20"W 871.00 feet from the S.W. corner of Block 72, CARUTHERS ADDITION TO CARUTHERS ADDITION IN THE CITY OF PORTLAND; thence from said place of beginning and leaving said North line of the Nat Costanzo property S00°14'50" E 81.74 feet to a ½ inch iron rod in the North line of property conveyed to Carl N. Costanzo by deed recorded May 2, 1946, in Book 104, Page 433, Deed Records; thence S50°06'40"W 101.43 feet to a ¾ inch iron pipe; thence S70°48'40" W 25.07 feet to a ¾ inch iron pipe and the Northwesterly corner of that certain tract of land conveyed to Florence Patty by deed recorded July 22, 1948, in Book 1279, Page 219, Deed records, for the true point of beginning of the tract to be described therein; thence N70°48'40" E 25.07 feet to a ¾ inch iron pipe; thence N50°06'40" E 11.72 feet; thence N39°37' W 24.1 feet; thence S59°59' W 18.5 feet; thence S68°42' E to a point, said point lies 23 feet more or less to the true point of beginning; thence S18°09'39" E 23 feet, more or less to the true point of beginning.

Until a change is requested, all tax statements
Shall be sent to the following address:
BRIAN A. SMITH
1217 GAZELLE PLACE
DAVIS, CA 95616-5716

After recording, return to:
MULTNOMAH COUNTY
TAX TITLE DIVISION
503/4

Deed D072123

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to BRIAN A. SMITH, Grantee, the real property described in the attached Exhibit A.

The true consideration paid for this transfer is \$700.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 15th day of February 2007, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

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

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 15th day of February 2007, by Ted Wheeler, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

Meagan Swenson
Notary Public for Oregon
My Commission expires: 10/25/10

EXHIBIT A

(Deed D072123 & Tax Account R327739)

A parcel of land in Section 09, Township 1 South, Range 1 East of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon, described as follows:

Beginning at an iron rod in the South line of the 7th street Terraces, which iron rod is also in the North line of that certain tract of land conveyed to Nat Costanzo by deed recorded February 8, 1922, in Book 874, Page 318, Deed Records, Multnomah County, Oregon, and which iron rod bears S89°41'20"W 871.00 feet from the S.W. corner of Block 72, CARUTHERS ADDITION TO CARUTHERS ADDITION IN THE CITY OF PORTLAND; thence from said place of beginning and leaving said North line of the Nat Costanzo property S00°14'50" E 81.74 feet to a ½ inch iron rod in the North line of property conveyed to Carl N. Costanzo by deed recorded May 2, 1946, in Book 104, Page 433, Deed Records; thence S50°06'40"W 101.43 feet to a ¾ inch iron pipe; thence S70°48'40" W 25.07 feet to a ¾ inch iron pipe and the Northwesterly corner of that certain tract of land conveyed to Florence Patty by deed recorded July 22, 1948, in Book 1279, Page 219, Deed records, for the true point of beginning of the tract to be described therein; thence N70°48'40" E 25.07 feet to a ¾ inch iron pipe; thence N50°06'40" E 11.72 feet; thence N39°37' W 24.1 feet; thence S59°59' W 18.5 feet; thence S68°42' E to a point, said point lies 23 feet more or less to the true point of beginning; thence S18°09'39" E 23 feet, more or less to the true point of beginning.



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST short form

Board Clerk Use Only

Meeting Date: 02/15/07
Agenda Item #: C-5
Est. Start Time: 9:30 AM
Date Submitted: 01/25/07

Agenda Title: RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to BRIAN A SMITH [Tax Account R327814]

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

Date Requested:	February 15, 2007	Time Requested:	Consent Item
Department:	Community Services	Division:	Tax Title
Contact(s):	Gary Thomas		
Phone:	503-988-3590	Ext.	22591
Presenter(s):	Gary Thomas		
I/O Address:	503/4/TT		

General Information

1. What action are you requesting from the Board?

The Tax Title Section is requesting the Board to approve the private sale of a tax foreclosed property to BRIAN A. SMITH.

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 subject property is a small rectangular shaped lot that came into county ownership through the foreclosure of delinquent tax liens on September 29, 1997. The parcel is more or less 15' x 34.55' and contains approximately 518 square feet. The lot is located adjacent to 2700 SW Commonwealth Ave and to the Broadway View Condominiums. We propose to sell the parcel to the owner of the 2700 SW Commonwealth Ave property.

The attached Exhibit A, a plat map shows the location of the property. Exhibit B, an aerial photo, shows the lot in relation to the other adjacent properties.

Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident that the shape and size of the property, approximately 518 square feet make it unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.

This action affects our Vibrant Communities Program Offer by placing a tax foreclosed property back onto the tax roll.

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

The private sale will allow for the recovery of the delinquent taxes, fees, and expenses (see Exhibit C).

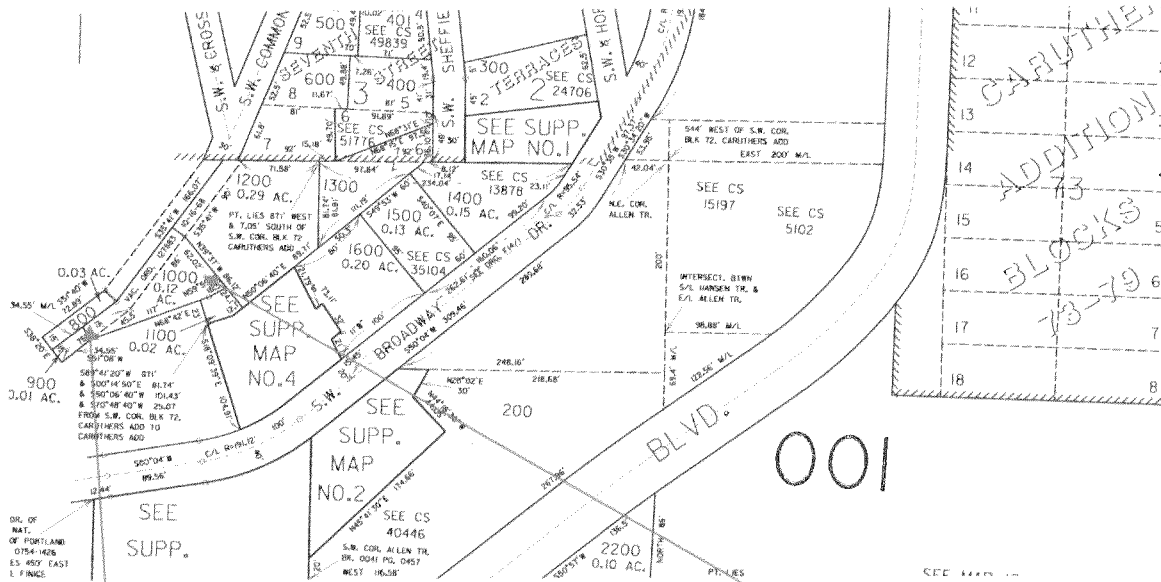
4. Explain any legal and/or policy issues involved.

No legal issues are expected. The parcel will be sold "As Is" without guarantee of clear title.

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

No citizen or government participation is anticipated.

EXHIBIT A



Subject

2700 SW Commonwealth Ave

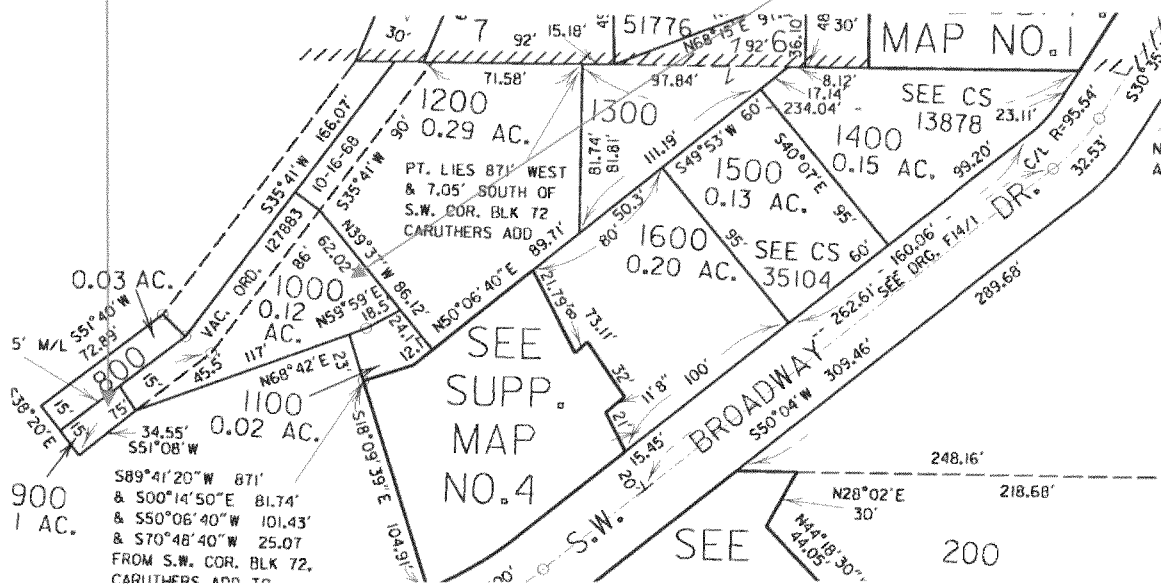


EXHIBIT B



2700 SW Commonwealth

Subject

EXHIBIT C

PROPOSED PROPERTY LISTED FOR PRIVATE SALE

LEGAL DESCRIPTION:

A tract of land in the Northeast One-Quarter of Section 9, Township 1 South, Range 1 East of the Willamette Meridian described as follows:

All that part of that tract of land conveyed to the City of Portland for a street and highway by deed recorded November 1, 1948 in Deed Book 1301 at Page 386 and subsequently vacated by Ordinance No. 127883, lying southeasterly of the centerline of said vacated street and westerly of a line drawn perpendicular to said centerline and at a distance of 34.55 feet from the westerly terminus of said vacated street.

ADJACENT PROPERTY ADDRESS:	2700 SW Commonwealth Ave
TAX ACCOUNT NUMBER:	R327814
GREENSPACE DESIGNATION:	No designation
SIZE OF PARCEL:	Approximately 518 square feet
ASSESSED VALUE:	\$400

ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE

BACK TAXES & INTEREST:

TAX TITLE MAINTENANCE COST & EXPENSES:

RECORDING FEE:

SUB-TOTAL

MINIMUM PRICE REQUEST OF PRIVATE SALE

	\$112.84
	\$-0-
	\$26.00
	\$138.84
	\$300.00

Required Signature

**Department/
Agency Director:**

M. Cecilia Johnson

Date: 01/25/07

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing the Private Sale of a Tax Foreclosed Property to BRIAN A. SMITH [Tax Account R327814]

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired the real property described in Exhibit A through the foreclosure of liens for delinquent real property taxes.
- b. The property has an assessed value of \$400.
- c. Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident that the shape and size of the property, approximately 518 square feet make it unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d. BRIAN A. SMITH has agreed to pay \$300, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

The Multnomah County Board of Commissioners Resolves:

1. Upon Tax Title's receipt of the payment of \$300 the Chair on behalf of Multnomah County is authorized to execute a deed, number D072124 conveying to BRIAN A. SMITH the real property described in the attached Exhibit A.

ADOPTED this 15th day of February, 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

A tract of land in the Northeast One-Quarter of Section 9, Township 1 South, Range 1 East of the Willamette Meridian described as follows:

All that part of that tract of land conveyed to the City of Portland for a street and highway by deed recorded November 1, 1948 in Deed Book 1301 at Page 386 and subsequently vacated by Ordinance No. 127883, lying southeasterly of the centerline of said vacated street and westerly of a line drawn perpendicular to said centerline and at a distance of 34.55 feet from the westerly terminus of said vacated street.

Until a change is requested, all tax statements shall be sent to the following address:
BRIAN A. SMITH
1217 GAZELLE PLACE
DAVIS, CA 95616-5716

After recording, return to:
MULTNOMAH COUNTY
TAX TITLE DIVISION
503/4

Deed D072124

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to BRIAN A. SMITH, Grantee, the real property described in the attached Exhibit A.

The true consideration paid for this transfer is \$300.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 15th day of February 2007, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

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

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 15th day of February 2007, by Ted Wheeler, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

Meagan Swenson
Notary Public for Oregon
My Commission expires: 10/25/10

EXHIBIT A

(Deed D072124 & Tax Account R327814)

A tract of land in the Northeast One-Quarter of Section 9, Township 1 South, Range 1 East of the Willamette Meridian described as follows:

All that part of that tract of land conveyed to the City of Portland for a street and highway by deed recorded November 1, 1948 in Deed Book 1301 at Page 386 and subsequently vacated by Ordinance No. 127883, lying southeasterly of the centerline of said vacated street and westerly of a line drawn perpendicular to said centerline and at a distance of 34.55 feet from the westerly terminus of said vacated street.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-028

Authorizing the Private Sale of a Tax Foreclosed Property to BRIAN A. SMITH [Tax Account R327814]

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired the real property described in Exhibit A through the foreclosure of liens for delinquent real property taxes.
- b. The property has an assessed value of \$400.
- c. Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident that the shape and size of the property, approximately 518 square feet make it unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d. BRIAN A. SMITH has agreed to pay \$300, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

The Multnomah County Board of Commissioners Resolves:

1. Upon Tax Title's receipt of the payment of \$300 the Chair on behalf of Multnomah County is authorized to execute a deed, number D072124 conveying to BRIAN A. SMITH the real property described in the attached Exhibit A.

ADOPTED this 15th day of February, 2007.

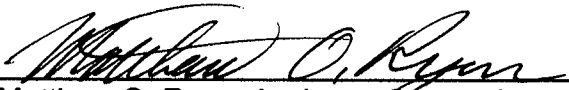


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

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

A tract of land in the Northeast One-Quarter of Section 9, Township 1 South, Range 1 East of the Willamette Meridian described as follows:

All that part of that tract of land conveyed to the City of Portland for a street and highway by deed recorded November 1, 1948 in Deed Book 1301 at Page 386 and subsequently vacated by Ordinance No. 127883, lying southeasterly of the centerline of said vacated street and westerly of a line drawn perpendicular to said centerline and at a distance of 34.55 feet from the westerly terminus of said vacated street.

Until a change is requested, all tax statements shall be sent to the following address:

BRIAN A. SMITH
1217 GAZELLE PLACE
DAVIS, CA 95616-5716

After recording, return to:
MULTNOMAH COUNTY
TAX TITLE DIVISION
503/4

Deed D072124

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to BRIAN A. SMITH, Grantee, the real property described in the attached Exhibit A.

The true consideration paid for this transfer is \$300.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 15th day of February 2007, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

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

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 15th day of February 2007, by Ted Wheeler, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

Meagan Swenson
Notary Public for Oregon
My Commission expires: 10/25/10

EXHIBIT A

(Deed D072124 & Tax Account R327814)

A tract of land in the Northeast One-Quarter of Section 9, Township 1 South, Range 1 East of the Willamette Meridian described as follows:

All that part of that tract of land conveyed to the City of Portland for a street and highway by deed recorded November 1, 1948 in Deed Book 1301 at Page 386 and subsequently vacated by Ordinance No. 127883, lying southeasterly of the centerline of said vacated street and westerly of a line drawn perpendicular to said centerline and at a distance of 34.55 feet from the westerly terminus of said vacated street.



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 02/15/07
Agenda Item #: C-6
Est. Start Time: 9:30 AM
Date Submitted: 01/26/07

Agenda Title: Amendment 2 to Intergovernmental Expenditure Agreement 4600006028 with the Housing Authority of Portland for the Addition of FEMA 25 Grant Funding Award

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

Requested Meeting Date: February 15, 2007 **Amount of Time Needed:** N/A
Department: County Human Services **Division:** School and Community Partnerships
Contact(s): Tiffany Kingery / Mary T. Li
Phone: 503.988.6295 **Ext.** 22728 / 26787 **I/O Address:** 167/2/200
Presenter(s): N/A (Consent Calendar)

General Information

1. What action are you requesting from the Board?

Review and approval of amendment to IGA with HAP adding additional funding awarded via FEMA25.

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 August 2005, the Board directed the former Department of School and Community Partnerships (DSCP) to negotiate an IGA with HAP to administer the County Clearinghouse functions for the Short Term Rental Assistance Program. The funding for the rental assistance program comes from the Federal Emergency Management Agency (FEMA). FEMA awards funds on an annual basis to Multnomah County. This amendment adds the annual allocation of FEMA funds for the rental assistance program. The program serves approximately 1,392 households that helps people maintain or obtain permanent housing. Program offer: 21019

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

This amendment will add additional funding in the amount of \$224,959.00 for December 1, 2006 to

June 30, 2007 fiscal year 2007 and an additional amount of \$224,959 for July 1, 2007 to November 30, 2007 for fiscal year 2008 via FEMA(# tbd).

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

This amendment will allow for the addition of the annual funding allocation (FEMA25) awarded by FEMA annually to continue funding the short term rental assistance program.

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

The unified rent assistance system was created in 2005 in collaboration with the City of Gresham, the City of Portland, and the Housing Authority of Portland. Significant citizen and provider feedback was sought and used throughout the planning process. An Oversight Committee, representing the jurisdictions, providers, and community members continues to meet monthly and provide recommendations and accountability to the program.

Required Signature

Elected Official or
Department/
Agency Director:

Kathy Tinkle for Joanne Fuller

Date: 01/26/07

BOGSTAD Deborah L

From: LANE Katie A
Sent: Thursday, January 11, 2007 2:35 PM
To: ROBERTS Sydney L
Subject: RE: Housing Authority of Portland Amendment #2

This contract amendment has been reviewed and may be circulated for signature.

Katie A. Lane
Assistant County Attorney

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

From: ROBERTS Sydney L
Sent: Thursday, January 11, 2007 9:37 AM
To: LANE Katie A
Subject: Housing Authority of Portland Amendment #2

Good morning Katie! I do hope the weather was kind to you and did cause you much trouble this morning.

Please find attached amendment #2 to IGA #4600006028 with the Housing Authority of Portland. Upon your approval I will obtain the Directors signature and send an electronic version and a hard copy of this package to Barbara Willer for signature and routing accordingly.

If you have any questions please do not hesitate to call or email me.

Thank you!

Sydney Bizzell Roberts, Contract Specialist
Dept. of School and Community Partnerships
421 SW Oak Street, Suite 200
Portland, OR 97204
503.988.6295 ext. 22701 / 503.988.3332 fax

MULTNOMAH COUNTY CONTRACT APPROVAL FORM (CAF)

Contract #: 4600006028

Pre-approved Contract Boilerplate (with County Attorney signature) ☒ Attached ☐ Not Attached

Amendment #: 2

Class I Based on Informal / Intermediate Procurement	Class II Based on Formal Procurement	Class III Intergovernmental Contract (IGA)
<input type="checkbox"/> Personal Services Contracts PCRB Contract <input type="checkbox"/> Goods or Services <input type="checkbox"/> Maintenance or Licensing Agreement <input type="checkbox"/> Public Works / Construction Contract <input type="checkbox"/> Architectural & Engineering Contract	<input type="checkbox"/> Personal Services Contracts PCRB Contracts <input type="checkbox"/> Maintenance Agreements <input type="checkbox"/> Licensing Agreements <input type="checkbox"/> Public Works Construction Contracts <input type="checkbox"/> Architectural & Engineering Contracts	<input checked="" type="checkbox"/> Expenditure Contract <input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement
<input type="checkbox"/> Revenue Contracts <input type="checkbox"/> Grant Contracts <input type="checkbox"/> Non-Expenditure Contracts	<input type="checkbox"/> Revenue Contracts <input type="checkbox"/> Grant Contracts <input type="checkbox"/> Non-Expenditure Contracts	<input type="checkbox"/> INTER-DEPARTMENTAL AGREEMENT (IDA)

Department: County Human Services Div/Prog: School and Community Partnerships Date: January 25, 2007
 Originator: Tiffany Kingery Phone: 22728 Bldg/Rm: 167/2/200
 Contact: Sydney Bizzell Roberts Phone: 22701 Bldg/Rm: _____
 Description of Contract **This amendment will allow for the addition of FEMA 25 Grant funding award.**

RENEWAL ☐ PREVIOUS CONTRACT #(S): _____ EEO CERTIFICATION EXPIRES: N/A
 PROCUREMENT IGA
 EXEMPTION OR _____ ISSUE _____ EFFECTIVE _____ END _____
 CITATION # _____ DATE _____ DATE _____ DATE _____
 CONTRACTOR IS: ☐ MBE ☐ WBE ☐ ESB ☐ QRF State Cert# or ☐ Self Cert ☐ Non-Profit ☐ N/A (Check all boxes that apply)

Contractor	Housing Authority of Portland		Remittance Address	_____	
Address	135 SW Ash St.		(If different)	_____	
City/State	Portland, OR		Payment Schedule / Terms	_____	
Zip Code	97204		<input type="checkbox"/> Lump Sum \$ _____	<input type="checkbox"/> Due on Receipt	
Phone	503.802.8300		<input type="checkbox"/> Monthly \$ _____	<input type="checkbox"/> Net 30	
Employer ID# or SS#	93.6001547		<input type="checkbox"/> Other \$ _____	<input type="checkbox"/> Other	
Contract Effective Date	July 1, 2006	Term Date	June 30, 2007		
Amendment Effect Date	Dec. 1, 2006	New Term Date	June 30, 2007		
Original Contract Amount	\$511,765.00		Original Requirements Amount	\$ _____	
Total Amt of Previous Amendments	\$121,645.00		Requirements Amount Amendment:	\$ _____	
Amount of Amendment	\$224,959.00		Total Amount of Requirements	\$ _____	
Total Amount of Agreement	\$858,369.00		Total Amount of Requirements	\$ _____	
			Price Agreement (PA) or Requirements Funding Info:	_____	

REQUIRED SIGNATURES

Department Manager: [Signature] DATE: 1/24/07
 Purchasing Manager: [Signature] DATE: _____
 County Attorney: [Signature] DATE: 1.11.07
 County Chair: [Signature] DATE: 2.15.07
 Sheriff: _____ DATE: _____
 Contract Administration: _____ DATE: _____

COMMENTS: **SAP Vendor # 24226**

MULTNOMAH COUNTY SERVICES CONTRACT AMENDMENT
(Amendment to Change Contract Provisions During Contract Term)

CONTRACT NO. 4600006028 - AMENDMENT NO. 2

This is an amendment to Multnomah County Contract No. 4600006028 effective July 1, 2006 to June 30, 2007 between Multnomah County, hereinafter referred to as County, and Housing Authority of Portland hereinafter referred to as Contractor.

The parties agree:

1. The following changes are made to Contract No. 4600006028:
 - Added Line 6 and Release Order No. 4500090457 for Clearinghouse Services, \$224,959.00.
2. All other terms and conditions of the contract shall remain the same.

CONTRACTOR DATA AND SIGNATURE

Contractor Address: 135 SW Ash St.
Portland, OR 97204

Phone No. 503.802.8300

Federal Tax ID# or Social Security: 93.6001547

Is Contractor a Nonresident alien? ☐ Yes ☐ No

Business Designation (check one): ☐ Sole Proprietorship ☐ Partnership
☐ Corporation-for profit ☐ Corporation-Non-profit
☐ Other, describe here: _____

Federal tax ID numbers or Social Security numbers are required pursuant to ORS 305.385 and will be used for the administration of state, federal and local laws. Payment information will be reported to the Internal Revenue Service under the name and Federal tax ID number or, if none, the Social Security number provided above.

I have read this Contract Amendment. I understand the Contract Amendment and agree to be bound by its terms.

Signature

Title

Name (please print)

Date

MULTNOMAH COUNTY SIGNATURE

(This contract is not binding on the County until signed by the Chair or the Chair's designee)


County Chair or Designee

2/15/07
Date

Department and County Counsel Approval and Review

Approved: 
Department Manager or Designee

1/26/07
Date

Reviewed: 
Assistant County Counsel

1.11.07
Date



IGA Contract

AMENDMENT

2

Vendor Address

HOUSING AUTHORITY OF PORTLAND
135 SW ASH ST
PORTLAND OR 97204

Information

Contract Number 4600006028
Date 05/05/2006
Vendor No. 24226
Contact/Phone OSCP Services /
Validity Period: 07/01/2006 - 06/30/2007
Minority Indicator: Not Identified

Estimated Target Value: 858,369.00 USD

Item	Material/Description	Target Qty	UM	Unit Price
0001	<p>9/13/06 Amendment 1 Line 1 increased by \$19,912 Line 3 increased by \$101,733 *</p> <p>1/4/07 Amendment 2 Line 6, New \$224,959 FEMA 25 funding</p> <p>H50030015 Clearinghouse Services (USD)</p> <p>Plant: F021 School/Community Partnerships Requirements Tracking Number: IGA Per Invoice/Cost Reimbursement Validity Period: 7/1/06 - 11/30/06 *</p>	199,853.000	Dollars	\$ 1.0000
0002	<p>9/13/06 Amendment 1 Line increased by \$19,912</p> <p>H50030015 Clearinghouse Services (USD)</p> <p>Plant: F021 School/Community Partnerships Requirements Tracking Number: IGA Per Invoice/Cost Reimbursement Validity Period: 7/1/06 - 6/30/07</p>	188,515.000	Dollars	\$ 1.0000
0003	<p>H50030015 Clearinghouse Services (USD)</p> <p>Plant: F021 School/Community Partnerships Requirements Tracking Number: IGA Per Invoice/Cost Reimbursement Validity Period: 7/1/06 - 6/30/07 *</p>	148,367.000	Dollars	\$ 1.0000
0004	<p>9/13/06 Amendment 1 Line increased by \$101,733</p> <p>H50030016 Clearinghouse Services Admin (USD)</p> <p>Plant: F021 School/Community Partnerships Requirements Tracking Number: IGA</p>	69,175.000	Dollars	\$ 1.0000



IGA Contract

Vendor Address

HOUSING AUTHORITY OF PORTLAND
135 SW ASH ST
PORTLAND OR 97204

Information

Contract Number 4600006028
Date 05/05/2006
Vendor No. 24226
Contact/Phone OSCP Services /

Validity Period: 07/01/2006 - 06/30/2007
Minority Indicator: Not Identified

Item	Material/Description	Target Qty	UM	Unit Price
0005	<i>Per Invoice/Cost Reimbursement</i> <i>Validity Period: 7/1/06 - 6/30/07</i> H50030016 Clearinghouse Services Admin (USD) Plant: F021 School/Community Partnerships Requirements Tracking Number: IGA <i>Per Invoice/Cost Reimbursement</i> <i>Validity Period: 7/1/06 - 6/30/07</i>	27,500.000	Dollars	\$ 1.0000
0006	H50030015 Clearinghouse Services (USD) Plant: F021 School/Community Partnerships Requirements Tracking Number: IGA <i>1/4/07 Amendment 2</i> <i>Per Invoice/Cost Reimbursement</i> <i>Validity Period: 12/1/06 - 6/30/07</i>	224,959.000	Dollars	\$ 1.0000

**MULTNOMAH COUNTY OREGON****ATTACHMENT A**
Page 1 of 1

Bill to and ship to addresses are the same unless otherwise specified below.

Release Order**AMENDMENT** 2**Vendor Address**HOUSING AUTHORITY OF PORTLAND
135 SW ASH ST
PORTLAND OR 97204**Release Order****4500090457****Date**

01/04/2007

Vendor No.

24226

Buyer/Phone

OSCP Services /

Validity End Date

06/30/2007

Incoterms

FOB Destination

Ship To:Multnomah County
Dept of School & Community Partnership
421 SW Oak, Suite 200
Portland OR 97204
Fax:**Bill To or Other Special Instructions:**Program Contact:
Tiffany Kingery
503.988.6295, ext. 22728

Item	Material/Description	Quantity	UM	Unit Price	Net Amount
	1/4/07 Amendment 2 Validity Period: 12/1/06 - 6/30/07				
0001	H50030015 Clearinghouse Services (USD) Tracking# IGA G/L# 60160 WBS: SCPCHHCV.FEMA25 Release order against contract 4600006028 Item 00006 1/4/07 Amendment 2 Per Invoice/Cost Reimbursement Validity Period: 12/1/06 - 6/30/07	224,959.000	USD	\$ 1.0000	\$ 224,959.00
				Total	<u>\$ 224,959.00</u>

#1

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: 02.25.07

SUBJECT: Public Comment

AGENDA NUMBER OR TOPIC: DOG ATTACK / DANGER

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Paul Phillips

ADDRESS: 1212 SW Clay # 217

CITY/STATE/ZIP: Portland, OR 97201

PHONE: _____ DAYS: NONE EVES: _____

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: _____

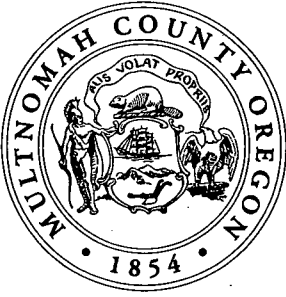
WRITTEN TESTIMONY: _____

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.



Ted Wheeler, Multnomah County Chair

READ
LETTER?

501 SE Hawthorne Blvd., Suite 600
Portland, Oregon 97214
Phone: (503) 988-3308
Email: mult.chair@co.multnomah.or.us

January 16, 2007

Mr. Paul Phillips
1212 SW Clay, #217
Portland, OR 97201

Dear Mr. Phillips,

Thank you for taking time to testified before the Multnomah County Board of Commissioners regarding the unfortunate situation of your dog being attacked by another dog.

My office has been in contact with the County Animal Services department which issued a Notice of Infraction for Failure to Comply with Level 2 Potentially Dangerous Dog restrictions as of December 31, 2006 to Ms. Gallardo about her dog "Pinto."

The law states that "Pinto" was classified as a Potentially Dangerous Dog and in accordance to ORS 169.352 *Interfering with assistance, search and rescue or therapy animal*, the animal must be leashed and muzzled when outside a secure enclosure. Failure to comply with these restrictions will result in additional enforcement actions and fines, and may be the basis for criminal sanctions. If you witness any additional violations of the County Code, please contact Officer Luckey at the Multnomah County Animal Shelter 503.988.7387 to make a report.

Thank you again for your testimony and for bringing this issue to my attention.

Sincerely,

TED WHEELER

Ted Wheeler
Multnomah County Chair

TW/rr

cc: Officer Luckey
Multnomah County Animal Shelter
Lorenzo Poe

JAN 24



M 920
Ted Wheeler
Multnomah County Chair
501 SE Hawthorne Blvd., Suite 600
Portland, Oregon 97214

ADDRESS SERVICE
REQUESTED

PRESORTED
FIRST CLASS



UNITED STATES POSTAGE
02 1M
0004219447 JAN
MAILED FROM ZIP CO

Mr. Paul Phillips
1212 SW Clay, #217
Portland, OR 97201



"Printed on recycled paper"



KIWTAMS 97201

#2

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: 02.15.07

SUBJECT:

MCBIF TAX

AGENDA NUMBER OR TOPIC:

MA

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME:

ROBERT BUTLER

ADDRESS:

824 SW 18

CITY/STATE/ZIP:

PORTLAND OR

PHONE:

DAYS:

EVES:

EMAIL:

FAX:

SPECIFIC ISSUE:

MCBIF

WRITTEN TESTIMONY:

cellular

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.

PROPOSED CODE

EXAMPLE OF THE TAX PREJUDICE AGAINST SMALL EMPLOYERS

ASSUME TWO PORTLAND COMPANIES EACH HAVE SAME **\$25,000** NET
INCOME ON THEIR STATE TAX RETURNS FOR TAX YEAR 2007

SUMMARY: RESULTANT TAX BRACKETS (Portland & Multnomah Cty. combined)

	MULT/PORTL	OREGON COMPARISON	FEDERAL COMPARISON
LARGE EMPLOYER	3.65%	6.6%	15%
SMALL EMPLOYER	13.87%	6.6%	15%

MULT/PORTL CALCULATION DETAILS: LARGE EMPL. SMALL EMPL.

NUMBER OWNERS COMPENSATED WITH OVER 5% OF THE COMPANY OWNERSHIP	-0-	-1-
OWNERS COMPENSATION	\$200,000	\$150,000 #
LID ON EACH OWNERS COMPENSATION (effects owners over 5% ownership)	(N/A)	\$80,000
PHANTOM PROFIT (owners compensation over \$60,000 added back)	(0)	\$70,000
NET INCOME PER STATE RETURN	<u>\$25,000</u>	<u>\$25,000</u>
TAXABLE INCOME (sub total phantom + ni)	\$25,000	\$ 95,000
TAX AT 3.65% COMBINED RATE (Portland 2.20% Multnomah Cty 1.45%)	\$912	\$3,467
SCHOOL SURCHARGE (0.14%)	<u>\$ 35</u> \$ 947	<u>\$157</u> \$4,245
EFFECTIVE TAX BRACKET (\$25,000 NOI)	3.65%	13.87%

*Estm. adjusted base rate without phantom tax income to remain revenue
neutral is 4.25% Vs 3.65% if both large and small had same rate (i.e.
no prejudice) per Mult. Cty. Fin. Dept. (Just Mult. 1.69% Vs 1.45%)*

City Council passes ordinance Jan. 2007, that the "lid" be \$80,000 in year 2008.

B
BUTLER
BROKERS
INC.

824 SW 18TH AVE. • PORTLAND, OR • 97205 • 503-222-4949 • FAX 503-228-4079 • REALTORS
EMAIL butlerbrokers@qwest.net • www.butlerbrokers.com

Information contained herein has been obtained from others and considered to be reliable. However, a prospective purchaser or lessee is expected to verify all information to his own satisfaction.

CURRENT CODE

EXAMPLE OF THE TAX PREJUDICE AGAINST SMALL EMPLOYERS

ASSUME TWO PORTLAND COMPANIES EACH HAVE SAME \$25,000 NET INCOME ON THEIR STATE TAX RETURNS FOR TAX YEAR 2007

SUMMARY: RESULTANT TAX BRACKETS (Portland & Multnomah Cty. combined)

	MULT/PORTL	OREGON COMPARISON	FEDERAL COMPARISON
LARGE EMPLOYER	3.8%	6.6%	15%
SMALL EMPLOYER	17.0%	6.6%	15%

MULT/PORTL CALCULATION DETAILS: LARGE EMPL. SMALL EMPL.

NUMBER OWNERS COMPENSATED WITH OVER 5% OF THE COMPANY OWNERSHIP	-0-	-1-
OWNERS COMPENSATION	\$200,000	\$150,000
LID ON EACH OWNERS COMPENSATION (effects owners over 5% ownership)	(N/A)	\$63,000
PHANTOM PROFIT (owners compensation over \$60,000 added back)	(0)	\$87,000
NET INCOME PER STATE RETURN	\$25,000	\$25,000
TAXABLE INCOME (sub total phantom + ni)	\$25,000	\$112,000
TAX AT 3.65% COMBINED RATE (Portland 2.20% Multnomah Cty 1.45%)	\$912	\$4,088
SCHOOL SURCHARGE (0.14%)	\$ 35 \$ 947	\$157 \$4,245
EFFECTIVE TAX BRACKET (\$25,000 NOI)	3.8%	17.0%

Estm. adjusted base rate without phantom tax income to remain revenue neutral is 4.25% Vs 3.65% if both large and small had same rate (i.e. no prejudice) per Mult. Cty. Fin. Dept. (Just Mult. 1.69% Vs 1.45%)



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EMAIL butlerbrokers@qwest.net • www.butlerbrokers.com

Information contained herein has been obtained from others and considered to be reliable. However, a prospective purchaser or lessee is expected to verify all information to his own satisfaction.

Report of the Business License Review Committee



Presented to
Commissioner Bogle
and the
Portland City Council

March 1991

The next issue is whether the deduction should be raised. Given the fact that \$50,000 in 1976 is now inflation adjusted to \$125,000, considerable logic exists to raise the deduction to \$125,000. Additional logic in support of increasing the deduction to \$125,000 comes from the fact that, coincidentally, this is the new Social Security salary level cap beyond which neither Social Security taxes nor Medicare Hospital Insurance premiums are collected. The Technical Issues Subcommittee recommended

increasing the deduction to \$125,000 because the risk of an owner paying himself excess compensation to avoid the license fee was not present since the increased Social Security taxes on the compensation would be more than the business license fee savings on compensation up to this amount.

Against the logic of the recommended increase in the deduction, several Committee members expressed

#3

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: 2/15/07

SUBJECT: LAND USE PLANNING

AGENDA NUMBER OR TOPIC:

FOR: AGAINST: THE ABOVE AGENDA ITEM

NAME: GEOFF THOMPSON

ADDRESS: 70301 E. LARCH MT. RD.

CITY/STATE/ZIP: CORBETH OR 97019

PHONE: DAYS: 503-695-5811 EVES:

EMAIL: FAX:

SPECIFIC ISSUE: support Morris Woodin

WRITTEN TESTIMONY:

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.

#4

**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: 2-15-07

SUBJECT: Building in NSA / Multnomah Cnty

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Dorcas A Woodin

ADDRESS: 1938 E Historic Col Rvr Hwy

CITY/STATE/ZIP: Troutdale, OR 97060

PHONE: _____ DAYS: 503 665-0064 EVES: same

EMAIL: — FAX: —

SPECIFIC ISSUE: Building in the NSA / Multnomah Cnty

WRITTEN TESTIMONY: _____

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.

#5

DONATED HIS 3 minutes to Mrs Woodin
& took 3 more!

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: 2/15/07

SUBJECT: Land Use Planning

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Angelo Simione

ADDRESS: 40301 E. Larch Mountain Rd.

CITY/STATE/ZIP: Corbett, Oregon

PHONE: _____ DAYS: (503) 695-5811 EVES: _____

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: Came to support Dorcas Woodin

WRITTEN TESTIMONY: _____

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.



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 02/15/07
Agenda Item #: R-1
Est. Start Time: 9:30 AM
Date Submitted: 02/01/07

Agenda Title: Intergovernmental Expenditure Agreement 4600006501 with the City of Wood Village for Design and Construction of a Storm Drain Improvement Project on NE Village Court

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

Requested Meeting Date: February 15, 2007
Amount of Time Needed: 5 mins
Department: Community Services
Division: Transportation
Contact(s): Robert Maestre
Phone: 503 988-5001 **Ext.** 85001 **I/O Address:** 455/2nd Fl.
Presenter(s): Robert Maestre, Carol Cade and Matthew Ryan

General Information

1. What action are you requesting from the Board?

The Board is requested to approve an Intergovernmental Agreement (IGA) between the County and the City of Wood Village. The IGA is for a cooperative project to install a storm drain system in a low income neighborhood within the City.

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 City of Wood Village applied for and received a Community Development Block Grant from Multnomah County to make improvements in a City neighborhood. The County's Road Engineering Section of our Land Use and Transportation Program has the expertise to design, bid, and manage the construction of storm drain projects. The two governments are continuing a long history of working together on similar projects. The County will contribute Road Engineering and CPCA staff time towards the project. The City will use the Block Grant funds to pay the direct costs of the project. This effort fits with the County's Vibrant Communities desired outcome by improving the physical environment of the neighborhood. This project will also improve the County's storm drainage system in the area.

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

The County's engineering staff time will be designated as an in-kind contribution to this project. The City will fund the cash costs of the project and add additional City staff time. The City will maintain the storm-water system in this neighborhood after it is installed.

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

Intergovernmental Agreements of this nature are permitted under ORS 190. The project will take place in existing City right-of-way, and no additional road or property acquisitions are anticipated. The functioning of the storm drain system of the adjacent County road will also be improved through this cooperative effort.

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

The City managed the public involvement process for the CDBG application and will manage the contacts with neighborhood residents during the project.

Required Signature

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



Date: 02/01/07

MULTNOMAH COUNTY CONTRACT APPROVAL FORM (CAF)

Pre-approved Contract Boilerplate (with County Attorney signature) ☒ Attached ☐ Not Attached Contract #: 4600006501
Amendment #: _____

CLASS I Based on Informal / Intermediate Procurement	CLASS II Based on Formal Procurement	CLASS III Intergovernmental Contract (IGA)
<input type="checkbox"/> Personal Services Contract	<input type="checkbox"/> Personal Services Contract	<input checked="" type="checkbox"/> Expenditure Contract
PCRB Contract <input type="checkbox"/> Goods or Services <input type="checkbox"/> Maintenance or Licensing Agreement <input type="checkbox"/> Public Works / Construction Contract <input type="checkbox"/> Architectural & Engineering Contract	PCRB Contract <input type="checkbox"/> Goods or Services <input type="checkbox"/> Maintenance or Licensing Agreement <input type="checkbox"/> Public Works / Construction Contract <input type="checkbox"/> Architectural & Engineering Contract	<input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement
<input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement	<input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement	<input type="checkbox"/> INTER-DEPARTMENTAL AGREEMENT (IDA)

Department: Community Services Division/ Program: Land Use and Trans Program Date: 2/01/07
Originator: Robert Maestre Phone: (503) 988-5001 Bldg/Room: 455/2nd Fl
Contact: Cathey Kramer Phone: (503) 988-5050 x22589 Bldg/Room: 455/2nd Fl

Description of Contract: Intergovernmental Agreement with the City of Wood Village for design and construction of a storm drain improvement project on NE Village Court in the City of Wood Village. Funding in the amount of \$93,220 has been received by the City of Wood Village via a Community Development Block Grant (CDBG). The County will contribute \$17,549 toward the remaining cost of the project.

RENEWAL: ☐ PREVIOUS CONTRACT #(S) _____ EEO CERTIFICATION EXPIRES _____
PROCUREMENT, EXEMPTION OR CITATION # _____ ISSUE DATE: _____ EFFECTIVE DATE: _____ END DATE: _____
CONTRACTOR IS: ☐ MBE ☐ WBE ☐ ESB ☐ QRF State Cert# _____ or ☐ Self Cert ☐ Non-Profit ☐ N/A (Check all boxes that apply)

Contractor	City of Wood Village	Remittance address (if different)	
Address	2055 NE 238 th Drive		
City/State	Wood Village OR	Payment Schedule / Terms:	
ZIP Code	97060	<input type="checkbox"/> Lump Sum \$ _____	<input type="checkbox"/> Due on Receipt
Phone	(503) 667-6211/Fax: (503) 669-8723 (Allan Berry)	<input checked="" type="checkbox"/> Monthly \$ _____	<input type="checkbox"/> Net 30
Employer ID# or SS#	N/A	<input type="checkbox"/> Other \$ _____	<input type="checkbox"/> Other
Contract Effective Date	02/15/2007	<input type="checkbox"/> Price Agreement (PA) or Requirements Funding Info:	
Amendment Effect Date			
	Term Date 12/31/2007		
	New Term Date		
Original Contract Amount	\$ _____	Original PA/Requirements Amount	\$ _____
Total Amt of Previous Amendments	\$ _____	Total Amt of Previous Amendments	\$ _____
Amount of Amendment	\$ _____	Amount of Amendment	\$ _____
Total Amount of Agreement	\$ 17,549.00	Total PA/Requirements Amount	\$ _____

REQUIRED SIGNATURES:

Department Manager _____ DATE 2/1/07
County Attorney [Signature] _____ DATE 2/1/07
CPCA Manager _____ DATE _____
County Chair [Signature] _____ DATE 2/15/07
Sheriff _____ DATE _____
Contract Administration _____ DATE _____

COMMENTS: (ROADCPG0615) (Harold Maxa – Project Manager)



Class I Contract

Vendor Address

WOOD VILLAGE CITY OF
2055 NE 238TH DR
WOOD VILLAGE OR 97060-1095

Information

Contract Number 4600006501
Date 02/01/2007
Vendor No. 11917
Contact/Phone BCS Transport'n /
X26798
Validity Period: 02/01/2007 - 12/31/2007
Minority Indicator: Not Identified

Estimated Target Value: 17,549.00 USD

Item	Material/Description	Target Qty	UM	Unit Price
0001	<p>Wood Village IGA re: Storm Drain</p> <p>Plant: F030 Community Service Requirements Tracking Number: 99</p> <p><i>Intergovernmental Agreement with the City of Wood Village for the design and construction of a storm drain in the Village Court neighborhood (NE 235th Ave - NE Village Court) in Wood Village. CDBG funds of \$93,220 have been received. The County is contributing the remaining \$17,549.</i></p> <p>Project Manager: Harold Maxa, PE Effective dates: 2/1/2007 - 12/31/2007 Dept. Contact: Robert Maestre - (503) 988-5001</p>	17,549.000	Dollars	\$ 1.0000

INTERGOVERNMENTAL AGREEMENT

This is an Agreement between The City of Wood Village, a political subdivision of the State of Oregon, ("The City") and Multnomah County, a political subdivision of the State of Oregon, ("The County") pursuant to authority granted in ORS Chapter 190.

RECITALS:

The purpose of this Agreement is to provide for the design and construction of a storm drain improvement project in the Village Court neighborhood within the City of City (the "Project") and to establish the parties' obligations with respect to the Project. Both parties have determined that the Project is necessary for proper maintenance and operations of their respective public roads.

1. The Project budget estimate at this time is \$110,769.
2. City has applied for and been awarded Community Development Block Grant (CDBG) Funds in the amount of \$ 93,220 to fund the Project.
3. The County is willing to contribute the remaining \$17,549 towards the cost of the Project.
4. The Scope of the Project is set forth in the attached Exhibit A.
5. A map identifying the Project area is attached as Exhibit B.

The parties agree as follows:

1. **TERM.** The term of this agreement shall be from the date that all required signatures have been obtained to completion of the Project and final payment, or two calendar years following the date that all required signatures have been obtained, whichever is sooner.
2. **RESPONSIBILITIES OF THE COUNTY.** The County agrees to provide the following services:
 - A. Designate the County Project Manager, who shall be:
Name: Harold Maxa PE
Address: 1600 SE 190th Ave. Portland OR
Phone/Fax/Email: 503-988-5050 x29627
 - B. County's Project Manager and/or appropriate staff shall regularly meet with City during the design and construction stages of the Project and provide timely responses to City's inquiries regarding the Project.
 - C. The County will design, advertise, award a contract for and manage the construction of the Project. Electronic copies of all project documents shall be provided to the City. The preliminary design shall identify any needs for ROW acquisition,

- easements, permits, utility relocations or reconstructions, etc and such identified costs will be included in the project estimate
- D. Participate in public meetings scheduled for the Project by the City.
 - E. Provide notification of Project completion in accord with the CDBG contracts requirements for recommendation for project acceptance and a final project invoice, together with an itemized statement of the actual total cost of the Project.
 - F. Award a contract for construction only if the available cash funds will cover the contract amount.
2. **RESPONSIBILITIES OF CITY.** City agrees to provide the following services:
- A. Designate the City's Project Manager, who shall be:
 - Name: Allan Berry
 - Address: CITY HALL
 - Phone/Fax/Email: (503)667-6211 fax(503)669-8723 e-mail: aberry@YESolutions.net
 - B. Meet regularly with County during the design and construction stages of the Project.
 - C. Timely respond to County's Project Manager's inquiries regarding the Project.
 - D. Participate in all scheduled public meeting(s),
 - E. Within 30 days of the notice by the County to the City of the County's completion of 25%; 50% and 95% stages of the Project; the City shall provide the requisite percentage of the \$ 93,220.00 the City's CDBG grant to the County to cover the costs incurred by the County in the performance of the Project.
 - F. City shall acquire any and all necessary right-of-way interests; obtain all City issued/required permits and arrange for all utility relocations or reconstructions for the Project, as identified in the design phase, by March 1st 2007
4. **TERMINATION.** This agreement may be terminated by either party upon 60 day's written notice.
5. **INDEMNIFICATION.**
- A. Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, and the financial limits therein, County shall indemnify, defend and hold harmless City from and against all liability, loss and costs arising out of or resulting from the acts of County, its officers, employees and agents in the performance of this agreement.
 - B. Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300 and the financial limits therein, City shall indemnify, defend and hold harmless County from and against all liability, loss and costs arising out of or resulting from the acts of City, its officers, employees and agents in the performance of this agreement.
6. **INSURANCE.** Each party shall each be responsible for providing worker's compensation insurance as required by law. Neither party shall be required to provide or show proof of any other insurance coverage.
7. **ADHERENCE TO LAW.** Each party shall comply with all federal, state and local laws and ordinances applicable to this agreement.

8. **NON-DISCRIMINATION.** Each party shall comply with all requirements of federal and state civil rights and rehabilitation statutes and local non-discrimination ordinances.
9. **ACCESS TO RECORDS.** Each party shall have access to the books, documents and other records of the other which are related to this agreement for the purpose of examination, copying and audit, unless otherwise limited by law.
10. **SUBCONTRACTS AND ASSIGNMENT.** Neither party will subcontract or assign any part of this agreement without the written consent of the other party.
11. **THIS IS THE ENTIRE AGREEMENT.** This Agreement constitutes the entire Agreement between the parties. This Agreement may be modified or amended only by the written agreement of the parties.
12. **ADDITIONAL TERMS AND CONDITIONS:**
 - a. Both parties agree that the final design, specifications, plans and standards and engineer's estimate for the Project shall be mutually approved before the advertisement for bids is published
 - b. In the event the construction bids returned to the County exceed by 10% or more the estimated cost of the Project, the parties agree to timely meet to resolve how to fund the additional cost or revise the proposed project to stay within budget. If a mutually acceptable resolution is not obtained, the Project will be cancelled and this agreement will be terminated.

FOR: MULTNOMAH COUNTY:

FOR: CITY OF WOOD VILLAGE:

By RED WHEELER

By _____

Title CHAIR

Title _____

Reviewed:

Approved as to form:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY

Matthew C. Ryan
Assistant County Attorney

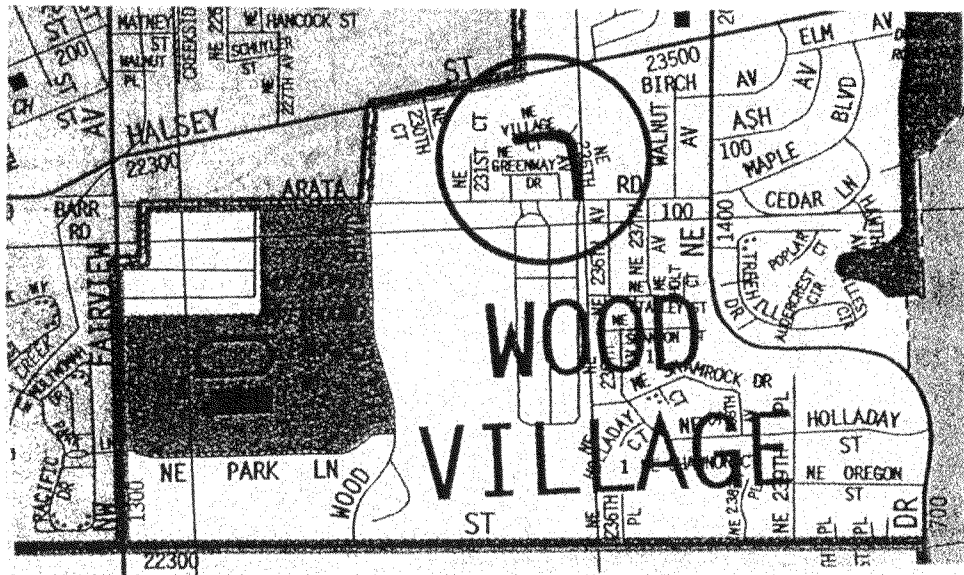
City Attorney

EXHIBIT A

Project Description/Scope of Work NE 235th Ave. – NE Village Court Improvements

1. Two new storm manholes and two catch basins, together with approximately 300 feet of storm sewer line will be installed in NE Village Court in Wood Village.
2. The new line is to be connected to the existing storm line on NE 235th Avenue.
3. The project also includes the installation and connection of four storm laterals to the following addressed properties: 23230, 23310, 23200 and 23205 NE Village Court, Wood Village, Oregon.
4. The existing connections from the properties identified in No. 3 to the County storm line will be shut down.
5. Replacing approximately thirty feet of curb and the adjustment of the slope of the street to allow storm water to drain towards the new catch basins.
6. NE 235th Ave. (north of Arata Rd.) and NE Village Court will receive a 1-1/2" asphalt overlay to complete the project.

EXHIBIT B
Project Location Map
NE 235th Ave. – NE Village Court Improvements





MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 02/15/07
Agenda Item #: R-2
Est. Start Time: 9:35 AM
Date Submitted: 01/25/07

Agenda Title: Public Hearing and Proposed Adoption of an ORDER Authorizing Legalization of Clara Smith Road from NE Corbett Hill Road No. 1972, Easterly Approximately 0.5 Mile as County Road No. 5024

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

Requested Meeting Date: February 15, 2007 Amount of Time Needed: 2 minutes
Department: Community Services Division: LUT
Contact(s): Robert A. Hovden, County Surveyor
Phone: 503-988-5573 Ext. 85573 I/O Address: 455/121
Presenter(s): Robert Maestre, Deputy Director and Robert A. Hovden, County Surveyor

General Information

1. What action are you requesting from the Board?

Hold a Public Hearing for the consideration of the legalization of Clara Smith Road No. 5024 and approve an order legalizing said road in its as-traveled location (If the board determines that this is in the best public interest).

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.

Clara Smith Road was established as County Road No. 624 in 1896, and maintenance and improvements have changed its location over the years. On September 15, 2005, the Board of County Commissioners initiated proceedings for legalizing Clara Smith Road and directed the road to be surveyed in its as-traveled location. On January 4, 2007 the Board set a date of February 15, 2007 for a public hearing to consider legalization of Clara Smith Road its as-traveled location. The survey and documentation will be ready for the February 15, 2007 public hearing.

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

Cost to the road fund the cost of the legalization process.

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

This legalization is following the procedures as required by ORS 368.201 through ORS 368.221.

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

All adjacent property owners have been served legal notice of the public hearing to consider this legalization and notice has been posted in the area as required by ORS 368.206(1)(c). All adjacent property owners will have an opportunity to express their concerns in writing or at the public hearing.

Required Signature

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



Date: 01/25/07



Department of Community Services

MULTNOMAH COUNTY OREGON

Land Use and Transportation Program

1600 SE 190th Avenue
Portland, Oregon 97233-5910
(503) 988-5050

January 18, 2007

Board of County Commissioners
501 SE Hawthorne Blvd
Portland, OR 97214

RE: County Engineer's Report for Legalization of Clara Smith Road No. 5024

Dear Commissioners:

The Department of Community Services - Land Use and Transportation Program has completed preliminary proceedings for legalization of Clara Smith Road. The existing road as-traveled and used for more than ten years does not conform to the location of the road as described in the County Records. Clara Smith Road was first established in 1896 as County Road No. 624. Maintenance and improvements have changed its location over the years.

The County Surveyor has completed the survey of the road as-traveled and the final map and description have been prepared. A letter and a map showing their property has been sent to all the property owners along this road. The right-of-way was set at the standard county road width of 60 feet. No structures are within the right-of-way except for some fences and gates, which will be allowed to stay.

Written notice of the proceedings for legalization has been mailed to all abutting property owners by certified mail and the notice has been posted along Clara Smith Road as required by ORS 368.206 (B)(c).

The County Engineer is requesting that the Board of County Commissioners approve an Order legalizing Clara Smith Road as it is now as-traveled and shown in its true location on the final survey map.

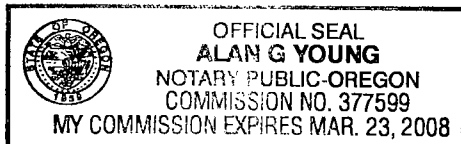
Very truly yours,

Stan M. Ghezzi, P.E.
Acting County Engineer

In the matter of the legalization)
Clara Smith Road No. 5024)

AFFIDAVIT OF ROBERT A. HOVDEN
RELATING TO NOTICE PROCEDURE
PURSUANT TO ORS 368.421

- 1) I, Robert A. Hovden, P.L.S., do hereby state that I am the County Surveyor for Multnomah County, Oregon.
- 2) I certify that notice was served of the public hearing on the legalization of Clara Smith Road, County Road No. 5024, to the following persons or agencies: KURKINEN DALE R & SALLY; OXFORD JAMES E; MILLIKEN KEITH A; JOHNSON DAN O & PULLMAN DE DE; DIETZ SUSAN S; BRUNN MARGARET I; WINDUST FRANK A JR; BELL FRANK G & BARBARA L; BLAKE HARMON T; SCHNACKENBERG ROBERT & LORINDA; YOST SHIRLEY L-LE & YOST LAWRENCE R & DONNA C; RIX EDNA M; AUGUSTINE JIM; ROSENKRANZ ROBERT D & BARBARA; ROSENKRANZ ROBERT; OXFORD JAMES M TR & OXFORD HESTER M; CLAYTON JAMES S & SHEROKEE; KENNEDY ETHAN; BEERS V SUSAN; WINDUST ERIC & KING BRIANNE & WINDUST JOHN D; SCHIMEL WILLIAM & KARI; INTERNATIONAL CHURCH OF THE FOURSQUARE GOSPEL; CARPENTER GARY D & TRACY JO.
- 3) The notice was consistent with the requirements of ORS 368.426 and included copies of the Notice of Public Hearing (Resolution No. 07-017) and was served by certified mail return receipt requested, to the parties identified above in Paragraph 2.
- 4) I further certify that on January 23, 2007, notice was posted of the public hearing on the legalization of Salzman, County Road No. 5024, at the following places:
 1. On "DEAD END" road sign on South side of road near Station 0+55
 2. On PGE power pole marked "A14 26 Pole No. 328 1981" on North side of road near Station 12+10.
 3. On 16" maple tree on the South side of road near Station 18+90.
- 5) The posted notice was consistent with the requirements of ORS 368.426 and included copies of the Notice of Public Hearing (Resolution No. 07-017) posted along said road in a manner to facilitate reading by passersby.



Robert A Hovden
Robert A. Hovden, P.L.S., County Surveyor
Department of Community Services
Multnomah County, Oregon

Subscribed and sworn to before me this 23rd day of JANUARY, 2007.

Alan M. Young
Notary Public for Oregon
My commission expires MARCH 23, 2008

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO SURVEY THE EXISTING AS-TRAVELED ROADWAY OF CLARA SMITH ROAD FROM ITS BEGINNING AT CORSETT HILL ROAD, EASTERLY TO THE END OF THE EXISTING PAVEMENT, FOR LEGALIZATION PURPOSES PER O.S. 368.501-521.

CLARA SMITH ROAD WAS ORIGINALLY ESTABLISHED AS COUNTY ROAD NO. 624 ON AUGUST 3, 1930 PER MULTNOMAH COUNTY ROAD BOOK 3, PAGES 105-106. THE IMPROVED ROADWAY, AS IT PRESENTLY EXISTS, NO LONGER LIES ENTIRELY WITHIN THE ORIGINALLY ESTABLISHED RIGHT-OF-WAY. THIS SURVEY SEEKS TO REMEDY THIS BY LEGALIZING THE PRESENT AS-TRAVELED AND IMPROVED ROADWAY.

THE PROCEDURE USED TO CREATE THE LEGALIZED ALIGNMENT WAS TO TIE THE PAVEMENT EDGES OF THE PRESENT IMPROVED ROADWAY, AND TO HOLD TO THESE AS THE BASIS FOR THIS NEW ALIGNMENT. CENTERLINE TANGENTS WERE FITTED TO THE STRAIGHT PORTIONS OF THE ROADWAY AND GEOMETRICALLY REGULAR CIRCULAR CURVES WERE FITTED TO ACCOMMODATE THE CURVED PORTIONS OF THE ROADWAY. ROAD RIGHT-OF-WAY EXTENDS TO 30' ON EACH SIDE OF THE CENTERLINE, EXCEPT WHERE NOTED OR SHOWN ON THE MAP.

A FIELD SEARCH WAS CONDUCTED FOR ALL MONUMENTS OF RECORD ALONG THE CLARA SMITH ROAD RIGHT-OF-WAY AND THOSE FOUND WERE TIED. FOUND MONUMENTS APPEAR ON THE DRAWING AND ARE DESCRIBED IN THE ACCOMPANYING MONUMENT TABLES.

MONUMENTS HAVE BEEN SET ALONG THE CENTERLINE AND RIGHT-OF-WAY LINES OF THE NEW ALIGNMENT OF CLARA SMITH ROAD AS SHOWN ON THE DRAWING. THE ALIGNMENT OF CORSETT HILL ROAD IN THE VICINITY OF ITS INTERSECTION WITH CLARA SMITH ROAD WAS DETERMINED BY HOLDING FOUND CENTERLINE POINTS (CSD AND CSD-10) FOR THE TANGENT PORTION SOUTH OF CLARA SMITH ROAD, ALONG WITH RIGHT-OF-WAY POINTS (CSD, CSD-10), AND FOR THE TANGENT PORTION NORTH OF CLARA SMITH ROAD. A CENTERLINE CURVE WAS THEN FIT BETWEEN THESE TWO TANGENTS HOLDING RECORD RADII PER SN 45/12. ROAD RIGHT-OF-WAY EXTENDS TO 30' ON EACH SIDE OF CENTERLINE. THE PRESENT ALIGNMENT OF CORSETT HILL ROAD WAS ESTABLISHED AS COUNTY ROAD NO. 1075 IN JUNE 1953, AS REPORTED IN SN 45/12 AND THE ROAD NOTES THEREOF IN ROAD BOOK 6, PAGES 75-76.

IN ORDER TO RELATE THIS PROJECT TO THE G.P.S. SURVEY OF TOWNSHIP 1 NORTH, RANGE 4 EAST, RECORDED AS SN 57284, G.P.S. OBSERVATIONS WERE PERFORMED ON TWO CONTROL POINTS ON CLARA SMITH ROAD. THESE OBSERVATIONS PROVIDED OREGON STATE PLANE COORDINATES (NAD 83/NORTH ZONE) FOR THE CONTROL POINTS, WHICH COULD THEN BE INSERTED INTO SN 57284 FOR THE PROPER RELATIONSHIP OF THIS PROJECT TO THE SECTION LINES AS SHOWN ON THIS SHEET. THE BEARINGS WERE ROTATED TO TRUE GEODESIC AND DISTANCES WERE CONVERTED FROM GRID TO GROUND USING A SCALE FACTOR OF 1.000103228. THE S.E. QUARTER OF SECTION 28 WAS THEN BROKEN DOWN ESTABLISHING A CALCULATED POINT FOR THE S.E. 1/16 CORNER AS SHOWN ON THIS SHEET AND ON SHEET 3.

BASIS OF BEARINGS

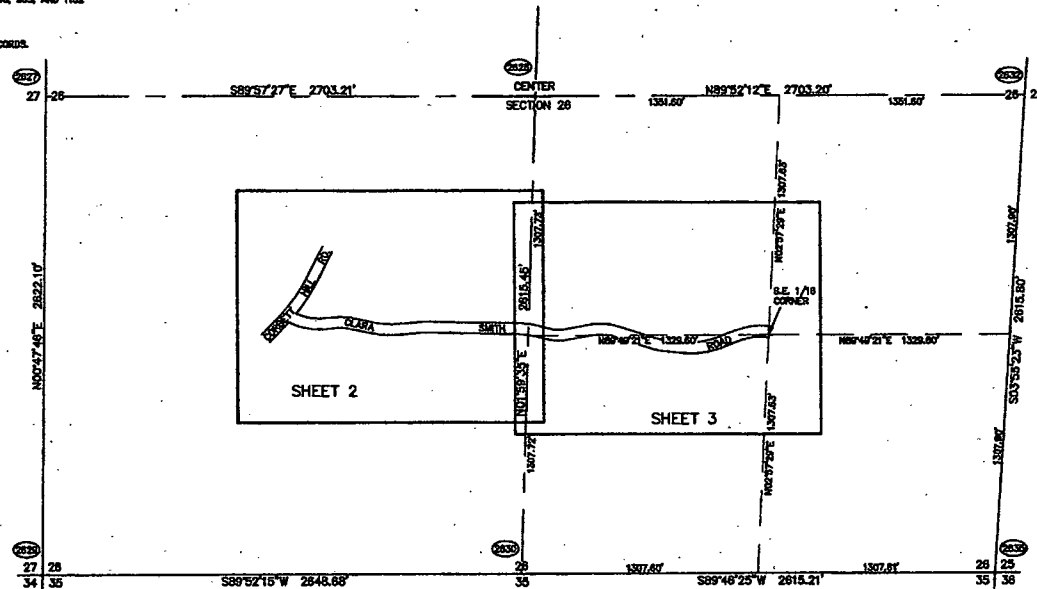
TRUE BEARINGS PER G.P.S. OBSERVATIONS.

REFERENCE SURVEYS

MULTNOMAH COUNTY SURVEY RECORDS: ROAD BOOK 3, PAGES 105-106, SN 45/12.
ROAD BOOK 6, PAGES 75-76.
FIELD BOOKS T 1083, 883, AND 1182

LEGEND

G.P.S. GLOBAL POSITIONING SYSTEM.
SN SURVEY NUMBER, MULTNOMAH COUNTY SURVEY RECORDS.
CSD MONUMENT ID. NUMBER PER SN 57284.



MULTNOMAH COUNTY
SURVEY RECORDS
DATE NOVEMBER 22, 2006
FILED 60733
REGISTER NUMBER

CLARA SMITH ROAD NO. 5024
FROM CORSETT HILL ROAD NO. 1972
EASTERLY TO STATION 27+03.21
LOCATED IN THE SOUTH HALF OF SECTION 28, T. 1 N., R. 4 E.,
MULTNOMAH COUNTY, OREGON

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Robert A. Howden

OREGON
JULY 18, 1971
ROBERT A. HOWDEN
624
RENEWAL DATE: 8/30/2007

I CERTIFY THAT THIS SURVEY WAS PREPARED USING HP PRODUCT
OR224 ON CONTINENTAL SPANSE POLYESTER FILM

MULTNOMAH COUNTY DEPARTMENT OF COMMUNITY SERVICES TRANSPORTATION DIVISION / COUNTY SURVEYOR'S OFFICE 1800 S.E. 100TH AVE., PORTLAND, OR 97233		
CLARA SMITH ROAD NO. 5024 LEGALIZATION		
ROBERT A. HOWDEN, P.L.S.		COUNTY SURVEYOR
DRAWN: WPD	CHECKED: RAH	SHEET 1 OF 3
DATE: 9/29/2006		SCALE: 1" = 400'

60733

60733

60733

LOCATED IN THE SOUTH HALF OF SECTION 26, T. 1 N., R. 4 E.,
MULTNOMAH COUNTY, OREGON

MULTNOMAH COUNTY
SURVEY RECORDS
DATE FILED NOVEMBER 22, 2006
60733
REGISTER NUMBER




POINT NUMBER	STATION	OFFSET	MONUMENT DESCRIPTION				REFERENCE
50	2+453.77	ROAD LT	1/2	IRON	PIPE	NO CAP	FIELD BOOK
51	2+460.13	22.00' RT	1/2	IRON	PIPE	NO CAP	SSA P/12
52	2+460.13	22.00' RT	1/2	IRON	PIPE	NO CAP	SSA P/12
53	2+460.13	22.00' RT	1/2	IRON	PIPE	NO CAP	SSA P/12
54	2+460.13	22.00' RT	1/2	IRON	PIPE	NO CAP	SSA P/12
55	2+460.13	22.00' RT	1/2	IRON	PIPE	NO CAP	SSA P/12
56	2+460.13	22.00' RT	1/2	IRON	PIPE	NO CAP	SSA P/12
57	2+460.13	22.00' RT	1/2	IRON	PIPE	NO CAP	SSA P/12
58	2+460.13	22.00' RT	1/2	IRON	PIPE	NO CAP	SSA P/12
59	2+460.13	22.00' RT	1/2	IRON	PIPE	NO CAP	SSA P/12
60	2+460.13	22.00' RT	1/2	IRON	PIPE	NO CAP	SSA P/12
61	2+460.13	22.00' RT	1/2	IRON	PIPE	NO CAP	SSA P/12
62	2+460.13	22.00' RT	1/2	IRON	PIPE	NO CAP	SSA P/12
63	2+460.13	22.00' RT	1/2	IRON	PIPE	NO CAP	SSA P/12
64	2+460.13	22.00' RT	1/2	IRON	PIPE	NO CAP	SSA P/12
65	2+460.13	22.00' RT	1/2	IRON	PIPE	NO CAP	SSA P/12
66	2+460.13	22.00' RT	1/2	IRON	PIPE	NO CAP	SSA P/12
67	2+460.13	22.00' RT	1/2	IRON	PIPE	NO CAP	SSA P/12
68	2+460.13	22.00' RT	1/2	IRON	PIPE	NO CAP	SSA P/12
69	2+460.13	22.00' RT	1/2	IRON	PIPE	NO CAP	SSA P/12
70	2+460.13	22.00' RT	1/2	IRON	PIPE	NO CAP	SSA P/12
71	2+460.13	22.00' RT	1/2	IRON	PIPE	NO CAP	SSA P/12
72	2+460.13	22.00' RT	1/2	IRON	PIPE	NO CAP	SSA P/12
73	2+460.13	22.00' RT	1/2	IRON	PIPE	NO CAP	SSA P/12
74	2+460.13	22.00' RT	1/2	IRON	PIPE	NO CAP	SSA P/12
75	2+460.13	22.00' RT	1/2	IRON	PIPE	NO CAP	SSA P/12
76	2+460.13	22.00' RT	1/2	IRON	PIPE	NO CAP	SSA P/12
77	2+460.13	22.00' RT	1/2	IRON	PIPE	NO CAP	SSA P/12
78	2+460.13	22.00' RT	1/2	IRON	PIPE	NO CAP	SSA P/12
79	2+460.13	22.00' RT	1/2	IRON	PIPE	NO CAP	SSA P/12
80	2+460.13	22.00' RT	1/2	IRON	PIPE	NO CAP	SSA P/12
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92	2+460.13	22.00' RT	1/2	IRON	PIPE	NO CAP	SSA P/12
93	2+460.13	22.00' RT	1/2	IRON	PIPE	NO CAP	SSA P/12
94	2+460.13	22.00' RT	1/2	IRON	PIPE	NO CAP	SSA P/12
95	2+460.13	22.00' RT	1/2	IRON	PIPE	NO CAP	SSA P/12
96	2+460.13	22.00' RT	1/2	IRON	PIPE	NO CAP	SSA P/12
97	2+460.13	22.00' RT	1/2	IRON	PIPE	NO CAP	SSA P/12
98	2+460.13	22.00' RT	1/2	IRON	PIPE	NO CAP	SSA P/12
99	2+460.13	22.00' RT	1/2	IRON	PIPE	NO CAP	SSA P/12
100	2+460.13	22.00' RT	1/2	IRON	PIPE	NO CAP	SSA P/12

POINT NUMBER	STATION	OFFSET	MONUMENT DESCRIPTION	REFERENCE
24	0+14.26	24.97 LT	1"X 6" BIRMINGHAM NO C/D DOWN OLY	SH 42689
25	0+14.26	24.97 LT	1"X 6" BIRMINGHAM NO C/D DOWN OLY	SH 42689
26	0+14.81	24.82 LT	RAILROAD SPUR WITH PLUMBLINE DOWN OLY	FIELD BOOK 1152 MCGR
27	0+14.81	24.82 LT	RAILROAD SPUR DOWN OLY	FIELD BOOK 1152 MCGR
28	0+15.34	24.96 RT	RAILROAD SPUR DOWN OLY	FIELD BOOK 1152 MCGR
29	0+15.34	24.96 RT	RAILROAD SPUR WITH PLUMBLINE "X" DOWN OLY	FIELD BOOK 1152 MCGR
30	0+16.37	25.11 RT	3"X 6" BIRMINGHAM NO C/D PLUSH	SH 21745
31	0+16.37	25.11 RT	3"X 6" BIRMINGHAM NO C/D DOWN OLY	SH 42718
32	0+16.37	25.11 RT	3"X 6" BIRMINGHAM NO C/D PLUSH	SH 21745

FOUND MONUMENT AS DESCRIBED IN MONUMENT TABLE. YPC = YELLOW PLASTIC CAP.
 SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "MALT. CO. SURVEY".
 SET 5/8" X 30" IRON ROD WITH 2" ALUMINUM CAP STAMPED "MILWAMAH COUNTY SURVEYOR"
 WITH PUNCH MARK.
 FOUND MONUMENT IDENTIFIED, SEE MONUMENT TABLE.
 POINT OF BEGINNING.
 RECORD DATA PER SB AS/12, ALONG WITH ROAD BOOK 6, PAGES 72-74.
 RECORD DATA PER FIELD BOOK 063, PAGE 30, MCHS.
 RIGHT OF WAY.
 SURVEY NUMBER, MILWAMAH COUNTY BUREAU RECORDS.
 EXISTING EDGE OF PAVEMENT OF AS-TRAVERSED ROADWAY.
 DOCUMENT NO. 10000-300000, MILWAMAH COUNTY DEED RECORDS.
 MILWAMAH COUNTY ROAD RECORDS.

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Robert A. Hovden
OREGON
JULY 18, 1971
ROBERT A. HOVDEN
954
RENEWAL DATE: 8/30/2014

I CERTIFY THAT THIS SURVEY WAS PREPARED USING HP PRODUCT C1892A ON CONTINENTAL JPC-92 POLYESTER FILM.

		MULTNOMAH COUNTY DEPARTMENT OF COMMUNITY SERVICES TRANSPORTATION DIVISION / COUNTY SURVEYOR'S OFFICE 1600 S.E. 150TH AVE., PORTLAND, OR 97233	
CLARA SMITH ROAD NO. 5024 LEGALIZATION			
ROBERT A. MOYDEN, P.L.S.		COUNTY SURVEYOR	
DRAFTER: GSD	CHECKED: RAH	SHY:	
DATE: 9/20/2006	SCALE: 1" = 100'	2 of 3	

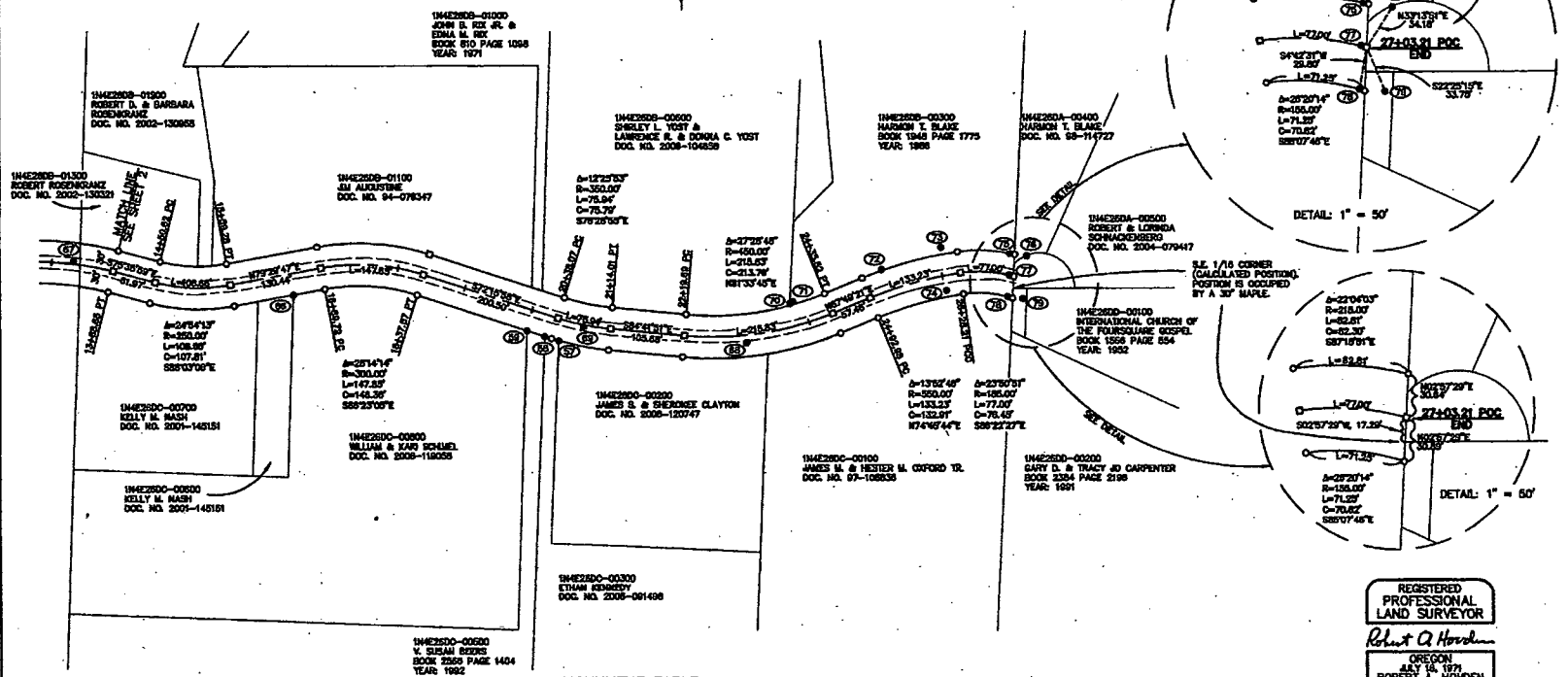
60733

50733

60738

LOCATED IN THE SOUTH HALF OF SECTION 28, T. 1 N., R. 4 E.,
MULTNOMAH COUNTY, OREGON

MULTNOMAH COUNTY
SURVEY RECORDS
DATE FILED NOVEMBER 22, 2006
60733
REGISTER NUMBER



POINT NUMBER	STATION	OFFSET	MARKMENT DESCRIPTION	REFERENCE
57	15+30.50	AT 1/2	MAINLINE SHOULDER POINT DOWN 1/2	FIELD BOOK 1193, MOBILE
58	15+44.84	30.32' W	3/4" ROAD PEG NO CHG DOWN 1/2	CHERRY LAMARSON
59	20+22.17	30.32' W	3/4" ROAD PEG NO CHG DOWN 1/2	SH 252
60	20+22.17	30.32' W	3/4" ROAD PEG NO CHG DOWN 1/2	SH 2162
61	20+24.50	30.32' W	3/4" ROAD PEG NO CHG DOWN 1/2	SH 2162
62	20+24.50	30.32' W	3/4" ROAD PEG NO CHG DOWN 1/2	FIELD BOOK 1193, MOBILE
63	20+24.50	30.32' W	3/4" ROAD PEG NO CHG DOWN 1/2	FIELD BOOK 1193, MOBILE
64	20+27.82	10.67' W	3/4" ROAD PEG NO CHG DOWN 1/2	SH 2162
65	20+27.82	10.67' W	3/4" ROAD PEG NO CHG DOWN 1/2	SH 2162
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96	20+27.82	10.67' W	3/4" ROAD PEG NO CHG DOWN 1/2	SH 2162
97	20+27.82	10.67' W	3/4" ROAD PEG NO CHG DOWN 1/2	SH 2162
98	20+27.82	10.67' W	3/4" ROAD PEG NO CHG DOWN 1/2	SH 2162
99	20+27.82	10.67' W	3/4" ROAD PEG NO CHG DOWN 1/2	SH 2162
100	20+27.82	10.67' W	3/4" ROAD PEG NO CHG DOWN 1/2	SH 2162

- SET MONUMENT AS DESCRIBED IN MONUMENT TABLE. TYPE = YELLOW FLUORESCENT CAP.
- SET 5/8" X 30" IRON ROD WITH YELLOW FLUORESCENT CAP MARKED "MAY. CO. SURVEY".
- SET 5/8" X 30" IRON ROD WITH 2" ALUMINUM CAP STAMPED "MILWAUKEE COUNTY SURVEY" WITH PUNCH MARK, OR AS NOTED.

SET MONUMENT IDENTIFIER, SEE MONUMENT TABLE.

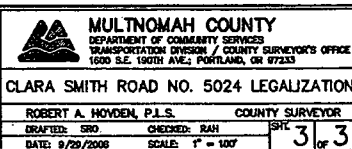
31 SURVEY NUMBER, MILWAUKEE COUNTY SURVEY RECORDS.
EXISTING EDGE OF PARCELS OF AS-RELEASED HOLDING
DOCUMENT NO. 1000-XXXXXX, MILWAUKEE COUNTY DEED RECORDS.
MILWAUKEE COUNTY ROAD RECORDS.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Robert A. Hordine

OREGON
JUL 18 1971
ROBERT A. HOVDEN
954
RENEWAL DATE: 8/30/2007

I CERTIFY THAT THIS SURVEY WAS PREPARED USING HP PRODUCT C1832A ON CONTINENTAL JPC412 POLYESTER FILM



60733

60733

60723

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

Authorizing Legalization of Clara Smith Road from NE Corbett Hill Road No. 1972, Easterly Approximately 0.5 Mile as County Road No. 5024

The Multnomah County Board of Commissioners Finds:

- a. Clara Smith Road was established as a County Road in 1896, and maintenance and improvements have changed its location over the years.
- b. The above-described Clara Smith Road is a road that has been traveled and used by the public for more than 10 years in a location that does not conform to the location of the road as described in the County Records.
- c. On September 15, 2005, the Board initiated proceedings for legalizing Clara Smith Road in its traveled location and directed the County Surveyor to conduct a survey of the road.
- d. The County Surveyor has completed the survey of the road. The County Engineer has filed a written report recommending legalization of Clara Smith Road.
- e. By Resolution 07-017 adopted on January 04, 2007, the Board set a public hearing on February 15, 2007 to consider legalization of Clara Smith Road.
- f. The County Surveyor provided notice of the hearing to interested parties by certified mail and by posting along the roadway in a manner consistent with ORS 368.401 – 368.426. No objections to the proposal or other information have been filed with the County Surveyor. No claims for compensation under ORS 368.211 relating to any encroaching structures on this portion of Clara Smith Road have been filed with the Board.
- g. The Board has determined that legalization of said portion of Clara Smith Road is in the public interest.

The Multnomah County Board of Commissioners Orders:

1. That Clara Smith Road from NE Corbett Hill Road No. 1972, Easterly approximately 0.5 Mile, as more particularly described in the attached Exhibit "A", and as shown on Survey No. 60733, Multnomah County Survey Records is legalized as County Road No. 5024, in accordance with ORS 368.201 through ORS 368.221.

2. This Order legalizing Clara Smith Road to be recorded as provided under ORS 368.216(2) and ORS 368.106.

ADOPTED this 15th day of February, 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"

CLARA SMITH ROAD No. 5024

A strip of land in the Southwest one-quarter and Southeast one-quarter of Section 26, Township 1 North, Range 4 East, Willamette Meridian, Multnomah County, Oregon, said strip of land running from the centerline of NE Corbett Hill Road No. 1972, easterly along the centerline of the as-traveled Clara Smith Road to its intersection with the East line of the West one-half of said Southeast one-quarter of Section 26, said strip of land being 60 feet in width, 30 feet on each side of the following described centerline:

Beginning at Engineer's Station 0+00.00, said station being at Engineer's centerline Station 28+53.06 POC of said NE Corbett Hill Road, said station bears N43°46'40"E, a distance of 1976.94 feet from a 4-1/4" brass disc in concrete post found at the Southwest corner of said Section 26;

Thence on a curve to the left, having a radius of 350.00 feet, through a central angle of 34°39'40" (long chord of which bears S77°44'47"E, a distance of 208.52 feet), an arc distance of 211.73 feet to Engineer's Station 2+11.73 PT;

Thence N84°55'23"E, a distance of 70.67 feet to Engineer's Station 2+82.40 PC;

Thence on a curve to the right, having a radius of 250.00 feet, through a central angle of 16°22'28" (long chord of which bears S86°53'23"E, a distance of 71.20 feet), an arc distance of 71.45 feet to Engineer's Station 3+53.85 PT;

Thence S78°42'09"E, a distance of 123.98 feet to Engineer's Station 4+77.83 PC;

Thence on a curve to the left, having a radius of 550.00 feet, through a central angle of 16°31'11" (long chord of which bears S86°57'44"E, a distance of 158.03 feet), an arc distance of 158.58 feet to Engineer's Station 6+36.41 PT;

Thence N84°46'40"E, a distance of 107.32 feet to Engineer's Station 7+43.73 PC;

Thence on a curve to the right, having a radius of 400.00 feet, through a central angle of 6°12'25" (long chord of which bears N87°52'53"E, a distance of 43.31 feet), an arc distance of 43.33 feet to Engineer's Station 7+87.07 PT;

Thence S89°00'55"E, a distance of 496.22 feet to Engineer's Station 12+83.28 PC;

Thence on a curve to the right, having a radius of 450.00 feet, through a central angle of 13°24'55" (long chord of which bears S82°18'27"E, a distance of 105.12 feet), an arc distance of 105.36 feet to Engineer's Station 13+88.65 PT;

Thence S75°35'59"E, a distance of 61.97 feet to Engineer's Station 14+50.62 PC;

Thence on a curve to the left, having a radius of 250.00 feet, through a central angle of $24^{\circ}54'13''$ (long chord of which bears $S88^{\circ}03'06''E$, a distance of 107.81 feet), an arc distance of 108.66 feet to Engineer's Station 15+59.28 PT;

Thence $N79^{\circ}29'47''E$, a distance of 130.44 feet to Engineer's Station 16+89.72 PC;

Thence on a curve to the right, having a radius of 300.00 feet, through a central angle of $28^{\circ}14'14''$ (long chord of which bears $S86^{\circ}23'05''E$, a distance of 146.36 feet), an arc distance of 147.85 feet to Engineer's Station 18+37.57 PT;

Thence $S72^{\circ}15'58''E$, a distance of 200.50 feet to Engineer's Station 20+38.07 PC;

Thence on a curve to the left, having a radius of 350.00 feet, through a central angle of $12^{\circ}25'53''$ (long chord of which bears $S78^{\circ}28'55''E$, a distance of 75.79 feet), an arc distance of 75.94 feet to Engineer's Station 21+14.01 PT;

Thence $S84^{\circ}41'51''E$, a distance of 105.68 feet to Engineer's Station 22+19.69 PC;

Thence on a curve to the left, having a radius of 450.00 feet, through a central angle of $27^{\circ}28'48''$ (long chord of which bears $N81^{\circ}33'45''E$, a distance of 213.76 feet), an arc distance of 215.83 feet to Engineer's Station 24+35.52 PT;

Thence $N67^{\circ}49'21''E$, a distance of 57.46 feet to Engineer's Station 24+92.98 PC;

Thence on a curve to the right, having a radius of 550.00 feet, through a central angle of $13^{\circ}52'46''$ (long chord of which bears $N74^{\circ}45'44''E$, a distance of 132.91 feet), an arc distance of 133.23 feet to Engineer's Station 26+26.21 PCC;

Thence on a curve to the right, having a radius of 185.00 feet, through a central angle of $23^{\circ}50'51''$ (long chord of which bears $S86^{\circ}22'27''E$, a distance of 76.45 feet), an arc distance of 77.00 feet to Engineer's Station 27+03.21 POC and a point on the East line of the West one-half of the Southeast one-quarter of said Section 26, from which the Southeast one-sixteenth corner (position occupied by a 30" maple) of said Section 26 bears $S02^{\circ}57'29''W$, a distance of 17.29 feet.

The side lines of the last curve are extended or shortened to terminate at the East line of West one-half of the Southeast one-quarter of said Section 26.

The heretofore description is written and based on a survey by Robert A. Hovden, Multnomah County Surveyor, recorded as Survey Number 60733, Multnomah County Survey Records, and by said reference are hereby made a part thereof.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 07-029

Authorizing Legalization of Clara Smith Road from NE Corbett Hill Road No. 1972, Easterly Approximately 0.5 Mile as County Road No. 5024

The Multnomah County Board of Commissioners Finds:

- a. Clara Smith Road was established as a County Road in 1896, and maintenance and improvements have changed its location over the years.
- b. The above-described Clara Smith Road is a road that has been traveled and used by the public for more than 10 years in a location that does not conform to the location of the road as described in the County Records.
- c. On September 15, 2005, the Board initiated proceedings for legalizing Clara Smith Road in its traveled location and directed the County Surveyor to conduct a survey of the road.
- d. The County Surveyor has completed the survey of the road. The County Engineer has filed a written report recommending legalization of Clara Smith Road.
- e. By Resolution 07-017 adopted on January 04, 2007, the Board set a public hearing on February 15, 2007 to consider legalization of Clara Smith Road.
- f. The County Surveyor provided notice of the hearing to interested parties by certified mail and by posting along the roadway in a manner consistent with ORS 368.401 – 368.426. No objections to the proposal or other information have been filed with the County Surveyor. No claims for compensation under ORS 368.211 relating to any encroaching structures on this portion of Clara Smith Road have been filed with the Board.
- g. The Board has determined that legalization of said portion of Clara Smith Road is in the public interest.

The Multnomah County Board of Commissioners Orders:

1. That Clara Smith Road from NE Corbett Hill Road No. 1972, Easterly approximately 0.5 Mile, as more particularly described in the attached Exhibit "A", and as shown on Survey No. 60733, Multnomah County Survey Records is legalized as County Road No. 5024, in accordance with ORS 368.201 through ORS 368.221.

2. This Order legalizing Clara Smith Road to be recorded as provided under ORS 368.216(2) and ORS 368.106.

ADOPTED this 15th day of February, 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"

CLARA SMITH ROAD No. 5024

A strip of land in the Southwest one-quarter and Southeast one-quarter of Section 26, Township 1 North, Range 4 East, Willamette Meridian, Multnomah County, Oregon, said strip of land running from the centerline of NE Corbett Hill Road No. 1972, easterly along the centerline of the as-traveled Clara Smith Road to its intersection with the East line of the West one-half of said Southeast one-quarter of Section 26, said strip of land being 60 feet in width, 30 feet on each side of the following described centerline:

Beginning at Engineer's Station 0+00.00, said station being at Engineer's centerline Station 28+53.06 POC of said NE Corbett Hill Road, said station bears N43°46'40"E, a distance of 1976.94 feet from a 4-1/4" brass disc in concrete post found at the Southwest corner of said Section 26;

Thence on a curve to the left, having a radius of 350.00 feet, through a central angle of 34°39'40" (long chord of which bears S77°44'47"E, a distance of 208.52 feet), an arc distance of 211.73 feet to Engineer's Station 2+11.73 PT;

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Thence on a curve to the right, having a radius of 250.00 feet, through a central angle of 16°22'28" (long chord of which bears S86°53'23"E, a distance of 71.20 feet), an arc distance of 71.45 feet to Engineer's Station 3+53.85 PT;

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Thence on a curve to the right, having a radius of 450.00 feet, through a central angle of 13°24'55" (long chord of which bears S82°18'27"E, a distance of 105.12 feet), an arc distance of 105.36 feet to Engineer's Station 13+88.65 PT;

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The side lines of the last curve are extended or shortened to terminate at the East line of West one-half of the Southeast one-quarter of said Section 26.

The heretofore description is written and based on a survey by Robert A. Hovden, Multnomah County Surveyor, recorded as Survey Number 60733, Multnomah County Survey Records, and by said reference are hereby made a part thereof.



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 02/15/07
Agenda Item #: R-3
Est. Start Time: 9:38 AM
Date Submitted: 01/25/07

Agenda Title: Public Hearing and Consideration of an ORDER Authorizing Legalization of Salzman Road from NE Larch Mountain Road No. 2098, Southerly Approximately 0.8 Mile as County Road No. 5023

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

Requested Meeting Date: February 15, 2007 Amount of Time Needed: 2 minutes
Department: Community Services Division: LUT
Contact(s): Robert A. Hovden, County Surveyor
Phone: 503-988-5573 Ext. 85573 I/O Address: 455/121
Presenter(s): Robert Maestre, Deputy Director and Robert A. Hovden, County Surveyor

General Information

1. What action are you requesting from the Board?

Hold a Public Hearing for the consideration of the legalization of Salzman Road No. 5023 and approve an order legalizing said road in its as-traveled location (If the board determines that this is in the best public interest).

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.

Salzman Road was established as County Road No. 345 in 1883, and maintenance and improvements have changed its location over the years. On September 15, 2005, the Board of County Commissioners initiated proceedings for legalizing Salzman Road and directed the road to be surveyed in its as-traveled location. On January 4, 2007 the Board set a date of February 15, 2007 for a public hearing to consider legalization of Salzman Road its as-traveled location. The survey and documentation will be ready for the February 15, 2007 public hearing.

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

Cost to the road fund the cost of the legalization process.

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

This legalization is following the procedures as required by ORS 368.201 through ORS 368.221.

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

All adjacent property owners have been served legal notice of the public hearing to consider this legalization and notice has been posted in the area as required by ORS 368.206(1)(c). All adjacent property owners will have an opportunity to express their concerns in writing or at the public hearing.

Required Signature

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



Date: 01/25/07



Department of Community Services

MULTNOMAH COUNTY OREGON

Land Use and Transportation Program

1600 SE 190th Avenue
Portland, Oregon 97233-5910
(503) 988-5050

January 18, 2007

Board of County Commissioners
501 SE Hawthorne Blvd
Portland, OR 97214

RE: County Engineer's Report for Legalization of Salzman Road No. 5023

Dear Commissioners:

The Department of Community Services - Land Use and Transportation Program has completed preliminary proceedings for legalization of Salzman Road. The existing road as-traveled and used for more than ten years does not conform to the location of the road as described in the County Records. Salzman Road was first established in 1883 as County Road No. 345. Maintenance and improvements have changed its location over the years.

The County Surveyor has completed the survey of the road as-traveled and the final map and description have been prepared. A letter and a map showing their property has been sent to all the property owners along this road. The right-of-way was set at a width of 40 feet, except for 45 feet for that portion adjacent to the property of Gary and Cynthia Deibert where an additional 5 feet was dedicated to Multnomah County as described in Document No. 95-78956, Multnomah County Deed Records. No structures are within the right-of-way except for some fences and gates, which will be allowed to stay.

Written notice of the proceedings for legalization has been mailed to all abutting property owners by certified mail and the notice has been posted along Salzman Road as required by ORS 368.206 (B)(c).

The County Engineer is requesting that the Board of County Commissioners approve an Order legalizing Salzman Road as it is now as-traveled and shown in its true location on the final survey map.

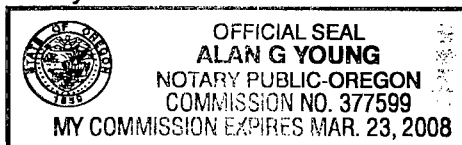
Very truly yours,

Stan M. Ghezzi, P.E.
Acting County Engineer

In the matter of the legalization)
Salzman Road No. 5023)

AFFIDAVIT OF ROBERT A. HOVDEN
RELATING TO NOTICE PROCEDURE
PURSUANT TO ORS 368.421

- 1) I, Robert A. Hovden, P.L.S., do hereby state that I am the County Surveyor for Multnomah County, Oregon.
- 2) I certify that notice was served of the public hearing on the legalization of Salzman Road, County Road No. 5023, to the following persons or agencies: BABCOCK L ROSS III & CAROL E; DAVIS RICHARD; ERICKSON FREDERICK K JR & HOYE-ERICKSON CONNIE; PARKHURST SHARON K; KLOCK CLAIR N & BEVERLY D; TUCKER GARY L & SANDRA J; HAMMEL LLOYD G III & SUSAN S; DEIBERT CARY C & CYNTHIA A.; DEIBERT KIM J; ROWTON JOHN M & LUCKEY MICHELLE; WITKA BARTHOLOMEW E TR & CHRISTINA M TR; THORSELL PETER B & KIMBERLEE; WILSON DAVID R; WALKER LYNN R; LENZ MICHAEL R & NATALIE L; MC DOUGALL MICHAEL S & THORSNES MELINDA D; LANTER SHIRLEEN D & LANTER BRANDON; WEAVER RICHARD B & CHARMAINE H; SMITH KENNETH M & VAN VLIET HEIDI KATCHIA; SIGFRID GENE E JR & JANET M; CLARK JAMES F & DONNA L; DAVIS SHERWOOD TO TOBIE, DAVID; WIANCKO R DENNIS & CYNTHIA N; MORRISON TYLER B & ALTMANN RACHEL A; POHL KERRY & TRUDY; EKBERG JOHN D & ZENTNER IRENE E; HAYDEN MARK & DOROTHY; WIANCKO RICHARD D.
- 3) The notice was consistent with the requirements of ORS 368.426 and included copies of the Notice of Public Hearing (Resolution No. 07-018) and was served by certified mail return receipt requested, to the parties identified above in Paragraph 2.
- 4) I further certify that on January 23, 2007, notice was posted of the public hearing on the legalization of Salzman, County Road No. 5023, at the following places:
 1. On "STOP" sign on East side of road near Station 0+30.
 2. On power pole on the East side of road on the South side of the driveway to 900/930 NE Salzman Road near Station near 14+55.
 3. On power pole on the East side of road on the South side of the driveway to 432 NE Salzman Road near Station 27+60.
- 5) The posted notice was consistent with the requirements of ORS 368.426 and included copies of the Notice of Public Hearing (Resolution No. 07-018) posted along said road in a manner to facilitate reading by passersby.



Robert A. Hovden
Robert A. Hovden, P.L.S., County Surveyor
Department of Community Services
Multnomah County, Oregon

Subscribed and sworn to before me this 23rd day of JANUARY, 2007.

Alan M. Young
Notary Public for Oregon
My commission expires MARCH 23, 2008

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO SURVEY THE EXISTING AS-TRAVELED ROADWAY OF SALZMAN ROAD FROM ITS BEGINNING AT LARCH MOUNTAIN ROAD, SOUTHERLY TO THE END OF THE EXISTING PAVEMENT, FOR LEGALIZATION PURPOSES PER O.R.S. 333.201-221. SALZMAN ROAD WAS ORIGINALLY ESTABLISHED AS COUNTY ROAD NO. 343 ON AUGUST 22, 1933 PER MULTNOMAH COUNTY ROAD BOOK 2, PAGES 25-26. THE IMPROVED ROADWAY, AS IT PRESENTLY EXISTS, NO LONGER LIES ENTIRELY WITHIN THE ORIGINALLY ESTABLISHED RIGHT-OF-WAY. THIS SURVEY SEEKS TO REMEDY THIS BY LEGALIZING THE PRESENT AS-TRAVELED AND IMPROVED ROADWAY.

THE PROCEDURE USED TO CREATE THE LEGALIZED ALIGNMENT WAS TO TIE THE PAVEMENT EDGES OF THE PRESENT IMPROVED ROADWAY, AND TO HOLD TO THESE AS THE BASIS FOR THIS NEW ALIGNMENT. CENTERLINE TARGETS WERE FITTED TO THE STEADY PORTIONS OF THE ROADWAY AND GEOMETRICALLY REGULAR CIRCULAR CURVES WERE FITTED TO ACCOMMODATE THE CURVED PORTIONS OF THE ROADWAY. ROAD RIGHT-OF-WAY EXTENDS TO 30' ON EACH SIDE OF THE CENTERLINE, EXCEPT WHERE NOTED OR SHOWN ON THE MAP.

A FIELD SEARCH WAS CONDUCTED FOR ALL MONUMENTS OF RECORD ALONG THE SALZMAN ROAD RIGHT-OF-WAY AND THOSE FOUND WERE TIED. FOUND MONUMENTS APPEAR ON THE DRAWING AND ARE DISCUSSED IN THE ACCOMPANYING MONUMENT TABLES.

MONUMENTS HAVE BEEN SET ALONG THE CENTERLINE AND RIGHT-OF-WAY LINES OF THE NEW ALIGNMENT OF SALZMAN ROAD AS SHOWN ON THE DRAWING. THE ALIGNMENT OF LARCH MOUNTAIN ROAD IN THE VICINITY OF ITS INTERSECTION WITH SALZMAN ROAD WAS DETERMINED BY HOLDING FOUND RIGHT-OF-WAY POINTS 36D AND 36E FOR THE TANGENT PORTION WEST OF SALZMAN ROAD, ALONG WITH RIGHT-OF-WAY POINTS 36D, 36E, AND 36F FOR THE TANGENT PORTION EAST OF SALZMAN ROAD. A CENTERLINE CURVE WAS FITTED BETWEEN THESE TWO TANGENTS HOLDING RECORD RADII PER ROAD MAP A1/71. ROAD RIGHT-OF-WAY EXTENDS TO 30' ON EACH SIDE OF CENTERLINE. THE PRESENT ALIGNMENT OF LARCH MOUNTAIN ROAD WAS ESTABLISHED AS COUNTY ROAD NO. 2088 IN NOVEMBER 1954, AS REPORTED IN SN A1/71.

BASIS OF BEARINGS

TRUE GEODETIC PER G.P.S. OBSERVATIONS.

REFERENCE SURVEYS

MULTNOMAH COUNTY SURVEY RECORDS: ROAD BOOK 2, PAGES 25-26, SN A1/71, FIELD BOOK P. 952.

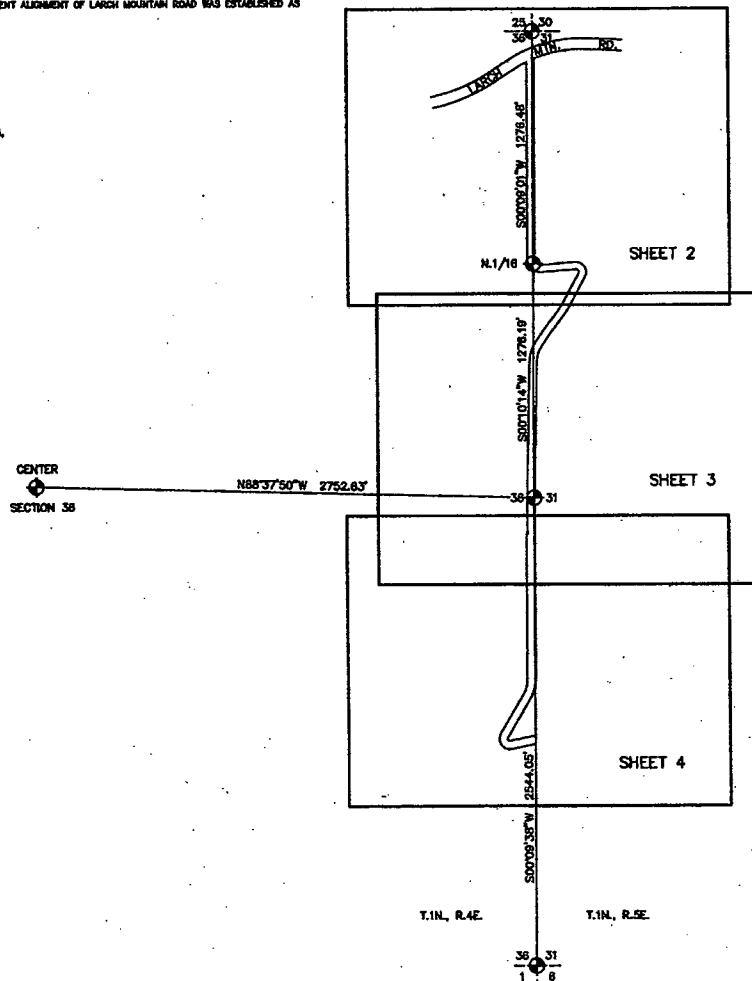
LEGEND

G.P.S. GLOBAL POSITIONING SYSTEM.
SN SURVEY NUMBER, MULTNOMAH COUNTY SURVEY RECORDS.
⊕ FOUND MULTNOMAH COUNTY MONUMENT AS DESCRIBED ON SHEETS 2-4.

SALZMAN ROAD NO. 5023 FROM LARCH MOUNTAIN ROAD NO. 2098 SOUTHERLY TO STATION 43+15.14

LOCATED IN THE EAST HALF OF SECTION 36, T. 1 N., R. 4 E.,
AND THE WEST HALF OF SECTION 31, T. 1 N., R. 5 E., W.M.,
MULTNOMAH COUNTY, OREGON

MULTNOMAH COUNTY
SURVEY RECORDS
DATE NOVEMBER 22, 2006
FILE 60701
REGISTER NUMBER



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Robert A. Hovden

OREGON
JULY 15, 1971
ROBERT A. HOVDEN
SSA
RENEWAL DATE: 6/30/2007

I CERTIFY THAT THIS SURVEY WAS PREPARED USING HP PRODUCT
C1062A ON CONTINENTAL 30462 POLYESTER FILM

MULTNOMAH COUNTY DEPARTMENT OF COMMUNITY SERVICES TRANSPORTATION DIVISION / COUNTY SURVEYOR'S OFFICE 1600 S.E. 190TH AVE., PORTLAND, OR 97233		
SALZMAN ROAD NO. 5023 LEGALIZATION		
ROBERT A. HOVDEN, P.L.S. COUNTY SURVEYOR		
DRAFTED: SRD	CHECKED: RAH	SHEET 1 OF 4
DATE: 9/19/2006	SCALE: 1" = 400'	

60701

60701

10709

SECTION CORNER COMMON TO SECTIONS 25 AND 30, T.1N., R.4E. AND SECTIONS 30 AND 31, T.1N., R.5E.
(POINT L.D. NO. 2537) FOUND 6" X 6" CONCRETE POST WITH 4" BRASS DISC MARKED AS SHOWN (S.T. E-695), FLUSH

12+59.74 LARCH MTN. RD. =
0+00 SALZMAN RD. NO. 5023
BEARS S63°17'50"E, 128.23' FROM
THE SECTION CORNER COMMON TO
SECTIONS 25, 30, 31, AND 32.

CURVE DATA
G1
b=65°47'47"
R=688.35'
L=80.01'
C=76.57'
N67°20'47"E

b=32°10'27"
R=718.33'
L=432.74'
C=432.87'
N74°43'44"E

INSE319-0000
JOHN H. HORTON &
MICHELLE LUCKEY
BOOK 2825 PAGE 1883
YEAR: 1982

INSE319-0040
JIM J. DEBERT
DOC. NO. 2000-029707

INSE319A-00100
RICHARD DAMES
DOC. NO. 94-131762

INSE319-0100
DAVID B. WILSON
DOC. NO. 2000-082493

INSE319-01000
PETER B. & ROBERTA L. THORSELL
DOC. NO. 95-000444

INSE319A-00700
SHARON C. PARSONS
DOC. NO. 95-153495

INSE319A-00200
CLAUDE H. & BEVERLY D. BLOCK
DOC. NO. 2001-143956

INSE319-01200
LYNN R. WALKER
DOC. NO. 2004-076175

INSE319-01400
MICHAEL S. MC DONALD &
MELBA D. THORSEN
DOC. NO. 2003-158410

SALZMAN ROAD NO. 5023 FROM LARCH MOUNTAIN ROAD NO. 2098 SOUTHERLY TO STATION 43+15.14

LOCATED IN THE EAST HALF OF SECTION 36, T. 1 N., R. 4 E.,
AND THE WEST HALF OF SECTION 31, T. 1 N., R. 5 E., W.M.,
MULTNOMAH COUNTY, OREGON

MULTNOMAH COUNTY
SURVEY RECORDS
DATE NOVEMBER 22, 2006
60701
REGISTER NUMBER

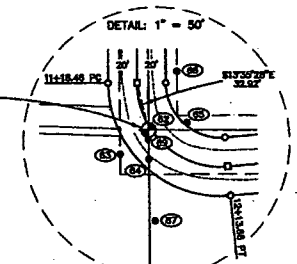
MONUMENT TABLE - LARCH MTN. ROAD NO. 2098

POINT NUMBER	STATION	OFFSET	MONUMENT DESCRIPTION	REFERENCE
1	11+38.27	20.00' N	1/2" IRON ROD NO CAP, 100% FUSH	SN A1/71
2	11+38.27	20.00' N	1/2" IRON ROD NO CAP, 100% FUSH	SN A1/71
3	11+38.27	20.00' N	1/2" IRON ROD NO CAP, 100% FUSH	SN A1/71
4	11+38.27	20.00' N	1/2" IRON ROD NO CAP, 100% FUSH	SN A1/71

MONUMENT TABLE - SALZMAN ROAD NO. 5023

POINT NUMBER	STATION	OFFSET	MONUMENT DESCRIPTION	REFERENCE
1	11+38.27	20.00' N	1/2" IRON ROD NO CAP, 100% FUSH	SN A1/71
2	11+38.27	20.00' N	1/2" IRON ROD NO CAP, 100% FUSH	SN A1/71
3	11+38.27	20.00' N	1/2" IRON ROD NO CAP, 100% FUSH	SN A1/71
4	11+38.27	20.00' N	1/2" IRON ROD NO CAP, 100% FUSH	SN A1/71
5	11+38.27	20.00' N	1/2" IRON ROD NO CAP, 100% FUSH	SN A1/71
6	11+38.27	20.00' N	1/2" IRON ROD NO CAP, 100% FUSH	SN A1/71
7	11+38.27	20.00' N	1/2" IRON ROD NO CAP, 100% FUSH	SN A1/71
8	11+38.27	20.00' N	1/2" IRON ROD NO CAP, 100% FUSH	SN A1/71
9	11+38.27	20.00' N	1/2" IRON ROD NO CAP, 100% FUSH	SN A1/71
10	11+38.27	20.00' N	1/2" IRON ROD NO CAP, 100% FUSH	SN A1/71
11	11+38.27	20.00' N	1/2" IRON ROD NO CAP, 100% FUSH	SN A1/71
12	11+38.27	20.00' N	1/2" IRON ROD NO CAP, 100% FUSH	SN A1/71

NORTH 1/4 CORNER COMMON TO SECTION 30, T.1N., R.4E. AND SECTION 31, T.1N., R.5E.
(POINT L.D. NO. 2537) FOUND 6" X 6" CONCRETE POST WITH 4" BRASS DISC MARKED AS SHOWN (S.T. E-695), DOWN 1/2" IN MONUMENT BOX.



LEGEND:

- FOUND MULTNOMAH COUNTY MONUMENT AS DESCRIBED.
- FOUND MONUMENT AS DESCRIBED IN MONUMENT TABLE. YPC = YELLOW PLASTIC CAP.
- SET 6/8" X 3/4" IRON ROD WITH YELLOW PLASTIC CAP MARKED "MULT. CO. SURVEY".
- SET 6/8" X 3/4" IRON ROD WITH 2" ALUMINUM CAP STAMPED "MULTNOMAH COUNTY SURVEYOR" WITH PUNCH MARK.
- FOUND MONUMENT IDENTIFIER, SEE MONUMENT TABLE.
- GEARING TREE BOOK & PAGE REFERENCE, MULTNOMAH COUNTY SURVEY RECORDS.
- POINT OF BEGINNING.
- RECORD DATA PER SN A1/71.
- SURVEY NUMBER, MULTNOMAH COUNTY SURVEY RECORDS.
- YELLOW PLASTIC CAP.
- APPROXIMATE LOCATION OF ORIGINAL RIGHT-OF-WAY OF COUNTY ROAD NO. 345 PER MULT. CO. ROAD BOOK 2, PAGES 25-28.
- EXISTING EDGE OF PAVEMENT OF AS-TRAVELED ROADWAY.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Robert A. Hovden
OREGON
JULY 18, 1971
ROBERT A. HOVDEN
954
RENEWAL DATE: 8/30/2007

I CERTIFY THAT THIS SURVEY WAS PREPARED USING HP PRODUCT
C1062A ON CONTINENTAL JPO462 POLYESTER FILM.

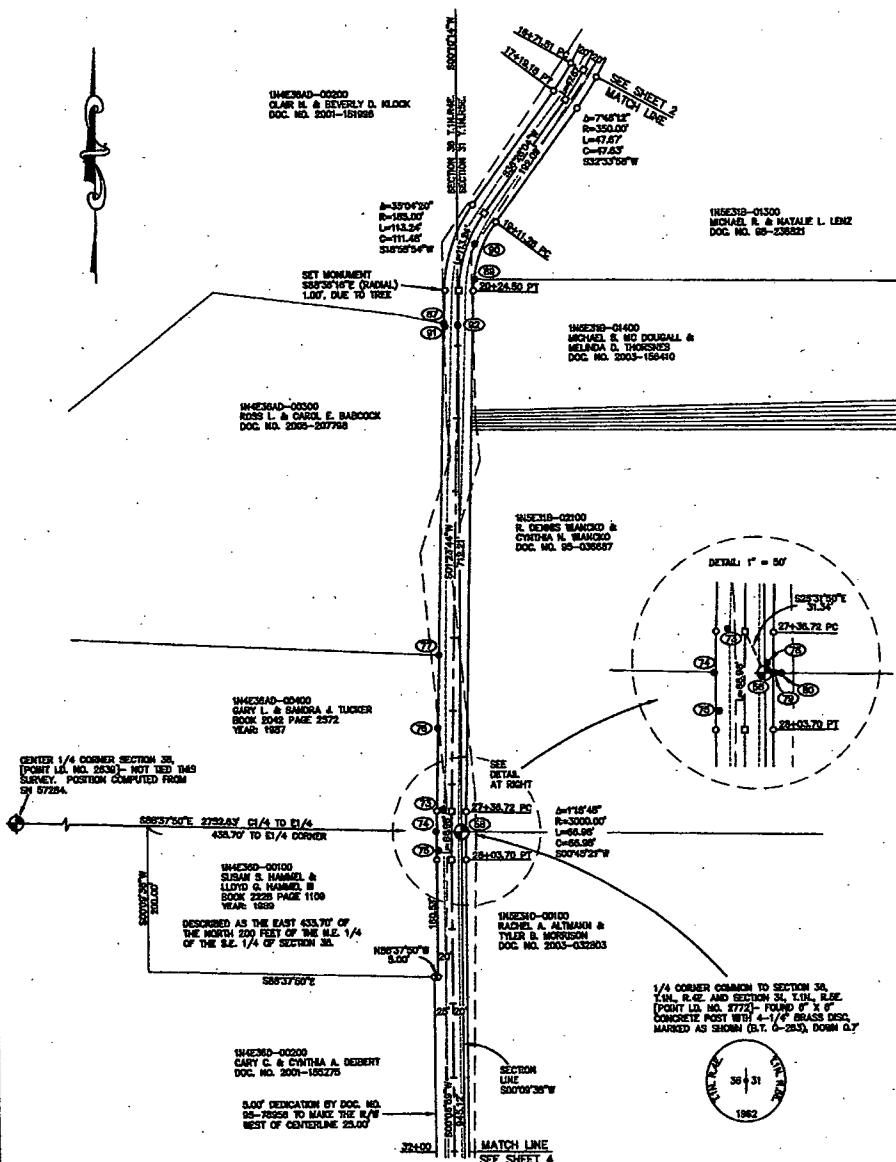
MULTNOMAH COUNTY DEPARTMENT OF COMMUNITY SERVICES TRANSPORTATION DIVISION / COUNTY SURVEYOR'S OFFICE 1000 S.E. 100TH AVE., PORTLAND, OR 97233	
SALZMAN ROAD NO. 5023 LEGALIZATION	
ROBERT A. HOVDEN, P.L.S.	COUNTY SURVEYOR
DRAFTED: SRD	CHECKED: RAH
DATE: 9/19/2006	SCALE: 1" = 100'
SHEET 2 OF 4	

60701

60701

SALZMAN ROAD NO. 5023
FROM LARCH MOUNTAIN ROAD NO. 2098
SOUTHERLY TO STATION 43+15.14
LOCATED IN THE EAST HALF OF SECTION 38, T. 1 N., R. 4 E.,
AND THE WEST HALF OF SECTION 31, T. 1 N., R. 5 E., W.M.,
MULTNOMAH COUNTY, OREGON

MULTNOMAH COUNTY
SURVEY RECORDS
DATE NOVEMBER 22, 2006
FILE# 60701
REGISTER NUMBER



INSE31D-01500
 SHERIDAN D. LANTIER
 DOC. NO. 2005-666000
 INSE31D-01500
 EDWARD S. & CHARMAINE H. WEAVER
 DOC. NO. 85-030820
 INSE31D-01700
 EDWARD H. SMITH &
 HEIDI VAN NEST
 BOOK 2348 PAGE 1737
 YEAR: 1982
 INSE31D-01800
 JAMES M. SHERROD &
 GENE L. SHERROD JR.
 BOOK 2348 PAGE 428
 YEAR: 1980
 INSE31D-01900
 JAMES F. & DONNA L. CLARK
 DOC. NO. 2003-307631
 INSE31D-02000
 SHERROD DAVIS
 BOOK 2051 PAGE 1257
 YEAR: 1987

MONUMENT TABLE

POINT NUMBER	STATION	OFFSET	MONUMENT DESCRIPTION	REFERENCE
1	32+00.00	1.74' N	1/2" IRON ROD, 15" LONG, 1/2" DIA. WITH YELLOW PLASTIC CAP MARKED "MULT. CO. SURVEY"	SEE SHEET 1
2	32+00.00	1.74' S	1/2" IRON ROD, 15" LONG, 1/2" DIA. WITH YELLOW PLASTIC CAP MARKED "MULT. CO. SURVEY"	SEE SHEET 1
3	32+00.00	1.74' E	1/2" IRON ROD, 15" LONG, 1/2" DIA. WITH YELLOW PLASTIC CAP MARKED "MULT. CO. SURVEY"	SEE SHEET 1
4	32+00.00	1.74' W	1/2" IRON ROD, 15" LONG, 1/2" DIA. WITH YELLOW PLASTIC CAP MARKED "MULT. CO. SURVEY"	SEE SHEET 1
5	32+00.00	1.74' N	1/2" IRON ROD, 15" LONG, 1/2" DIA. WITH YELLOW PLASTIC CAP MARKED "MULT. CO. SURVEY"	SEE SHEET 1
6	32+00.00	1.74' S	1/2" IRON ROD, 15" LONG, 1/2" DIA. WITH YELLOW PLASTIC CAP MARKED "MULT. CO. SURVEY"	SEE SHEET 1
7	32+00.00	1.74' E	1/2" IRON ROD, 15" LONG, 1/2" DIA. WITH YELLOW PLASTIC CAP MARKED "MULT. CO. SURVEY"	SEE SHEET 1
8	32+00.00	1.74' W	1/2" IRON ROD, 15" LONG, 1/2" DIA. WITH YELLOW PLASTIC CAP MARKED "MULT. CO. SURVEY"	SEE SHEET 1
9	32+00.00	1.74' N	1/2" IRON ROD, 15" LONG, 1/2" DIA. WITH YELLOW PLASTIC CAP MARKED "MULT. CO. SURVEY"	SEE SHEET 1
10	32+00.00	1.74' S	1/2" IRON ROD, 15" LONG, 1/2" DIA. WITH YELLOW PLASTIC CAP MARKED "MULT. CO. SURVEY"	SEE SHEET 1
11	32+00.00	1.74' E	1/2" IRON ROD, 15" LONG, 1/2" DIA. WITH YELLOW PLASTIC CAP MARKED "MULT. CO. SURVEY"	SEE SHEET 1
12	32+00.00	1.74' W	1/2" IRON ROD, 15" LONG, 1/2" DIA. WITH YELLOW PLASTIC CAP MARKED "MULT. CO. SURVEY"	SEE SHEET 1
13	32+00.00	1.74' N	1/2" IRON ROD, 15" LONG, 1/2" DIA. WITH YELLOW PLASTIC CAP MARKED "MULT. CO. SURVEY"	SEE SHEET 1
14	32+00.00	1.74' S	1/2" IRON ROD, 15" LONG, 1/2" DIA. WITH YELLOW PLASTIC CAP MARKED "MULT. CO. SURVEY"	SEE SHEET 1
15	32+00.00	1.74' E	1/2" IRON ROD, 15" LONG, 1/2" DIA. WITH YELLOW PLASTIC CAP MARKED "MULT. CO. SURVEY"	SEE SHEET 1
16	32+00.00	1.74' W	1/2" IRON ROD, 15" LONG, 1/2" DIA. WITH YELLOW PLASTIC CAP MARKED "MULT. CO. SURVEY"	SEE SHEET 1
17	32+00.00	1.74' N	1/2" IRON ROD, 15" LONG, 1/2" DIA. WITH YELLOW PLASTIC CAP MARKED "MULT. CO. SURVEY"	SEE SHEET 1
18	32+00.00	1.74' S	1/2" IRON ROD, 15" LONG, 1/2" DIA. WITH YELLOW PLASTIC CAP MARKED "MULT. CO. SURVEY"	SEE SHEET 1
19	32+00.00	1.74' E	1/2" IRON ROD, 15" LONG, 1/2" DIA. WITH YELLOW PLASTIC CAP MARKED "MULT. CO. SURVEY"	SEE SHEET 1
20	32+00.00	1.74' W	1/2" IRON ROD, 15" LONG, 1/2" DIA. WITH YELLOW PLASTIC CAP MARKED "MULT. CO. SURVEY"	SEE SHEET 1

LEGEND:

- FOUND MULTNOMAH COUNTY MONUMENT AS DESCRIBED.
- FOUND MONUMENT AS DESCRIBED IN MONUMENT TABLE. YPC = YELLOW PLASTIC CAP.
- SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "MULT. CO. SURVEY".
- SET 5/8" X 30" IRON ROD WITH 2" ALUMINUM CAP STAMPED "MULTNOMAH COUNTY SURVEYOR" WITH PUNCH MARK.
- ① FOUND MONUMENT IDENTIFIER, SEE MONUMENT TABLE.
- B.T. BEARING TREE BOOK & PAGE REFERENCE, MULTNOMAH COUNTY SURVEY RECORDS.
- P.B. POINT OF BEGINNING.
- SN SURVEY NUMBER, MULTNOMAH COUNTY SURVEY RECORDS.
- YPC YELLOW PLASTIC CAP.
- APPROXIMATE LOCATION OF ORIGINAL RIGHT-OF-WAY OF COUNTY ROAD NO. 345 PER MULT. CO. ROAD BOOK 2, PAGES 38-39.
- EXISTING EDGE OF PAVEMENT OF 1/2-TRAVELED ROADWAY.

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
Robert A. Hovden
 OREGON
 MAY 1971
 ROBERT A. HOVDEN
 854
 RENEWAL DATE: 6/30/2007

MULTNOMAH COUNTY DEPARTMENT OF COMMUNITY SERVICES TRANSPORTATION DIVISION / COUNTY SURVEYOR'S OFFICE 1800 S.E. 100TH AVE., PORTLAND, OR 97233		
SALZMAN ROAD NO. 5023 LEGALIZATION		
ROBERT A. HOVDEN, P.L.S.		COUNTY SURVEYOR
DRAFTED: GRD DATE: 9/19/2006	CHECKED: RAH SCALE: 1" = 100'	SHEET 3 of 4


I CERTIFY THAT THIS SURVEY WAS PREPARED USING N.P. PRODUCT - C1022A ON CONTINENTAL J-POLAR POLYESTER FILM.

60701

60701

LOCATED IN THE EAST HALF OF SECTION 38, T. 1 N., R. 4 E.,
AND THE WEST HALF OF SECTION 31, T. 1 N., R. 5 E., W.M.,
MULTNOMAH COUNTY, OREGON

REGISTER NUMBER

 **MULTNOMAH COUNTY**
DEPARTMENT OF COMMUNITY SERVICES
TRANSPORTATION DIVISION / COUNTY SURVEYOR'S OFFICE
1600 S.E. 180TH AVE. PORTLAND, OR 97233

SALZMAN ROAD NO. 5023 LEGALIZATION

ROBERT A. HOYDEN, P.L.S.		COUNTY SURVEYOR
DRAFTED: GRS	CHECKED: RAH	SWK
DATE: 9/5/2006	SCALE: 1" = 100'	4 of 4

10209

60701

60721

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

Authorizing Legalization of Salzman Road from NE Larch Mountain Road No. 2098,
Southerly Approximately 0.8 Mile as County Road No. 5023

The Multnomah County Board of Commissioners Finds:

- a. Salzman Road was established as a County Road in 1883, and maintenance and improvements have changed its location over the years.
- b. The above-described Salzman Road is a road that has been traveled and used by the public for more than 10 years in a location that does not conform to the location of the road as described in the County Records.
- c. On September 15, 2005, the Board initiated proceedings for legalizing Salzman Road in its traveled location and directed the County Surveyor to conduct a survey of the road.
- d. The County Surveyor has completed the survey of the road. The County Engineer has filed a written report recommending legalization of Salzman Road.
- e. By Resolution 07-018 adopted on January 04, 2007, the Board set a public hearing on February 15, 2007 to consider legalization of Salzman Road.
- f. The County Surveyor provided notice of the hearing to interested parties by certified mail and by posting along the roadway in a manner consistent with ORS 368.401 – 368.426. No objections to the proposal or other information have been filed with the County Surveyor. No claims for compensation under ORS 368.211 relating to any encroaching structures on this portion of Salzman Road have been filed with the Board.
- g. The Board has determined that legalization of said portion of Salzman Road is in the public interest.

The Multnomah County Board of Commissioners Orders:

1. That Salzman Road from NE Larch Mountain Road No. 2098, Southerly approximately 0.8 Mile, as more particularly described in the attached Exhibit "A", and as shown on Survey No. 60701, Multnomah County Survey Records is legalized as County Road No. 5023, in accordance with ORS 368.201 through ORS 368.221.

2. This Order legalizing Salzman Road to be recorded as provided under ORS 368.216(2) and ORS 368.106.

ADOPTED this 15th day of February, 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"

SALZMAN ROAD No. 5023

A strip of land in the Southeast one-quarter and Northeast one-quarter of Section 36, Township 1 South, Range 4 East, and the Southwest one-quarter and Northwest one-quarter of Section 31, Township 1 South, Range 5 East, Willamette Meridian, Multnomah County, Oregon, said strip of land running from the centerline of NE Larch Mountain Road No. 2098, southerly along the centerline of the as-traveled Salzman Road to its intersection with the East line of the Southeast one-quarter of said Section 36, said Salzman Road centerline being described as follows:

Beginning at Engineer's Station 0+00.00, said station being at Engineer's centerline Station 12+69.74 POC of said NE Larch Mountain Road, said station bears S03°12'50"W, a distance of 126.23 feet from a 4-1/4" brass disc in concrete post found at the Northeast corner of said Section 36;

Thence S00°12'19"W, a distance of 1118.46 feet to Engineer's Station 11+18.46 PC, from which a 4-1/4" brass disc in concrete post found at the North one-sixteenth corner common to said Sections 31 and 36 bears S13°35'28"E, a distance of 32.92 feet;

Thence on a curve to the left, having a radius of 57.50 feet, through a central angle of 95°03'59" (long chord of which bears S47°19'40"E, a distance of 84.83 feet), an arc distance of 95.41 feet to Engineer's Station 12+13.86 PT;

Thence N85°08'20"E, a distance of 183.62 feet to Engineer's Station 13+97.48 PC;

Thence on a curve to the right, having a radius of 35.00 feet, through a central angle of 123°31'31" (long chord of which bears S33°05'54"E, a distance of 61.67 feet), an arc distance of 75.46 feet to Engineer's Station 14+72.94 PT;

Thence S28°39'51"W, a distance of 198.57 feet to Engineer's Station 16+71.51 PC;

Thence on a curve to the right, having a radius of 350.00 feet, through a central angle of 7°48'12" (long chord of which bears S32°33'58"W, a distance of 47.63 feet), an arc distance of 47.67 feet to Engineer's Station 17+19.18 PT;

Thence S36°28'04"W, a distance of 192.09 feet to Engineer's Station 19+11.26 PC;

Thence on a curve to the left, having a radius of 185.00 feet, through a central angle of 35°04'20" (long chord of which bears S18°55'54"W, a distance of 111.48 feet), an arc distance of 113.24 feet to Engineer's Station 20+24.50 PT;

Thence S01°23'44"W, a distance of 712.21 feet to Engineer's Station 27+36.71 PC, from which a 4-1/4" brass disc in concrete post found at the one-quarter corner common to said Sections 31 and 36 bears S25°31'50"E, a distance of 31.34 feet;

Thence on a curve to the left, having a radius of 3000.00 feet, through a central angle of $0^{\circ}16'45''$ (long chord of which bears $S00^{\circ}45'21''W$, a distance of 66.98 feet), an arc distance of 66.98 feet to Engineer's Station 28+03.70 PT;

Thence $S00^{\circ}06'59''W$, a distance of 945.12 feet to Engineer's Station 37+48.81 PC;

Thence on a curve to the right, having a radius of 230.00 feet, through a central angle of $30^{\circ}50'09''$ (long chord of which bears $S15^{\circ}32'03''E$, a distance of 122.29 feet), an arc distance of 123.78 feet to Engineer's Station 38+72.50 PT;

Thence $S30^{\circ}57'08''W$, a distance of 234.84 feet to Engineer's Station 41+07.44 PC;

Thence on a curve to the left, having a radius of 31.00 feet, through a central angle of $132^{\circ}18'35''$ (long chord of which bears $S35^{\circ}12'10''E$, a distance of 56.71 feet), an arc distance of 71.59 feet to Engineer's Station 41+79.02 PT;

Thence $N78^{\circ}38'32''E$, a distance of 136.12 feet to Engineer's Station 43+15.14 EP and a point on the line common to said Sections 31 and 36, from which a 4-1/4" brass disc in concrete post found at the Southeast corner common to said Sections 36 bears $S00^{\circ}09'38''W$, a distance of 1221.48 feet.

The side lines of the last course are extended or shortened to terminate at the East line of said Section 36.

The width of the strip of land from the above described centerline is 20.00 feet on East side and 20.00 feet on the West side north of a line 200 feet south of and parallel with the East-West centerline of said Section 36 and 25.00 feet south of said line.

The heretofore description is written and based on a survey by Robert A. Hovden, Multnomah County Surveyor, recorded as Survey Number 60701, Multnomah County Survey Records, and by said reference are hereby made a part thereof.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 07-030

Authorizing Legalization of Salzman Road from NE Larch Mountain Road No. 2098, Southerly Approximately 0.8 Mile as County Road No. 5023

The Multnomah County Board of Commissioners Finds:

- a. Salzman Road was established as a County Road in 1883, and maintenance and improvements have changed its location over the years.
- b. The above-described Salzman Road is a road that has been traveled and used by the public for more than 10 years in a location that does not conform to the location of the road as described in the County Records.
- c. On September 15, 2005, the Board initiated proceedings for legalizing Salzman Road in its traveled location and directed the County Surveyor to conduct a survey of the road.
- d. The County Surveyor has completed the survey of the road. The County Engineer has filed a written report recommending legalization of Salzman Road.
- e. By Resolution 07-018 adopted on January 04, 2007, the Board set a public hearing on February 15, 2007 to consider legalization of Salzman Road.
- f. The County Surveyor provided notice of the hearing to interested parties by certified mail and by posting along the roadway in a manner consistent with ORS 368.401 – 368.426. No objections to the proposal or other information have been filed with the County Surveyor. No claims for compensation under ORS 368.211 relating to any encroaching structures on this portion of Salzman Road have been filed with the Board.
- g. The Board has determined that legalization of said portion of Salzman Road is in the public interest.

The Multnomah County Board of Commissioners Orders:

1. That Salzman Road from NE Larch Mountain Road No. 2098, Southerly approximately 0.8 Mile, as more particularly described in the attached Exhibit "A", and as shown on Survey No. 60701, Multnomah County Survey Records is legalized as County Road No. 5023, in accordance with ORS 368.201 through ORS 368.221.

2. This Order legalizing Salzman Road to be recorded as provided under ORS 368.216(2) and ORS 368.106.

ADOPTED this 15th day of February, 2007.

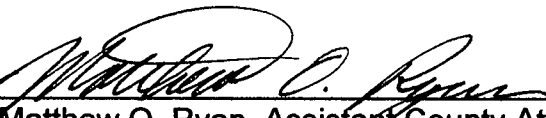


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


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"

SALZMAN ROAD No. 5023

A strip of land in the Southeast one-quarter and Northeast one-quarter of Section 36, Township 1 South, Range 4 East, and the Southwest one-quarter and Northwest one-quarter of Section 31, Township 1 South, Range 5 East, Willamette Meridian, Multnomah County, Oregon, said strip of land running from the centerline of NE Larch Mountain Road No. 2098, southerly along the centerline of the as-traveled Salzman Road to its intersection with the East line of the Southeast one-quarter of said Section 36, said Salzman Road centerline being described as follows:

Beginning at Engineer's Station 0+00.00, said station being at Engineer's centerline Station 12+69.74 POC of said NE Larch Mountain Road, said station bears S03°12'50"W, a distance of 126.23 feet from a 4-1/4" brass disc in concrete post found at the Northeast corner of said Section 36;

Thence S00°12'19"W, a distance of 1118.46 feet to Engineer's Station 11+18.46 PC, from which a 4-1/4" brass disc in concrete post found at the North one-sixteenth corner common to said Sections 31 and 36 bears S13°35'28"E, a distance of 32.92 feet;

Thence on a curve to the left, having a radius of 57.50 feet, through a central angle of 95°03'59" (long chord of which bears S47°19'40"E, a distance of 84.83 feet), an arc distance of 95.41 feet to Engineer's Station 12+13.86 PT;

Thence N85°08'20"E, a distance of 183.62 feet to Engineer's Station 13+97.48 PC;

Thence on a curve to the right, having a radius of 35.00 feet, through a central angle of 123°31'31" (long chord of which bears S33°05'54"E, a distance of 61.67 feet), an arc distance of 75.46 feet to Engineer's Station 14+72.94 PT;

Thence S28°39'51"W, a distance of 198.57 feet to Engineer's Station 16+71.51 PC;

Thence on a curve to the right, having a radius of 350.00 feet, through a central angle of 7°48'12" (long chord of which bears S32°33'58"W, a distance of 47.63 feet), an arc distance of 47.67 feet to Engineer's Station 17+19.18 PT;

Thence S36°28'04"W, a distance of 192.09 feet to Engineer's Station 19+11.26 PC;

Thence on a curve to the left, having a radius of 185.00 feet, through a central angle of 35°04'20" (long chord of which bears S18°55'54"W, a distance of 111.48 feet), an arc distance of 113.24 feet to Engineer's Station 20+24.50 PT;

Thence S01°23'44"W, a distance of 712.21 feet to Engineer's Station 27+36.71 PC, from which a 4-1/4" brass disc in concrete post found at the one-quarter corner common to said Sections 31 and 36 bears S25°31'50"E, a distance of 31.34 feet;

Thence on a curve to the left, having a radius of 3000.00 feet, through a central angle of $0^{\circ}16'45''$ (long chord of which bears $S00^{\circ}45'21''W$, a distance of 66.98 feet), an arc distance of 66.98 feet to Engineer's Station 28+03.70 PT;

Thence $S00^{\circ}06'59''W$, a distance of 945.12 feet to Engineer's Station 37+48.81 PC;

Thence on a curve to the right, having a radius of 230.00 feet, through a central angle of $30^{\circ}50'09''$ (long chord of which bears $S15^{\circ}32'03''E$, a distance of 122.29 feet), an arc distance of 123.78 feet to Engineer's Station 38+72.50 PT;

Thence $S30^{\circ}57'08''W$, a distance of 234.84 feet to Engineer's Station 41+07.44 PC;

Thence on a curve to the left, having a radius of 31.00 feet, through a central angle of $132^{\circ}18'35''$ (long chord of which bears $S35^{\circ}12'10''E$, a distance of 56.71 feet), an arc distance of 71.59 feet to Engineer's Station 41+79.02 PT;

Thence $N78^{\circ}38'32''E$, a distance of 136.12 feet to Engineer's Station 43+15.14 EP and a point on the line common to said Sections 31 and 36, from which a 4-1/4" brass disc in concrete post found at the Southeast corner common to said Sections 36 bears $S00^{\circ}09'38''W$, a distance of 1221.48 feet.

The side lines of the last course are extended or shortened to terminate at the East line of said Section 36.

The width of the strip of land from the above described centerline is 20.00 feet on East side and 20.00 feet on the West side north of a line 200 feet south of and parallel with the East-West centerline of said Section 36 and 25.00 feet south of said line.

The heretofore description is written and based on a survey by Robert A. Hovden, Multnomah County Surveyor, recorded as Survey Number 60701, Multnomah County Survey Records, and by said reference are hereby made a part thereof.



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 02/15/07
Agenda Item #: R-4
Est. Start Time: 9:40 AM
Date Submitted: 01/31/07

RESOLUTION Approving Allocating Strategic Investment Program
Agenda Community Housing Funds to Assist in Developing A Low Income Housing
Title: Project by Human Solutions, Inc.

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

Requested Meeting Date: February 15, 2007 Amount of Time Needed: 10 minutes
Department: Human Services Division: DSCP
Contact(s): HC Tupper
Phone: 503/988-3114 Ext. 83114 I/O Address: 167/200
Presenter(s): HC Tupper

General Information

1. What action are you requesting from the Board?

We are requesting that the Board adopt the attached resolution approving the re-allocation of Strategic Investment Program (SIP) Community Housing Funds in the amount of \$100,000.00 to Human Solutions, Inc. proposed low-income housing project at the Arbor Glen Apartments at SE 145th & Division St. in Mid-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 February of 2006, the Board approved funding of seven proposals for low income housing, benefiting chronically homeless people, utilizing SIP Community Housing Funds. Among those proposals funded was a project by Human Solutions, Inc. to acquire and renovate the Raintree Apartments on SE 187th in Gresham. The SIP funds were earmarked specifically to provide permanent supportive housing for chronically homeless families in mid and east Multnomah County. This is the only SIP funded project that is specifically designed to benefit families. Human Solutions, Inc. was not able to complete acquisition of the property, after more than two years of diligent effort.

Human Solutions, Inc. has submitted a new proposal to make major renovations to the Arbor Glen Apartments, at 2609 SE 145th Avenue in outer Southeast Portland, and provide an equivalent housing and support service package to the previously SIP funded project at the Raintree Apts. The Arbor Glen Apartments are a 97-unit facility in nine buildings with a mix of two and three bedroom apartments. The target populations are 15 very low income and homeless families with significant and often multiple barriers to housing. There are enough units in the Arbor Glen to retain almost all of the current low-income residents while also accommodating the 15 permanent supportive housing units. Parenting classes, educational opportunity, job readiness training and intensive case management services will be provided by Human Solutions. Professional mental health services will be offered to the families on a regular basis by LifeWorks NW. Human Solutions is pursuing a "Harm Reduction" model on the site: not requiring complete abstinence from substance use and giving families choices about what level of services they wish to receive. Signed service agreements with the tenant families will not be used and services will not be terminated for failure to participate. Every effort will be made to engage each family creatively to both increase housing stability and allow pursuit of personal goals.

Human Solutions, Inc. is the sole general partner of a limited partnership created to purchase and renovate the Arbor Glen apartments in 2003. Since acquiring the project, the on-site sewer lines have proved inadequate and are a significant health and safety concern. Human Solutions desires to replace the on-site sewer system and make minor unit repairs as soon as possible. The limited partner in the Arbor Glen apartments, PNC Multifamily Capital, is providing the bulk of the renovation monies to the project.

Human Solutions intends to use the SIP Community housing funds to complete unit repairs and to contribute towards the sewer line replacement. The proposal from Human Solutions, Inc. for renovation of the Arbor Glen is attached with this memo along with more complete information concerning both the financial and service plans for the building. Should the Board approve the attached resolution staff will prepare a grant agreement for the disbursement of the SIP funds that secures the performance of Human Solutions, Inc. to provide permanent supportive housing at the site for a period of 60 years.

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

Human Solutions, Inc. is requesting that the \$100,000.00 previously awarded for the Raintree project is reallocated to the Arbor Glen Apartments project. There is no net change to the awarded amounts from the SIP Community Housing Fund. The SIP Community Housing Fund is sufficiently capitalized to make this grant this fiscal year. Human Solutions, Inc. needs the SIP Community Housing Funds in early spring 2007 to complete sewer line repairs on the site.

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

The Human Solutions, Inc. Arbor Glen Apartments proposal conforms to the principles and the highest priorities stated in the countywide Consolidated Plan of Multnomah County, the City of Portland and the City of Gresham (Housing and Community Development Commission 2006 - 2011). As the provider of social services to people with disabilities and special needs in our community, housing chronically homeless families with multiple problems such as addictions or mental health issues is a central focus for Multnomah County efforts to blend housing and support services. At least 15 of the units in the Arbor Glen Apts. will be reserved for chronically homeless families with little or no income. All the units in the Arbor Glen Apartments will be rented at affordable rates for 60 years.

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

The Housing Authority of Portland has agreed to reassign 15 units of project-based Section 8 rental assistance subsidy to the Arbor Glen apartments. The County Human Services department has agreed to transfer its commitment of "Bridges to Housing" case management funding to the Arbor Glen project. The Arbor Glen was acquired using funds from the State of Oregon's Risk Share Bond and Tax Credit program. There is considerable local government interest and investment in the success of the Arbor Glen project.

Required Signature

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



/mtl

Date: 01/31/07



www.humansolutions.org

January 2, 2007

Helping Families Help Themselves
Housing • Skill Development • Support Services

H.C. Tupper
Office of School and Community Partnerships
421 SW Oak, Suite 200
Portland, OR 97204

Dear H.C.,

Human Solutions is requesting the County's approval to transfer the \$100,000 Housing Development Grant from the Raintree Apartments to Arbor Glen Apartments, to provide support for 15 units of Permanent Supportive Housing for homeless families.

As described in the attached application, the HDG funds were awarded to the Raintree project in 2006 to assist with rehab of 15 units for formerly homeless, high resource using families. Unfortunately, due to escalating costs and depressed market rents, HSI determined that the Raintree project was not financially feasible, and the transaction was terminated. However, homeless families urgently need additional Permanent Supportive Housing units, and HSI can supply 15 units at the Arbor Glen project within the first quarter of this year. The units will be larger than originally proposed, and are in a complex that offers more amenities than would have been available at Raintree. Transfer of the \$100,000 grant will enable us to complete minor repairs on 15 two and three bedroom units and will contribute to emergency sewer replacement at the 97 unit Arbor Glen project. We would plan to draw down the funds between now and April; five of the 15 units could be ready for HAP inspection and occupancy by the end of January, with the others coming on in February and March.

Bridges to Housing (B2H) and HAP have both authorized the transfer of their respective funds awarded to Raintree to support the 15 units at Arbor Glen (enclosed). We are greatly relieved to be able to provide housing resources for homeless families despite the loss of the proposed Raintree units. Please advise if there is any additional information you need to take this request forward. Thank you for your prompt consideration of the transfer.

Sincerely,


Jean DeMaster
Executive Director

The Mid and East Multnomah County Community Development Corporation (CDC)

Portland Office 12350 SE Powell, Portland, OR 97236

Phone 503-548-0200

Fax 503-548-0299

Gresham Office 501 NE Hood, Suite 110, Gresham, OR 97030

Phone 503-988-4531

Fax 503-988-4203

ARBOR GLEN APARTMENTS

Multnomah County Housing Development Grant

Human Solutions, Inc.

December 21, 2006

I. Request

Human Solutions, Inc. is requesting that Multnomah County authorize the transfer of the 2006 Housing Development Grant of \$100,000 from the Raintree project to Arbor Glen Apartments to provide 15 units of Permanent Supportive Housing for high resource using families. Transfer of the previously awarded grant will enable Human Solutions to make an immediate investment in needed emergency repairs at the Arbor Glen property, and will bring 15 units of Permanent Supportive Housing, supported by Bridges to Housing case management services, on line during the first quarter of 2007.

II. Project Description and Background

In January 2006, Human Solutions, Inc. received a Housing Development Grant of \$100,000 to provide 15 units of Permanent Supportive Housing (PSH), under the Ten Year Plan to End Homelessness, to be sited at the Raintree Apartments in Gresham. In May, Raintree received an award from the State of Oregon. However, due to the State's tightened underwriting requirements, depressed market rents in Rockwood, and rapidly deteriorating condition of the project, the available financing still was insufficient to acquire and rehabilitate the property while keeping rents as low as needed for the target population. After nearly two years of effort, Human Solutions reluctantly terminated the purchase agreement for Raintree.

The proposed 15 PSH units for Raintree had also received strong support from the Bridges to Housing (B2H) program, as well as an award of Project Based Section 8 subsidy. Given the level of need for PSH units for high resource using families in the mid- and East County area, Human Solutions is determined to secure 15 units to replace what would have been provided at Raintree. HSI is the general partner in Arbor Glen, a 97 unit complex located at SE 145th and Division, where we can easily accommodate 15 PSH units among the two- and three-bedroom apartments. HSI requested that both the Section 8 allocation and the B2H case management support be transferred from Raintree to Arbor Glen. Both HAP and the B2H partnership have approved the transfer. Accordingly, we are now requesting that the \$100,000 SIP grant also be transferred, to complete minor rehabilitation on the 15 units and to assist in completing emergency sewer/drainage repairs at Arbor Glen.

Arbor Glen, formerly known as Whispering Winds, was acquired and rehabilitated in 2003-04 under the State's Risk Share Bond and 4% Tax Credit program. Human Solutions served as co-general partner in the Whispering Winds Housing Limited Partnership, with another entity who has since withdrawn from the project; the limited partner is PNC Multifamily Capital.

The original rehab was completed in 2004. Structural deficiencies arising since that time now necessitate additional interior and exterior repairs. Specifically, the sewer lines serving the project are inadequate and urgently need to be replaced. Related drainage improvements, as well as gutter/downspout repairs, will also be completed as part of the contract HSI will sign with S.D. Deacon the first week of January. Beginning in January through early March, as the sewer rebuild is underway, we will complete interior painting, carpet replacement and minor repairs to 15 units in 7 of the 9 buildings at Arbor Glen. HSI, Affinity Property Management, and PNC have committed to having 5 units ready for HAP approval and PSH leasing in each of the first 3 months of 2007.

As noted on the attached financials, the \$100,000 in transferred Housing Development Grant funds will be utilized early in 2007 to complete the unit repairs and contribute toward the sewer replacement and drainage work. HSI is committed to addressing the needs of homeless families in East County and Gresham by expanding our PSH program to include 15 apartments at Arbor Glen. We are grateful that both Bridges to Housing and HAP have agreed to transfer their commitments from Raintree to Arbor Glen. If Multnomah County also approves transfer of the Housing Development Grant, the additional \$100,000 in capital funding will enable Human Solutions to secure 15 PSH units for high resource using families early in the year, and facilitate the timely implementation of the Bridges to Housing commitment.

III. Services

Service Model and Substance Use: Human Solutions will model Bridges to Housing Services in large part after the Permanent Supportive Housing we currently operate at Greentree Court (11 units) and Douglas Meadows (1 unit). This is a Housing First/Harm Reduction approach, meeting high resource user homeless families where they are and working with them toward permanent housing stability and income self sufficiency. We are proposing to place 15 families in Arbor Glen, to be scattered throughout the 97 unit, 9 building project. As such, the units will not be alcohol and drug free although it is anticipated that many families will have members in recovery from substance abuse and actively engaged in activities to support their continued abstinence. If a person in recovery has a relapse, the Family Advocate will work with them to determine if they want treatment and if so, assist with the process. We will work with substance using household members who may or may not think they have a problem with substance use, primarily using motivational interviewing, to identify any behaviors they are engaging in that are harming themselves or their children and strategies to reduce these behaviors. In some cases this will mean giving referrals to alcohol and drug treatment providers for assessments and treatment recommendations, but in other cases it may simply be looking at reducing harm without expecting complete abstinence from substance use. Again, the focus will be on whether a particular person's substance use is creating a barrier to permanent housing stability or income self sufficiency. However, if illegal drugs are involved, that is a lease violation and as such will be handled according to Oregon Landlord Tenant Law.

Delivery of Intensive Case Management: The first step in service delivery, which will happen shortly before or after move-in, is the Needs Assessment. The needs assessment contains non-judgmental, open ended questions about a variety of issues that can create barriers to permanent

housing stability and income self sufficiency. This is completed by the Family Advocate and the head of household and forms the basis for the Action Plan.

The Family Team meeting will also happen shortly before or after move-in. This meeting includes all adult family members and service providers working with the family. The strengths based model utilized for the Family Team meeting identifies the family's strengths and needs and utilizes these strengths to meet the family's needs and overcome barriers. A benefit of the Family Team meetings is the coordination of services among providers and a recognition of what is and is not realistic for the family with the consideration of all the requirements, demands and expectations for the family. For example, if DHS is requiring bi-weekly parenting classes and a substance abuse treatment provider is requiring groups five days a week, it is probably not realistic for any other provider to require that this same parent attend domestic violence groups until at least one of the other requirements has been completed. It is extremely useful to bring everyone together in the same room so that later on team members can communicate more openly with each other to address concerns. From this point on, Family Team meetings will happen at least semi-annually. As more or different providers join the team for each family, the composition of the team may evolve over time.

The initial Action Plan is the work product of the Family Team meeting. The Action Plan is not proscriptive; rather it is a tool to help the family clarify their own goals and realistic steps as well as resources available toward achieving them. Typical areas of focus will include but are not limited to income self-sufficiency, housing stability, mental health and/or substance abuse treatment, education, parenting, children's developmental needs and life skills. Goals to address the needs of all family members are included in this plan. All Family Team members, including the family themselves, receive a copy of the Action Plan within one week of the meeting.

Best practices, according to a recent Corporation for Supportive Housing review of evaluation literature, are to make all services optional. The literature found that mandating services as part of Permanent Supportive Housing did not produce positive results and was correlated with a lower rate of housing stability. This fits in well with a Harm Reduction model, giving families choices about what level of services they wish to engage in or whether to engage at all. Thus, we will not use signed service agreements and families will not be terminated from services for failure to engage. However, every attempt will be made to creatively engage each family. For some families this may involve intensive work around goals, for others initial engagement may not occur until after cooking a meal together or an outing together to the neighborhood park.

Intensive case management will be delivered through a mix of primarily home with occasional office visits. Initially, one face to face meeting per week with each family will be scheduled with some flexibility for more visits if a family faces a short term crisis. Since all the housing in this project is close together, efficiencies are created allowing for more time to be spent with the families as opposed to traveling between sites. If there is a particular need, for example to use a computer to print a job application or resume, the visit can be scheduled in our office. As the family stabilizes, these meetings may be reduced to twice a month. It is also anticipated that there will be times when the Family Advocate accompanies family members to carry out more challenging parts of their Action Plan, for example obtaining a Temporary Restraining Order.

Case Management is individualized based on the identified needs and goals each family sets for him or her self. A number of issues that high resource user homeless families face create barriers to permanent housing stability and income self sufficiency. Most families will be working to overcome a number of barriers simultaneously. For example, a parent may be escaping severe domestic violence and having memories of past child abuse, and at the same time recognizing that completing a GED and then occupational certification at a community college will help stabilize both their income and housing. Plus, this person may be trying to stay away from drugs and alcohol because he or she used substances in the past to squelch memories of childhood trauma. Our Family Advocate will assist in sorting out what is realistic to accomplish in what period of time, how to balance between these new activities and daily family responsibilities and the logical order of tasks. Weekly visits are opportunities to check in on each family's goals, but also to offer support and problem solving help around other issues, needs or concerns they may have. Action plans are updated quarterly to reflect goals achieved, new goals and priorities and the steps towards achieving them.

All Bridges to Housing families will also be able to access free anti-poverty educational groups provided by Human Solutions through another funding source. These groups include Ready to Rent, Microsoft Word I and II, English as a Second Language, Excel, Job Club, domestic violence support (English and Spanish), "Moneywi\$e" and Financial Literacy. There is also a computer lab open at our 12350 SE Powell office with internet access and printers to assist with job search and application and personal correspondence. The Human Solutions Employment Specialist will be available for individual consultations with Bridges families for whom job search or job change is a goal.

Proposed Partnerships: Typically, each family will have a team of providers working with them. Family Advocates are not mental health counselors and thus, do not delve too deeply into emotional or mental health issues. If there is an unmet mental health need, the Family Advocate will help connect the family with a resource. At Greentree Court, all families are on the Oregon Health Plan and receive mental health services through the same therapist at LifeWorks NW, who comes on site and provides counseling weekly for each family. We will continue to use this partner when needed. Some of the referrals for this project will come from Child and Family Mental Health. Those families, and possibly families referred through other county services, will already be connected with a mental health counselor in which case we will bring the existing provider into our service team. Human Solutions looks forward to this increased partnership with Multnomah County.

The Permanent Supportive Housing team meets one morning a week for approximately an hour. This team includes the Family Advocate, Resident Services and Asset Management (Housing) staff. Once a month, the LifeWorks NW Mental Health Specialist also attends. At meetings, each family is discussed briefly to bring all team members up to date on pertinent information. This helps to ensure that all members of the team are working in a complementary manner towards congruent ends, and to clarify roles and goals between each team member when they are not clear cut. This model will be adapted for the Bridges to Housing Project, with different partners invited to meetings on a regular basis, but not all partners present at all meetings. The Family Advocate, Resident Services and Asset Manager (Housing) will be at all meetings.

Confidentiality will be respected and in no case will partner providers be present for discussions pertaining to families that they are not working with.

Assisting Families to Access Childcare and Other Needed Services: The intensive case management as well as the availability of child care subsidies and flexible assistance dollars lends itself to appropriate referrals to assist families in accessing needed services. Since Human Solutions is part of the SUN system and also holds contracts for Information and Referral, we have many different sources of information on community resources. Depending on the needs in each family's individual Action Plan, the Family Advocate will offer referrals to childcare and other community resources. In some cases this may require internet or other research, which will be done in partnership with the family as practical. The Family Advocate may also accompany a parent to visit and a potential child care or other service provider and offer support as they evaluate whether the provider is a good match to their needs.

Service Coordination with Housing: Since both the services and the housing are provided through Human Solutions, service coordination is streamlined. As mentioned above, the Permanent Supportive Housing Team meets weekly and includes the Family Advocate, Resident Services and Asset Management (Housing) staff. The team approach helps tremendously so that, for example, if a family has been violating or coming close to violating minor parts of their lease, the Family Advocate finds out about it immediately and can work with the family to address the problem before it escalates into a possible eviction.

Differentiation between Bridges to Housing Case Management and Resident Services: Resident services focus on socialization and life skills, while case management focuses on permanent housing stability and income self sufficiency. Also, Resident Services are available to all residents of a housing complex while case management is provided only to those households who are working with an enhanced service program and choose to engage. See the chart below for typical division of activities. All possible activities are not covered.

Sample activities illustrating differentiation between Case Mgmt. and Resident Services		
Activity	Family Advocate (c/mgmt)	Resident Services
Job search and retention support	x	
Referrals to and assistance with safe, affordable child care	x	
Connecting with mental health, parenting, substance abuse and domestic violence services	x	
ESL classes to increase employability	x	
Monthly bus pass to get to community college, work or medical/mental health appointments	x	
Learning to cook nutritious meals on a budget		x
After school homework clubs and activities for children		x
Arranging mobile library services with books in various languages		x
Summer free lunch program with family activities		x
Weekly community dinners and holiday celebrations		x

There is some natural overlap. For example, if a family and their Family Advocate have had a hard time engaging, the Family Advocate might suggest a trip to the Zoo to begin to build trust in a fun and completely neutral manner, but a trip to the Zoo as a group could also be something that Resident Services offers periodically. In most cases, however, the distinction is clear.

IV. Project Budget

Amount Requested:	\$100,000
Purpose of Grant:	Support Renovation of 15 2 and 3 BR units, including emergency sewer replacement
Anticipated Date Needed:	February 15, 2007
Sources and Uses of Financing attached, dated 12/20/06.	

Development Team, Sponsor Capacity, and Financial Partners

Human Solutions is the general partner of Whispering Winds Housing Limited Partnership, the owner of Arbor Glen. HSI has acquired and rehabilitated or built 539 units of housing (see enclosed inventory). We are the sole general partner in six Low Income Housing Tax Credit projects and co-general partner in a seventh LIHTC property; owner of two HUD-assisted very low income projects; and owner/builder of four infill new construction projects for very large families totaling 35 units of 3- and 4-bedrooms.

Development activities at HSI are managed by Jean DeMaster, Executive Director, and Dorene Warner, Housing Director, whose resumes include a combined total of over 35 years experience in housing development. Our housing department includes Jeffrey Jewel, Housing Development Coordinator, who is the project manager for the renovation of Arbor Glen, and Melissa Rinehimer, Asset Management Coordinator, who is responsible for oversight of property management for the HSI portfolio. Arbor Glen is managed by Affinity Property Management, whose on-site resident manager works closely with HSI's Asset Management, Resident Services and Social Services staff.

**ARBOR GLEN APARTMENTS
SOURCES and USES**

USES OF FUNDING

Project Name: ARBOR GLEN **Date:** 12/20/06

Direct Construction Costs

Interior Renovation 15 units	45,000
Sewer and Drainage Work	216,827
Gutter/downspout cleaning & repair	3,000
Project Management	21,186

Subtotal Direct Costs

286,013

Other Phase 1 Costs

Outstanding A/P	174,038
Operating Subsidy, 1st Quarter 2007	52,700

Subtotal Other Costs

226,738

TOTAL PROJECT COST

\$512,751

SOURCES OF FUNDING

	Status
PNC Multifamily Capital Advance	412,751 Commitment by Limited Partner 12/06
Multco Housing Development Grant	100,000 Awarded for Raintree Spring 2006
TOTAL PROJECT SOURCES	<u><u>\$512,751</u></u>



RENT
ASSISTANCE
DEPARTMENT

December 6, 2006

Erika Silver
Director of Social Services
Human Solutions
12350 SE Powell Blvd
Portland, OR 97236

Dear Erika:

I am writing in response to Human Solutions request to move the 15 project based units assigned to Raintree Apartments over to the Arbor Glen Apartments effective for January 2007. Based on your need to do additional work on a replacement project for the Raintree this move will serve to assist your families in need of housing and services at a much quicker timeline. In addition you have noted that the service component will also be switched to the Arbor Glen Apartments to accommodate the needs of your clients.

Your request has been approved. We are noting for our records that 15 pba units will come on line sometime in early 2007 at the Arbor Glen Apartments. Please remember once units are ready for occupancy to contact our offices for a pba start-up meeting to discuss the leasing up of those units and pending inspections. We look forward to hearing from you soon in regard to this project.

Please feel free to contact me if you have any additional questions.

Sincerely,

Dena Ford-Avery, VHM
Acting Rent Assistance Director
Rent Assistance Programs

Cc: HAP File

HOUSING AUTHORITY
OF PORTLAND

135 S.W. Ash Street
Portland, OR 97204

Tel 503.802.8333
Fax 503.802.8589
TTY 503.802.8554

www.hapdx.org





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Helping Families Help Themselves
Housing · Skill Development · Support Services

November 16, 2006

Dena Ford-Avery, Acting Section 8 Director
Housing Authority of Portland
135 SW Ash Street
Portland OR 97204

Dear Dena,

I am writing on the recommendation of Shelley Marchesi. As you know, Human Solutions was awarded fifteen PBS8s for the Raintree Apartments in Rockwood as part of the Bridges to Housing RFPQ. This was to be a rehabilitation project of a fairly dilapidated apartment complex. Unfortunately the State of Oregon has imposed new requirements on the project and we have had to terminate the purchase agreement. We plan to proceed with a similar project but at a different location in Rockwood at NE 181st and Couch.

In the same RFPQ Human Solutions also qualified for 15 future units at Arbor Glen, 2609 SE 145th in Portland. We have already received approval from Seth Lyons at Multnomah County and Janet Byrd of Bridges to Housing to switch the services component to Arbor Glen. In the "pipeline" of projects for Bridges to Housing, we would be moving Arbor Glen to the "top tier" and the Raintree Apartments to the "second tier."

We are formally requesting that the current 15 PBS8 Certificates be transferred from the Raintree project to Arbor Glen Apartments. The Arbor Glen units are under rehabilitation and are expected to be ready for occupancy in January of 2007. Of course, we are aware of HAP habitability standards and inspection requirements, and we will contact your office as soon as the first of the units is ready for inspection.

Thank you in advance for your attention to this matter and please do not hesitate to let me know if you have questions or would like to arrange a meeting or a tour of the property.

Respectfully,

A handwritten signature in black ink, appearing to read "Erika Silver", followed by a long horizontal flourish.

Erika Silver, Director of Social Services
(503) 548-0209 Portland office
(503) 988-4530 ext 232 Gresham office
esilver@humansolutions.org

Cc: Margaret Van Vliet, Shelley Marchesi, Jean DeMaster, Dorene Warner

The Mid and East Multnomah County Community Development Corporation (CDC)

Portland Office 12350 SE Powell, Portland, OR 97236
Gresham Office 501 NE Hood, Suite 110, Gresham, OR 97030

Phone 503-548-0200 Fax 503-548-0299
Phone 503-988-4531 Fax 503-988-4203



Department of County Human Services
MULTNOMAH COUNTY OREGON

421 SW Oak Street, Suite 620
Portland, Oregon 97204-1817
(503) 988-3691 Phone
(503) 988-3379 Fax
(503) 988-3598 TDD

January 30, 2007

Ericka Silver, Director of Social Services
Human Solutions
12350 SE Powell Boulevard
Portland, OR 97239

Dear Ms. Silver,

This is to confirm that Multnomah County has approved for funds awarded to Human Solutions, Inc. through the Bridges to Housing program for use at the Raintree Apartments to be transferred to the Arbor Glen project.

This approval assumes there are no changes to the program model submitted in your Bridges to Housing application.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jana McLellan', is written over the word 'Sincerely,'.

Jana McLellan
Administrative Services Manager

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Approving Allocation of Strategic Investment Program Community Housing Funds to Assist in Developing a Low Income Housing Project by Human Solutions, Inc.

The Multnomah County Board of Commissioners Finds:

- a. By Resolution 06-024, Human Solutions, Inc. received a commitment of \$100,000.00 from Multnomah County to develop housing at a site at 800-874 SE 187th Avenue in Gresham to provide permanent supportive housing for chronically homeless families.
- a. provide permanent supportive housing for chronically homeless families.
- b. Human Solutions, Inc. was unable to complete the acquisition of the property at 800-874 SE 18th Avenue.
- c. Human Solutions, Inc. owns an apartment complex at 2609 SE 145th Avenue, the Arbor Glen Apartments, and proposes building renovations and operating a housing program serving the same high-need families at this site ("Arbor Glen Project").
- d. Human Solutions, Inc. requests that the County allow the allocation of \$100,000.00 in SIP Community Housing Funds to the Arbor Glen Project.
- e. It is in the best interest of the County to allocate the funds to the Arbor Glen Project

The Multnomah County Board of Commissioners Resolves:

1. The allocation of \$100,000.00 in SIP Community Housing Funds Human Solutions, Inc. for the Arbor Glen Project is approved subject to the terms and conditions of the Grant Agreement.
2. The Chair is authorized to execute the Grant Agreement and all related documents.

ADOPTED this 15th day of February, 2007.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
John S. Thomas, Deputy County Attorney

SUBMITTED BY:
Joanne Fuller, Director, Dept. of County Human Services

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-031

Approving Allocation of Strategic Investment Program Community Housing Funds to Assist in Developing a Low Income Housing Project by Human Solutions, Inc.

The Multnomah County Board of Commissioners Finds:

- a. By Resolution 06-024, Human Solutions, Inc. received a commitment of \$100,000.00 from Multnomah County to develop housing at a site at 800-874 SE 187th Avenue in Gresham to provide permanent supportive housing for chronically homeless families.
- b. Human Solutions, Inc. was unable to complete the acquisition of the property at 800-874 SE 18th Avenue.
- c. Human Solutions, Inc. owns an apartment complex at 2609 SE 145th Avenue, the Arbor Glen Apartments, and proposes building renovations and operating a housing program serving the same high-need families at this site ("Arbor Glen Project").
- d. Human Solutions, Inc. requests that the County allow the allocation of \$100,000.00 in SIP Community Housing Funds to the Arbor Glen Project.
- e. It is in the best interest of the County to allocate the funds to the Arbor Glen Project

The Multnomah County Board of Commissioners Resolves:

1. The allocation of \$100,000.00 in SIP Community Housing Funds Human Solutions, Inc. for the Arbor Glen Project is approved subject to the terms and conditions of the Grant Agreement.
2. The Chair is authorized to execute the Grant Agreement and all related documents.

ADOPTED this 15th day of February, 2007.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
John S. Thomas, Deputy County Attorney

SUBMITTED BY:
Joanne Fuller, Director, Dept. of County Human Services



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 02/15/07
Agenda Item #: R-5
Est. Start Time: 9:50 AM
Date Submitted: 02/07/07

BUDGET MODIFICATION: -

Agenda Title: **RESOLUTION Confirming the Interim Designation for Multnomah County Commissioner District 1 in the Event of a Vacancy**

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

Requested Meeting Date:: February 15, 2007 Amount of time Needed: 2 mins
Department: Non-Departmental Division: County Attorney's Office
Contact(s): Agnes Sowle
Phone: 503 988-3138 Ext. 83138 I/O Address: 503/500
Presenter(s): Agnes Sowle

General Information

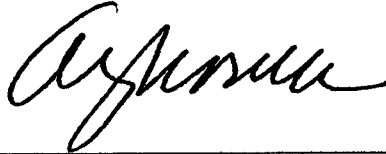
1. What action are you requesting from the Board?
Adopt resolution confirming interim designation.
2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.
Multnomah County Charter Section 4.50(3) and Multnomah County Code 5.005 require elected officials to designate a Charter qualified interim occupant to serve until a vacancy is filled by election or appointment. This resolution confirms the interim designation of the District 1 Commissioner as submitted and stated in the attached letter.
3. Explain the fiscal impact (current year and ongoing).
Not applicable.
4. Explain any legal and/or policy issues involved.
Complies with requirements of the Multnomah County Charter, Multnomah County Code and Oregon Revised Statutes as cited in general information 2.

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

Not applicable.

Required Signatures

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



Date: 02/07/07

Budget Analyst:

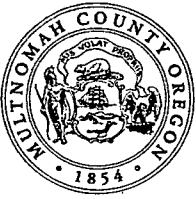
Date: _____

Department HR:

Date: _____

Countywide HR:

Date: _____



Commissioner Maria Rojo de Steffey


MULTNOMAH COUNTY OREGON

District One

RECEIVED
FEB 07 2007

Memorandum

TO: Chair Ted Wheeler
Commissioner Jeff Cogen
Commissioner Lisa Naito
Commissioner Lonnie Roberts

FROM: Commissioner Maria Rojo de Steffey 

DATE: February 5, 2007

SUBJECT: Interim Designee for District 1

I am naming Gale Castillo as my new interim designee for District 1. Attached is Ms. Castillo's Bio. I am sure that you will agree that she is highly qualified to fill this position.

I will place her name on the agenda for the February 15th board meeting and ask for your support.

Thank you.



"Printed on recycled paper"



501 SE Hawthorne Blvd., Suite 600, Portland, Oregon 97214
Phone: (503) 988-5220, FAX: (503) 988-5440, E-Mail: district1@co.multnomah.or.us

Gale Castillo
5750 SW Alfred St.
Portland, Oregon 97219

Gale Castillo is the Executive Director of the **Hispanic Metropolitan Chamber**. Ms. Castillo is one of the founding members of the Hispanic Chamber that was established in 1994. The Hispanic Chamber is a local chapter of the U.S. Hispanic Chamber in Washington D.C. The mission of the Hispanic Chamber is to work with all members of the community to increase the economic advancement of Hispanic-owned businesses. The Hispanic Chamber is the largest Hispanic Chamber in the Northwest with 700 members. The Hispanic Chamber services and programs include: technical assistance to Latino businesses, scholarships for Latino students statewide, leadership development training; an Annual Trade Show, Construction Career training, and monthly membership luncheon meetings.

Ms. Castillo represents the Hispanic Chamber as a member of the Contract Management Group (CMG), responsible for the management of the City of Portland's "Smart Park Garages". The CMG includes: Star Park, the African-American, the Philippine American Chambers of Commerce and the Hispanic Chamber.

Ms. Castillo is also the co-owner of **Cascade Centers, Inc.**, one of the largest privately held companies that provides Employee Assistance Program (EAP) services and staff development throughout the United States.

Before taking on the responsibilities of the Hispanic Chamber, Ms. Castillo operated a retail store: *Bellissima Fine Gifts* and a business consulting firm: *Castillo and Associates*. Consulting contracts included projects funded by the Oregon Department of Transportation, Oregon Economic Development Department, and Tri-Met to provide technical assistance to minority and women-owned businesses throughout Oregon in the areas of: management, marketing, finance, construction, and contract opportunities. Ms. Castillo has also conducted international training seminars for groups from Latin America regarding: strategic planning, leadership development, training of trainers and other topics.

Ms. Castillo has worked in both public and private sector. Public service has included working as an Assistant to Governor Neil Goldschmidt. Ms. Castillo was appointed by the Governor, as the State Manager of the Oregon Economic Development Department's Job Training Administration. Ms. Castillo has also worked for Portland Community College and a community action agency for a variety of job training and community development programs. In the private sector, Ms. Castillo has worked for AT&T, Pacific Northwest Bell, and RESTOR Communications in management, marketing, and national sales positions.

Ms. Castillo has been recognized by a variety of groups for her community service. In April 2004, Ms. Castillo was selected by the US Small Business Administration as ***Oregon's 2004 Minority Small Business Advocate of the Year***. Also in April of 2004, Ms. Castillo was recognized by the *Business Journal* as one of the top ***Woman Executives of the Year for Non-profit organizations***. In October of 2002, the *Oregon Business Magazine* named Ms. Castillo as one of ***"Fifty to Follow"*** in Oregon. In 1994, Ms. Castillo was one of 20 ***"Hero Award Recipients"***, named by the Oregon Women's Political Caucus. In 1992, Ms. Castillo received the ***George Russill Community Service Award*** for exceptional and effective volunteer public service, and in 1983, Ms. Castillo received the ***Golden Aztec Award*** from the Oregon Human Development Corporation for outstanding leadership and community service. *Oregon Business Magazine* has also previously named Ms. Castillo one of the ***"One Hundred Who Lead in Oregon"***.

Ms. Castillo's current community involvements include:

- Metropolitan Exposition Recreation Commission (MERC), Commissioner, which over sees the Oregon Convention Center, the Expo Center, the Keller Auditorium and the Performing Arts Center.
- US Bank, Business Advisory Board
- PSU Foundation Board
- Construction, Apprenticeship & Workforce Solutions, Inc. (CAWS) , Board of Directors
- Portland Trail Blazers Business Advisory Board
- American Leadership Forum, Class IV Fellow and former Board member

Past community activities have included:

- Portland Development Commissioner, appointed by Portland Mayor Vera Katz
- Portland/Guadalajara Sister Cities Association, Vice President, Board of Directors
- STARS Program (Students Today Aren't Ready For Sex), Board member
- Northwest Regional Educational Laboratory, Board member
- City of Portland's Blue Ribbon Committee regarding a new economic development strategy
- Mayor Vera Katz' Selection Committee for the Portland Police Chief, Member
- Mayor-elect Vera Katz' Transition Team regarding Public Safety, Co-Chair
- Founding Member, Hispanic Metropolitan Chamber

Ms. Castillo is of Mexican-American decent and was raised in Oakland, California in an ethnically diverse community. Ms. Castillo received her Bachelor of Arts degree from Linfield College and a Masters degree from Portland State University. Ms. Castillo is married to Gerald "Jerry" Brown and has two sons Anthony Castillo Brown and Robert Castillo Mejia.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Confirming the Interim Designation for Multnomah County Commissioner District 1 in the Event of a Vacancy

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County Charter Section 4.50(3) and Multnomah County Code 5.005 require elected officials to designate an interim occupant to serve until a vacancy is filled by election or appointment. The designee must meet the Charter qualifications for appointees of such offices.
- b. In compliance with Multnomah County Charter Section 5.005(B)(1) and (4), Maria Rojo de Steffey, Multnomah County Commissioner for District 1, designates Gale Castillo as interim occupant of that office.

The Multnomah County Board of Commissioners Resolves:

1. The Board confirms Gale Castillo to serve as interim occupant for Multnomah County Commission District 1 in the event of a vacancy in that office.

ADOPTED this 15th day of February, 2007.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Agnes Sowle, County Attorney

SUBMITTED BY:
Agnes Sowle, County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-032

Confirming the Interim Designation for Multnomah County Commissioner District 1 in the Event of a Vacancy

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County Charter Section 4.50(3) and Multnomah County Code 5.005 require elected officials to designate an interim occupant to serve until a vacancy is filled by election or appointment. The designee must meet the Charter qualifications for appointees of such offices.
- b. In compliance with Multnomah County Charter Section 5.005(B)(1) and (4), Maria Rojo de Steffey, Multnomah County Commissioner for District 1, designates Gale Castillo as interim occupant of that office.

The Multnomah County Board of Commissioners Resolves:

1. The Board confirms Gale Castillo to serve as interim occupant for Multnomah County Commission District 1 in the event of a vacancy in that office.

ADOPTED this 15th day of February, 2007.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Agnes Sowle, County Attorney

SUBMITTED BY:
Agnes Sowle, County Attorney



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 02/15/07
Agenda Item #: R-6
Est. Start Time: 9:52 AM
Date Submitted: 02/07/07

Agenda Title: RESOLUTION Establishing a Task Force on Vital Aging

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

Date Requested:	February 15, 2007	Time Requested:	20 mins
Department:	Non-Departmental	Division:	Chair/Commission District 1
Contact(s):	Barbara Willer/Matthew Lashua		
Phone:	503 988 -5002	Ext.	85002
I/O Address:	503/600		
Presenter(s):	Jay Bloom, Mary Shortall		

General Information

1. What action are you requesting from the Board?

Adopt a resolution creating a taskforce on vital aging.

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.

Older adults who are actively engaged are more likely to remain independent and contributing citizens for a longer period of their life. Older adults who are able to live independently have a better quality of life and potentially demand less private and public resources.

Approval of this resolution will create a taskforce on vital aging led by Chair Wheeler and Commissioner Rojo de Steffey. It will assess and identify new opportunities, best practices, barriers and recommendations for enhancing the independence, engagement and contributions of older adults in Multnomah County.

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

An expert on older adult issues, Jay Bloom will facilitate and staff the taskforce. Staffing is estimated at \$25,000 this fiscal year. A program offer will be created for next fiscal year.

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.

It is anticipated the task force will consist of 12 – 20 members made up of a cross section of high-level local leaders from business, government, media, philanthropic and nonprofit organizations and other community groups. Extensive public outreach will take place during the task force's charge.

Required Signature

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

TED WHEELER

Date: 02/07/07

Maria Rojo de Steffen

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Establishing a Task Force on Vital Aging

The Multnomah County Board of Commissioners Finds:

- a. According to the U.S. Census, the United States population aged 65 and over is expected to double in size within the next 25 years. By 2030 almost one in every five Americans will be 65 years or older. The age group 85 and older is the now the fastest growing segment of the population.
- b. Today, Multnomah County enjoys an elder population approaching 100,000 with 12% of this population over 85 years of age.
- c. Older adults are a vital resource including considerable wisdom, expertise, and available time. Research from many sources concludes the more actively engaged older adults are, the more likely they will remain independent and contribute back to the community. The more older adults are able to live independently, the better their quality of life and potentially less demand for private and public resources.
- d. Senior volunteerism through Multnomah County's Aging and Disability Services and community partners has been successful. During Fiscal Year 2005/2006, over 278,000 volunteer hours were logged; offering Multnomah County approximately \$5,000,000 of in-kind support.
- e. It is in the best interest of Multnomah County to expand and enhance these efforts.

The Multnomah County Board of Commissioners Resolves:

1. A taskforce on vital aging be convened to assess and identify new opportunities, best practices, barriers and recommendations for enhancing the independence, engagement, and contributions of older adults in Multnomah County and our region.
2. Chair Ted Wheeler and Commissioner Maria Rojo de Steffey will determine the shape and logistics of the taskforce and will appoint all members to the taskforce.

3. The taskforce will report to the Board by March, 2008 with key findings and a recommendation for best practices to engage older adults in the following two areas:
 - a. Civic Engagement: Identify and recommend best practices for optimizing and engaging older adults in the nonprofit and governmental sectors.
 - b. Employment: Identify and recommend best practices for older adults for flexible work arrangements in such areas as job sharing, part time or episodic work and retraining.

ADOPTED this 15th day of February, 2007.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Agnes Sowle, County Attorney

SUBMITTED BY:
Chair Ted Wheeler and Commissioner Maria Rojo de Steffey

#1

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: 02.15.07

SUBJECT: Establishing Task Force on Vital Aging

AGENDA NUMBER OR TOPIC: R-6

FOR: ☒ AGAINST: ☐ THE ABOVE AGENDA ITEM

NAME: Michael Eagan, Advocacy Coord; Elders in Action

ADDRESS: 13048 SE STEPHENS St

CITY/STATE/ZIP: Portland, OR 97233

PHONE: DAYS: (503) 255-6393 EVES:

EMAIL: wmm@msn.com

FAX:

SPECIFIC ISSUE:

WRITTEN TESTIMONY:

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.

#2

**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: 3/15/07

SUBJECT: Aging Task Force

AGENDA NUMBER OR TOPIC: R 6

FOR: X AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Betty Brislawn

ADDRESS: 1500 NE 15 Ave.

CITY/STATE/ZIP: Portland 97232

PHONE: DAYS: 503-329-7945 EVES: _____

EMAIL:  FAX: _____

SPECIFIC ISSUE: thank you for addressing aging issues

WRITTEN TESTIMONY: 'Elders In Action' on behalf of the seniors in Multnomah county are grateful for the attention given by the board to needs of this population

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.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-033

Establishing a Task Force on Vital Aging

The Multnomah County Board of Commissioners Finds:

- a. According to the U.S. Census, the United States population aged 65 and over is expected to double in size within the next 25 years. By 2030 almost one in every five Americans will be 65 years or older. The age group 85 and older is the now the fastest growing segment of the population.
- b. Today, Multnomah County enjoys an elder population approaching 100,000 with 12% of this population over 85 years of age.
- c. Older adults are a vital resource including considerable wisdom, expertise, and available time. Research from many sources concludes the more actively engaged older adults are, the more likely they will remain independent and contribute back to the community. The more older adults are able to live independently, the better their quality of life and potentially less demand for private and public resources.
- d. Senior volunteerism through Multnomah County's Aging and Disability Services and community partners has been successful. During Fiscal Year 2005/2006, over 278,000 volunteer hours were logged; offering Multnomah County approximately \$5,000,000 of in-kind support.
- e. It is in the best interest of Multnomah County to expand and enhance these efforts.

The Multnomah County Board of Commissioners Resolves:

1. A taskforce on vital aging be convened to assess and identify new opportunities, best practices, barriers and recommendations for enhancing the independence, engagement, and contributions of older adults in Multnomah County and our region.
2. Chair Ted Wheeler and Commissioner Maria Rojo de Steffey will determine the shape and logistics of the taskforce and will appoint all members to the taskforce.

3. The taskforce will report to the Board by March, 2008 with key findings and a recommendation for best practices to engage older adults in the following two areas:
- a. Civic Engagement: Identify and recommend best practices for optimizing and engaging older adults in the nonprofit and governmental sectors.
 - b. Employment: Identify and recommend best practices for older adults for flexible work arrangements in such areas as job sharing, part time or episodic work and retraining.

ADOPTED this 15th day of February, 2007.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Agnes Sowle, County Attorney

SUBMITTED BY:
Chair Ted Wheeler and Commissioner Maria Rojo de Steffey



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 02/15/07
Agenda Item #: R-7
Est. Start Time: 10:10 AM
Date Submitted: 02/06/07

Agenda Title: PUBLIC HEARING to Consider an Order Granting with Conditions the Ballot Measure 37 Claim of Dorothy English to Not Apply Certain Regulations in Lieu of Payment of Compensation to Allow the Creation of Legal Parcels at 13100 NW McNamee Road, Portland

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

Requested Meeting Date: February 15, 2007 Amount of Time Needed: 30 minutes
Department: Non-Departmental Division: Chair's Office
Contact(s): John Thomas, Derrick Tokos
Phone: 503 988-3138 Ext. 83138 22682 I/O Address: 503/500 / 455/116
Presenter(s): Chair Ted Wheeler

General Information

1. What action are you requesting from the Board?

Approval of Board Order on Measure 37 Claim.

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.

Dorothy English filed a demand for compensation under Ballot Measure 37 with Multnomah County on December 2, 2004. The Claim was for payment of \$1,150,000 or non-application of regulations to allow her to create 8 separate legal parcels for the construction of single family homes out of her existing property located at 13100 NW McNamee Road, Portland, Oregon 97231 by serial partitions, not to exceed two partition parcels per year.

On March 17, 2005 the Board approved Order 05-041 ("2005 Order") in response to the Claim acting to not apply certain regulations with the intent to permit her proposed development.

On May 18, 2006, the Board approved a second order, Order 06-083 ("2006 Order"), acting further

to not apply additional regulations and continuing to enforce only those regulations that concerned health and safety and the procedures by which the County determines that health and safety requirements have been met.

On May 16, 2006, Mrs. English sued Multnomah County seeking compensation under Measure 37 based on her claim. In the litigation, she and the County agreed that certain regulations in the 2005 Order and the 2006 Order could continue to be applied to her proposed development as health and safety regulations under Measure 37 without payment of compensation. On December 26, 2006 judgment was entered in the litigation in favor of Claimant in the sum of \$1,150,000 as just compensation under Measure 37.

Measure 37 provides that "in lieu of payment of just compensation under this section, the governing body responsible for enacting the land use regulation may modify, remove, or not to apply the land use regulation or land use regulations to allow the owner to use the property for a use permitted at the time the owner acquired the property."

The proposed order provides, in lieu of payment of compensation to Mrs. English, that certain regulations be not applied to allow Mrs. English to develop her property in the manner requested in her claim. The order sets out an expedited and simplified approval procedure in lieu of the normal land use application process. The order requires that all lots created through this process will comply with appropriate health and safety regulations before a building permit is issued.

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

Approval of the Order will have no fiscal impact.

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

The proposed order does not set any policy for other Measure 37 claims. The Dorothy English claim was filed before the Board adopted its Measure 37 implementation ordinance. The Board has previously determined that its ordinance therefore does not apply to her claim. Other Measure 37 claims are being administered under the implementing ordinance.

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

Notice was published in the Oregonian and was provided by mail to Mrs. English and all property owners within 750 feet of the Dorothy English property and was sent by email to the attorney for Mrs. English. Those receiving notice and all others who wish to comment on the proposed order will be permitted to offer testimony before the Board considers the order.

Required Signature

Elected Official or
Department/
Agency Director:



Date: 02/06/07

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

Order Granting with Conditions, Ballot Measure 37 Request of Dorothy Pauline English to Not Apply Certain Land Use Regulations in Lieu of Payment of Compensation to Allow the Creation of Eight Legal Parcels for the Construction of Single Family Residences on Real Property Located At 13100 NW McNamee Road, Portland

The Multnomah County Board of Commissioners Finds:

- a. Dorothy Pauline English ("Claimant") filed a demand for compensation ("Claim") under Ballot Measure 37 with Multnomah County on December 2, 2004. The Claim was for payment of \$1,150,000 or waiver of regulations to allow her to create 8 separate legal parcels out of her existing property located at 13100 NW McNamee Road, Portland, Oregon 97231 ("Property") by serial partitions not to exceed two partition parcels per year for the construction of single family homes ("Proposed Development").
- b. On March 17, 2005 the Board approved Order 05-041 ("2005 Order") in response to the Claim and waived certain regulations with the intent to permit the Proposed Development.
- c. On May 18, 2006, the Board approved Order 06-083 ("2006 Order"). The 2006 Order was in response to a letter dated March 24, 2006 from Donald Joe Willis, attorney for Claimant. The letter and attached map described a partition to create two new parcels on the Property. The regulations that remained in effect after the 2006 Order concerned health and safety and the procedure by which the County determines that health and safety requirements have been met.
- d. On May 16, 2006, Claimant filed a complaint in the Multnomah County Circuit Court seeking compensation under Measure 37 based on her Claim ("Litigation"). In the Litigation, Claimant and the County agreed that certain regulations in the 2005 Order and the 2006 Order could continue to be applied to the Proposed Development as health and safety regulations under Measure 37 without payment of compensation. On December 26, 2006, judgment was entered in the Litigation in favor of Claimant in the sum of \$1,150,000 as just compensation under Measure 37.
- e. It is in the best interest of Multnomah County to not apply land use regulations to allow the Proposed Development in lieu of payment of just compensation.
- f. It is in the best interest of the County to not apply the County's procedural regulations relating to land divisions to Claimant's Proposed Development and to

allow Claimant to instead use the approval process described below to obtain approval of the Proposed Development.

The Multnomah County Board of Commissioners Orders:

1. In lieu of payment of just compensation, Multnomah County elects to not apply all land use regulations except those described in Section 3.a. below to allow Claimant to create 8 separate legal parcels out of her Property for the construction of single family homes.
2. Because Claimant did not apply for partitions in 2005 and 2006, Claimant shall be entitled to seek approval for up to 7 new parcels in one application utilizing the process set out below.
3. Upon receipt by the County Attorney of a drawing and legal descriptions from Claimant describing parcels proposed for partition together with a request to approve the proposed parcels under Measure 37 as legal parcels, the Board shall consider the request at a public hearing. Notice of the hearing shall be given to owners of property within 750 feet of Claimant's property not less than 14 days prior to the hearing. At the hearing the Board shall take testimony from Claimant and the public and shall then consider the request. All parcels approved by the Board as legal parcels shall be subject to the following conditions:
 - a. After approval of parcels as provided above but prior to issuance of a building permit on any of the approved parcels, Claimant shall, for each approved parcel, submit information and documents to the County Land Use Planning Program sufficient to comply with the requirements of the following regulations:
 1. §33.5500 to 33.5525 Hillside Development and Erosion Control
 2. §29.330 to 29.345 Grading and Erosion Control Code
 3. §§29.012 through 29.013 Building and Fire Codes
 4. §§29.571 and 29.573 Right-of-Way and Drainage
 5. §33.2273 Access. (without application of the words "and convenient")
 6. §§33.2261(excluding paragraph (B)(2)) Development Standards for Dwellings and Structures
 7. §33.2310 Exceptions to Secondary Fire Safety Codes
 8. §33.7890 Land Suitability
 9. §33.7950 and 33.7985 Water Systems
 10. §33.7955 and 33.7990 Sewage Disposal (except that no sanitary sewer line or branches to the right of way will be required)
 11. §33.7960 and 33.7995 Surface Drainage
 12. §33.8015-8035 Requirements for a plat. (In addition to these requirements the plat shall state in a note: "Subject to the

conditions in Multnomah County Order No. ____ approved pursuant to Ballot Measure 37 (ORS 197.352)"

13. §29.506 Permits Required for Work in Right of Way (except no fees will be assessed)
 14. Road Rules §§4.200, 4.300, 4.400 and 4.500 (access to Claimant's parcels on both sides of McNamee Road is allowed and not prohibited by these rules)
 15. Road Rule §18.000 et seq except §18.120, §18.150, §18.170, §18.280, and §18.300 (access to Claimant's parcels on both sides of McNamee Road is allowed and not prohibited by these rules)
- b. If any of the proposed parcels cannot meet the requirements set forth in paragraph 3.a. above, Claimant may submit amended drawings and legal descriptions to the Board for review and approval.
 - c. No land use application for approval of the partition or development of parcels will be required of Claimant. No fees will be assessed to Claimant to obtain approval of the partition or development under the regulations listed in 3.a. above. In the administration of the above regulations, where a County procedure provides for notice to owners of property within 750 feet of Claimant's property, such notice will be given.
 - d. If there is a disagreement between Claimant and the County concerning whether Claimant has complied with the requirements of any of the above-referenced regulations, to expedite approval of Claimant's proposed partition, Claimant shall have the right to elect to have such disagreement resolved by binding arbitration in accordance with the following procedure: The arbitrator will be selected by agreement of Claimant and the County or, if no agreement can be reached, then by the presiding judge of the Multnomah County Circuit Court from a list of arbitrators supplied by each party. The arbitrator will determine whether each regulation at issue has been administered by the County in accordance with its terms and, if the arbitrator deems it appropriate, according to relevant recent practice of the County in similar circumstances. The County will pay for the costs of the arbitrator. Each party shall be responsible for that party's costs to prepare and present information to the arbitrator. The arbitration process shall be as determined by the arbitrator. If Claimant elects arbitration, the arbitrator's decision will be final and binding on the parties.
4. If multiple approvals are sought, all partitions under the Proposed Development shall be done following the procedure described above.
 5. The right of Claimant to transfer rights under this Order shall be as provided by law.

6. In the event that any provision of ORS 197.352 is repealed or amended such that the non-application of County land use regulations to the Property is not required by state law, the terms and conditions set forth above shall, upon the effective date of such repeal or amendment, be of no further force and effect. From and after the effective date of such repeal or amendment, all regulations which the County elected to not apply to Claimant's Claim in this Order shall be enforced.

ADOPTED this 15th day of February, 2007.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
John. S. Thomas, Deputy County Attorney

SUBMITTED BY:
Chair Ted Wheeler

Script for March 15, 2007 Dorothy English Measure 37 Hearing

INTRODUCTION:

Chair: This is the time set for public hearing on the claim of **Dorothy English** under Ballot Measure 37. I am Ted Wheeler, Chair of the Multnomah County Board of Commissioners. Also in attendance are **Commissioners Maria Rojo, Lisa Naito, Jeff Cogen and Lonnie Roberts**.

All information relevant to the claim may be submitted and will be considered in this hearing. The evidence may be in any form including oral and written testimony, letters, petitions or other written material, slides, photographs, maps drawings or other items.

The Commission will base its decision on the evidence presented, along with the information on the claim in the Planning file. The Board decision will be by Order adopted by the Board.

DISCLOSURES:

Chair: Board members are required to disclose the content of any *ex parte* contacts. Any Board member who has received any factual information obtained outside the information provided by the county planning staff or this hearing is an *ex parte* contact. A visit to the property is considered an *ex parte* contact. Any *ex parte* contacts should be disclosed at this time. Such disclosures should include the time and date of the visit, what he/she observed, who (if anyone) the Commissioner talked to at the site and any other relevant facts or observations obtained as a result of the site visit.

Chair: I have *no ex parte* contacts to disclose.

or if the Chair has disclosures to make

I have the following disclosures to make: _____

Chair: [Invite the other Commissioners to make any necessary disclosures.]

Commissioner Rojo? Commissioner Naito? Commissioner Cogen? Commissioner Roberts? [If there are none, each Commissioner should say "none" on the record.]

[If there are disclosures of *ex parte* contacts, the claimant and the public should be given an opportunity to rebut the substance of any disclosure. "Does anyone have any rebuttal testimony relating to any disclosure?"]

Chair: Board members are also required to disclose any conflicts of interest and to recuse themselves from deliberation and voting if a conflict exists. It is deemed a conflict of interest if any Board member, or a member of his/her immediate family or household, has a financial interest in the outcome of a matter before the Board. It is a conflict of interest if a Board member lives within the geographical area entitled to notice of a claim.

Script for March 15, 2007 Dorothy English Measure 37 Hearing

Chair: Does any Board member, or a member of his/her immediate family or household, have a financial interest in the outcome of matter now before us?

I do [do not] have a financial interest in the outcome of this matter. [Invite other commissioners to make any necessary disclosures.] **Commissioner Rojo?**

Commissioner Naito? Commissioner Cogen? Commissioner Roberts? [If yes, that person must recuse himself/herself on the record.]

Does any Board member live within the geographical area entitled to notice of claim?

I do [do not] live within the geographical area. **Commissioner Rojo? Commissioner Naito? Commissioner Cogen? Commissioner Roberts?**

[Any commissioner who lives within the relevant geographical area must recuse himself/herself. MCC 7.540]

CONDUCT OF THE HEARING:

Chair: I will ask for testimony and other evidence in the following order:

1. In lieu of the Staff Report, I am going to make a brief presentation before we hear testimony
2. Claimant or claimant's representative
3. Others who wish to be heard on the claim
4. Commission discussion, questions, deliberation
5. Future scheduling if necessary

HOW TO PRESENT TESTIMONY:

Chair: There are testimony cards at the back of the room and should be filled out by anyone wishing to testify. The claimant need not fill out a card. The cards should be given to the Board Clerk.

1. State your name and address before you begin your presentation
2. Avoid repetitive testimony
3. During the hearing, I ask those in the audience to refrain from any demonstration in support or opposition to the claim.

Chair: [Ask for testimony in the order listed above]

AT THE CONCLUSION OF THE TESTIMONY:

Chair: [Ask for Board discussion, questions, deliberation, **motion** and/or future scheduling if necessary]

R-7

**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: 2/15/07

SUBJECT:

Dorothy English claim (Measure 37)

AGENDA NUMBER OR TOPIC:

The proposed County Resolution

FOR: X

AGAINST: (Conditionally)

THE ABOVE AGENDA ITEM

NAME:

Brion Lightcap

ADDRESS:

13342 NW Newberry Rd

CITY/STATE/ZIP:

Portland

PHONE:

DAYS: 286-5273

EVES: _____

EMAIL:

lightcap8@aol.com

FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: _____

on a separate sheet

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.

February 15, 2007

My name is Brian Lightcap. I reside on my 52 acre agro-forestry farm at 13342 NW Newberry Rd, outside Portland in NW Multnomah County. I could have filed a claim but decided to stick by my conservation ethics and my respect for the lengthy period time that land use laws came to be and the openness of that effort. I am speaking on behalf of myself, and in recognition to my deceased wife Christine Lightcap (past President of West Hills & Island Neighbors), and the many hundreds of citizens in NW Multnomah County who relied on our precious, land use rules to fight a government proposed regional landfill. All of these people, including Dorothy English, benefited from the dogged, self sacrificing efforts to fight a regional landfill, and use those rules to find a site that served the needs of the entire Northwest.

protected Little did we know that Ms. English and many others in this area whose property values were ~~enhanced~~ through the work of others, and who supported the idea of using land use laws to thwart local government landfill, would turn around and say, "oh but lets not use these rules to affect certain landowners." What a convenient double standard! The land use process took 30 years and Counties gave provision to landowners to parcel lots during this period. But I guess we're doing this now instead

There should be nothing wrong with the idea of placing a non-conforming house or two for family or to supplement farm and forest owner incomes. I agree there shouldn't onerous restrictions for placing a home on a 20 plus acres on some small parcel forest lands, after all I did. And that gave me to opportunity to engage in some enlightened agro forestry management. But at the same time thousands of others in this county still have those kinds of resource management opportunities, but they don't do anything or can't because the parcel is so small. And as a result, basic natural resource production loss continues, and Oregon continues to lose its natural resource base and with it a generation of future farmers and private forest managers. I started with 23 acres.

As much as I despise that the public was fooled so that in 1 year, 30 years of land use planning was undone, and that counties were and still are unprepared to deal with volume of claims, I could support the Dorothy English request for 7 lots if they were scaled back in a way that provided for most of the land to be managed for forest and wildlife purposes. All but one of the lots should be between 1 and 2 acres. One large parcel should be established dedicated for a buyer, truly interested and capable of managing a forest and wildlife resources. This helps preserve the land use intent of reducing the steady loss of productive forest lands in the county.. I'm sure all the parcels will sell fairly quickly and still provide a substantial financial benefit to the English family. The return even with reduced parcel sizes will nevertheless be a return far beyond the English's ever imagined.

Respectfully submitted


Brian Lightcap

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 07-034

Order Granting with Conditions, Ballot Measure 37 Request of Dorothy Pauline English to Not Apply Certain Land Use Regulations in Lieu of Payment of Compensation to Allow the Creation of Eight Legal Parcels for the Construction of Single Family Residences on Real Property Located At 13100 NW McNamee Road, Portland

The Multnomah County Board of Commissioners Finds:

- a. Dorothy Pauline English ("Claimant") filed a demand for compensation ("Claim") under Ballot Measure 37 with Multnomah County on December 2, 2004. The Claim was for payment of \$1,150,000 or waiver of regulations to allow her to create 8 separate legal parcels out of her existing property located at 13100 NW McNamee Road, Portland, Oregon 97231 ("Property") by serial partitions not to exceed two partition parcels per year for the construction of single family homes ("Proposed Development").
- b. On March 17, 2005 the Board approved Order 05-041 ("2005 Order") in response to the Claim and waived certain regulations with the intent to permit the Proposed Development.
- c. On May 18, 2006, the Board approved Order 06-083 ("2006 Order"). The 2006 Order was in response to a letter dated March 24, 2006 from Donald Joe Willis, attorney for Claimant. The letter and attached map described a partition to create two new parcels on the Property. The regulations that remained in effect after the 2006 Order concerned health and safety and the procedure by which the County determines that health and safety requirements have been met.
- d. On May 16, 2006, Claimant filed a complaint in the Multnomah County Circuit Court seeking compensation under Measure 37 based on her Claim ("Litigation"). In the Litigation, Claimant and the County agreed that certain regulations in the 2005 Order and the 2006 Order could continue to be applied to the Proposed Development as health and safety regulations under Measure 37 without payment of compensation. On December 26, 2006, judgment was entered in the Litigation in favor of Claimant in the sum of \$1,150,000 as just compensation under Measure 37.
- e. It is in the best interest of Multnomah County to not apply land use regulations to allow the Proposed Development in lieu of payment of just compensation.
- f. It is in the best interest of the County to not apply the County's procedural regulations relating to land divisions to Claimant's Proposed Development and to

allow Claimant to instead use the approval process described below to obtain approval of the Proposed Development.

The Multnomah County Board of Commissioners Orders:

1. In lieu of payment of just compensation, Multnomah County elects to not apply all land use regulations except those described in Section 3.a. below to allow Claimant to create 8 separate legal parcels out of her Property for the construction of single family homes.
2. Because Claimant did not apply for partitions in 2005 and 2006, Claimant shall be entitled to seek approval for up to 7 new parcels in one application utilizing the process set out below.
3. Upon receipt by the County Attorney of a drawing and legal descriptions from Claimant describing parcels proposed for partition together with a request to approve the proposed parcels under Measure 37 as legal parcels, the Board shall consider the request at a public hearing. Notice of the hearing shall be given to owners of property within 750 feet of Claimant's property not less than 14 days prior to the hearing. At the hearing the Board shall take testimony from Claimant and the public and shall then consider the request. All parcels approved by the Board as legal parcels shall be subject to the following conditions:
 - a. After approval of parcels as provided above but prior to issuance of a building permit on any of the approved parcels, Claimant shall, for each approved parcel, submit information and documents to the County Land Use Planning Program sufficient to comply with the requirements of the following regulations:
 1. §33.5500 to 33.5525 Hillside Development and Erosion Control
 2. §29.330 to 29.345 Grading and Erosion Control Code
 3. §§29.012 through 29.013 Building and Fire Codes
 4. §§29.571 and 29.573 Right-of-Way and Drainage
 5. §33.2273 Access. (without application of the words "and convenient")
 6. §§33.2261(excluding paragraph (B)(2)) Development Standards for Dwellings and Structures
 7. §33.2310 Exceptions to Secondary Fire Safety Codes
 8. §33.7890 Land Suitability
 9. §33.7950 and 33.7985 Water Systems
 10. §33.7955 and 33.7990 Sewage Disposal (except that no sanitary sewer line or branches to the right of way will be required)
 11. §33.7960 and 33.7995 Surface Drainage
 12. §33.8015-8035 Requirements for a plat. (In addition to these requirements the plat shall state in a note: "Subject to the

conditions in Multnomah County Order No. ____ approved pursuant to Ballot Measure 37 (ORS 197.352)")

13. §29.506 Permits Required for Work in Right of Way (except no fees will be assessed)
 14. Road Rules §§4.200, 4.300, 4.400 and 4.500 (access to Claimant's parcels on both sides of McNamee Road is allowed and not prohibited by these rules)
 15. Road Rule §18.000 et seq except §18.120, §18.150, §18.170, §18.280, and §18.300 (access to Claimant's parcels on both sides of McNamee Road is allowed and not prohibited by these rules)
- b. If any of the proposed parcels cannot meet the requirements set forth in paragraph 3.a. above, Claimant may submit amended drawings and legal descriptions to the Board for review and approval.
 - c. No land use application for approval of the partition or development of parcels will be required of Claimant. No fees will be assessed to Claimant to obtain approval of the partition or development under the regulations listed in 3.a. above. In the administration of the above regulations, where a County procedure provides for notice to owners of property within 750 feet of Claimant's property, such notice will be given.
 - d. If there is a disagreement between Claimant and the County concerning whether Claimant has complied with the requirements of any of the above-referenced regulations, to expedite approval of Claimant's proposed partition, Claimant shall have the right to elect to have such disagreement resolved by binding arbitration in accordance with the following procedure: The arbitrator will be selected by agreement of Claimant and the County or, if no agreement can be reached, then by the presiding judge of the Multnomah County Circuit Court from a list of arbitrators supplied by each party. The arbitrator will determine whether each regulation at issue has been administered by the County in accordance with its terms and, if the arbitrator deems it appropriate, according to relevant recent practice of the County in similar circumstances. The County will pay for the costs of the arbitrator. Each party shall be responsible for that party's costs to prepare and present information to the arbitrator. The arbitration process shall be as determined by the arbitrator. If Claimant elects arbitration, the arbitrator's decision will be final and binding on the parties.
4. If multiple approvals are sought, all partitions under the Proposed Development shall be done following the procedure described above.
 5. The right of Claimant to transfer rights under this Order shall be as provided by law.

6. In the event that any provision of ORS 197.352 is repealed or amended such that the non-application of County land use regulations to the Property is not required by state law, the terms and conditions set forth above shall, upon the effective date of such repeal or amendment, be of no further force and effect. From and after the effective date of such repeal or amendment, all regulations which the County elected to not apply to Claimant's Claim in this Order shall be enforced.

ADOPTED this 15th day of February, 2007.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

TED WHEELER
Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By

John S. Thomas, Deputy County Attorney

SUBMITTED BY:
Chair Ted Wheeler

Commissioner
LISA NAITO BOARD
Comment 02.15.07

Findings from 5520 Project surveys

Public Health

Findings from the **25 counties** reporting to AOC indicate that **more than \$109 million** of county discretionary funds were allocated to **public health** services for the 2003-2005 biennium.

Mental Health

Findings from the **23 counties** reporting to AOC indicate that **more than \$60 million** of county discretionary funds were allocated to **mental health** services for the 2003-2005 biennium.

Juvenile

Findings from the **28 counties** reporting to AOC indicate that **more than \$149 million** of county discretionary funds were allocated to **juvenile** services for the 2003-2005 biennium.

District Attorney

Findings from the **30 counties** reporting to AOC indicate that **more than \$101 million** of county discretionary funds were allocated to **district attorney** services for the 2003-2005 biennium.

Veterans

Findings from the **25 counties** reporting to AOC indicate that **more than \$3 million** of county discretionary funds were allocated to **veteran** services for the 2003-2005 biennium.

Assessment and Taxation

Findings from the **27 counties** reporting to AOC indicate that **more than \$44 million** of county discretionary funds were allocated to **assessment and taxation activities** for the 2003-2005 biennium.

Economic Development

Findings from the **28 counties** reporting to AOC indicate that **more than \$108 million** of county discretionary funds were allocated to **economic development** activities for the 2003-2005 biennium. The 28 counties report expenditure of \$19,478,118 video lottery funds for economic development purposes.

Loss of the
Secure Rural Schools and Community Self-Determination Act
PL 106-393

What does it mean for Oregon?

(Based on 2006 payments)

Annual Loss to County General Funds	\$107,694,187
Annual Loss to County Road Funds	\$ 91,515,327
Annual Loss to Oregon Schools	\$ 31,000,000
TOTAL ANNUAL LOSS TO OREGON	\$ 230,209,514

Let's put that in biennial terms:

Biennial Loss to County General Funds	\$215,388,374
Biennial Loss to County Road Funds	\$183,030,654
Biennial Loss to Oregon Schools	\$ 62,000,000
TOTAL BIENNIAL LOSS TO OREGON	\$460,419,028

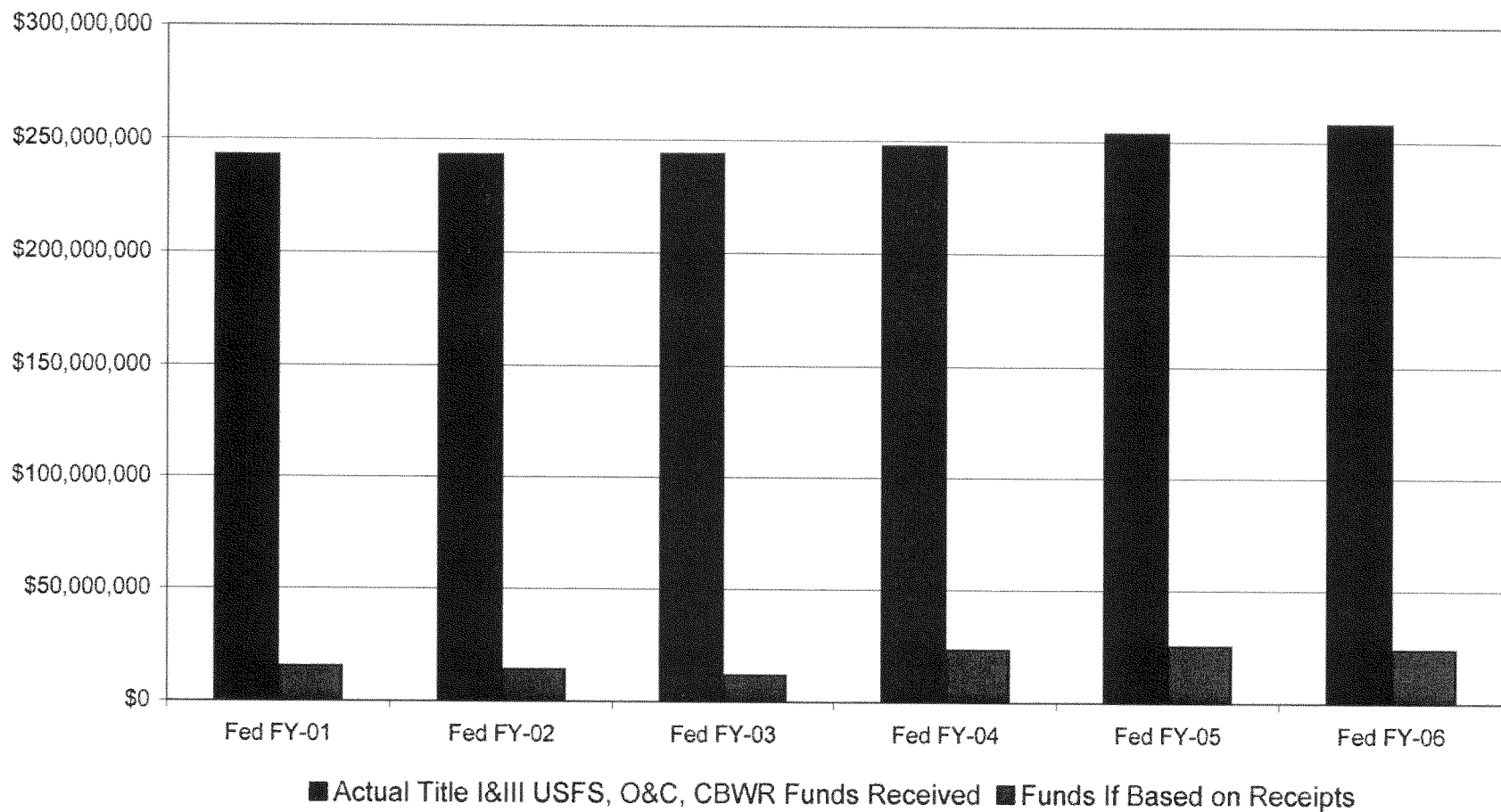
33 of Oregon's 36 counties received money from PL 106-393

42 of the 50 states received money from PL 106-393

Oregon's schools and counties received more than 54 percent of the national total.

NOTE: These figures represent the net loss of payments to counties due to the expiration of PL 106-393. Actual revenue-sharing payments from management activity on federal lands will continue. Actual payments are approximately 15% of what counties received under PL 106-393, as shown in the attached chart.

Historical Potential Loss of Revenue To Oregon Counties Without PL 106-393



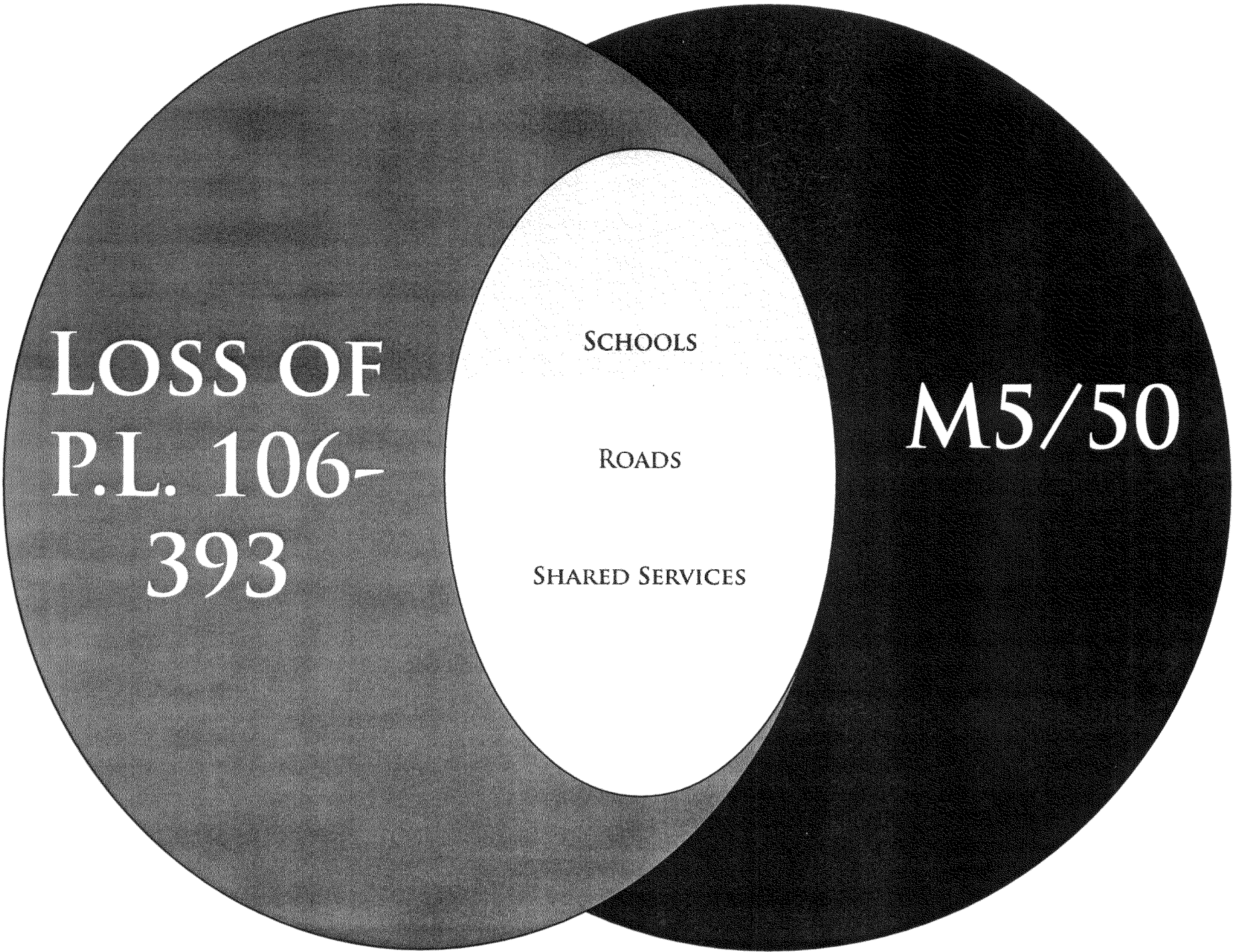
IMPACTS to OREGON COUNTIES
From LOSS of PL 106-393 REVENUES
General and Road Fund Discretionary* Revenues
Based on FY 2006 Revenues and Forest Receipts

GENERAL FUNDS						ROAD FUNDS		
	Percent State and Federal Ownership	Permanent Rate Authority	Total County General Fund Discretionary* Revenue	Revenue Loss to County General Funds without PL 106-393	General Fund Percent Loss without PL 106- 393	Total County Discretionary* Road Revenues	Revenue Loss to County Road Funds without PL 106-393	Road Fund Percent Loss without PL 106-393
Baker	52.3%	\$3.7286	\$4,449,345	\$48,069	1%	\$2,217,105	\$698,488	32%
Benton	20.4%	\$2.2052	\$18,265,497	\$2,854,315	16%	\$5,625,449	\$301,390	5%
Clackamas	45.2%	\$2.9766	\$85,645,700	\$6,033,758	7%	\$25,376,616	\$4,015,949	16%
Clatsop	11.9%	\$1.5338	\$10,673,481	\$0	0%	\$5,288,660	\$0	0%
Columbia	7.2%	\$1.3956	\$7,819,219	\$2,025,115	26%	\$3,872,612	\$0	0%
Coos	29.7%	\$1.0799	\$12,174,455	\$6,618,909	54%	\$5,214,451	\$465,995	9%
Crook	51.2%	\$3.8702	\$5,551,585	\$273,047	5%	\$4,400,917	\$2,293,076	52%
Curry	61.2%	\$0.5996	\$6,217,436	\$3,926,908	63%	\$5,216,324	\$3,154,973	60%
Deschutes	78.9%	\$1.2783	\$34,179,358	\$356,912	1%	\$11,382,489	\$1,798,844	16%
Douglas	50.5%	\$1.1124	\$35,133,774	\$24,193,131	69%	\$23,250,092	\$13,621,781	59%
Gilliam	3.7%	\$3.8450	\$1,271,726	\$0	0%	\$1,161,515	\$0	0%
Grant	60.7%	\$2.8819	\$2,123,829	\$460,171	22%	\$8,318,784	\$6,072,283	73%
Harney	77.6%	\$4.5016	\$2,500,307	\$62,961	3%	\$3,706,251	\$2,581,627	70%
Hood River	71.8%	\$1.4171	\$2,575,579	\$158,856	6%	\$4,101,399	\$1,549,276	38%
Jackson	46.9%	\$2.0099	\$44,993,258	\$15,468,661	34%	\$16,323,079	\$3,819,289	23%
Jefferson	18.8%	\$3.5662	\$5,601,960	\$86,141	2%	\$2,029,539	\$337,007	17%
Josephine	62.4%	\$0.5867	\$16,901,216	\$11,565,938	68%	\$7,361,425	\$1,733,575	24%
Klamath	55.8%	\$1.7326	\$11,220,375	\$2,811,003	25%	\$17,215,439	\$9,519,417	55%
Lake	78.0%	\$3.7619	\$2,580,286	\$131,746	5%	\$5,099,055	\$3,263,171	64%
Lane	55.4%	\$1.2793	\$51,983,626	\$18,082,992	35%	\$38,649,394	\$17,939,390	46%
Lincoln	36.3%	\$2.8202	\$15,853,766	\$821,861	5%	\$6,714,919	\$3,172,764	47%
Linn	39.2%	\$1.2736	\$26,852,783	\$3,653,676	14%	\$14,230,188	\$5,795,484	41%
Malheur	75.6%	\$2.5823	\$5,512,896	\$0	0%	\$3,042,449	\$6,427	0%
Marion	33.5%	\$3.0252	\$53,121,314	\$2,034,319	4%	\$15,636,157	\$2,186,787	14%
Morrow	14.7%	\$4.1347	\$4,561,104	\$8,474	0%	\$3,126,529	\$182,038	6%
Multnomah	28.8%	\$4.3434	\$238,369,487	\$1,243,767	1%	\$41,140,719	\$594,347	1%
Polk	11.3%	\$1.7160	\$9,358,526	\$2,183,740	23%	\$3,670,566	\$6,994	0%
Sherman	9.6%	\$8.7141	\$2,032,688	\$0	0%	\$1,334,798	\$0	0%
Tillamook	64.2%	\$1.4986	\$12,829,972	\$731,605	6%	\$4,491,909	\$1,696,087	38%
Umatilla	17.7%	\$2.8487	\$11,556,792	\$50,866	0%	\$4,853,915	\$498,188	10%
Union	48.1%	\$2.8515	\$4,357,242	\$51,948	1%	\$2,783,648	\$538,440	19%
Wallowa	57.6%	\$2.5366	\$1,896,551	\$69,356	4%	\$2,346,551	\$809,488	34%
Wasco	14.8%	\$4.2523	\$6,604,093	\$217,346	3%	\$3,847,308	\$1,660,164	43%
Washington	13.5%	\$2.2484	\$105,326,814	\$553,847	1%	\$52,396,685	\$0	0%
Wheeler	23.6%	\$8.5266	\$950,265	\$53,398	6%	\$1,358,738	\$731,863	54%
Yamhill	15.4%	\$2.5775	\$15,528,244	\$861,350	6%	\$5,751,482	\$470,724	8%
			\$876,574,550	\$107,694,187	12%	\$362,537,156	\$91,515,327	25%

* Discretionary does not include funds that are dedicated to a specific project or service

Association of Oregon Counties

February 2007



LOSS OF
P.L. 106-
393

SCHOOLS

ROADS

SHARED SERVICES

M5/50

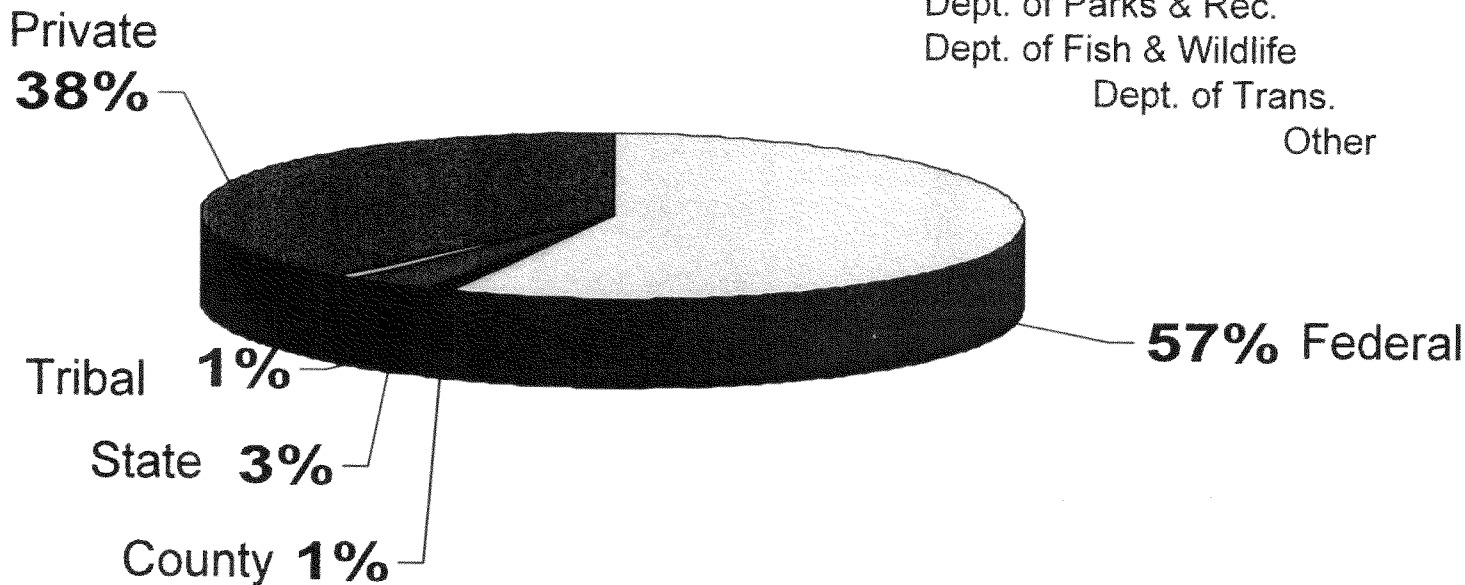
Oregon Land Ownership (Acres)

Federal	34,556,870
BLM	15,707,693
O & C	2,651,771
USFS	15,548,851
US Fish & Wildlife	486,139
National Parks	162,416

County	554,287
Tribal	815,469

Private	23,546,337
----------------	-------------------

State	1,924,093
Dept. of Admin. Services	401
Dept. of Aviation	1,413
Dept. of State Lands	781,619
Military Dept.	2,400
Dept. of corrections	4,639
Dept. of Human Services	149
Youth Authority	390
University System	51,369
Dept. of Education	58
State Fair	158
Dept. of Forestry	658,025
Dept. of Parks & Rec.	96,137
Dept. of Fish & Wildlife	150,729
Dept. of Trans.	176,563
Other	40



PL 106-393 In-State Strategy

The overriding issue facing Oregon counties this legislative session is the inaction by Congress to reauthorize PL 106-393, the Secure Rural Schools and Community Self-Determination Act. Although efforts continue at the Federal level, we must be prepared for the possibility that Congress will not act, and if they do, any such action will not be timely. With that said, AOC remains committed to full reauthorization of PL 106-393, but we must run a parallel effort at the state level.

It remains an uphill battle to fully engage all of the necessary players at the state level, but we are making headway. Thanks to a great deal of hard work by so many on the 5520 project last year, we have a leg up on the education process that is now occurring.

This document outlines the broader AOC strategy for coping with the loss of PL 106-393 funds at the state level. It is designed to be a highway map. County roads, city streets and alleyways will be filled in as we move down the road. As with any plan, detours and potholes may present themselves – we will grab those effective detours or deal with the potholes as they come.

This strategy has five parts:

1. Grassroots

It is absolutely critical that we all follow the same map. This includes county commissioners and judges, other elected officials, road officials, affiliates, associates, communicators, government affairs staff and all others in the county family. Also included are private lobbyists who represent counties. AOC will:

- Coordinate information and data among the county family
- Collect and analyze county data

2. Executive

- Work with the Governor and Legislative leadership to create a crisis management team.
- AOC leadership will meet with state agency heads and policy advisors individually to cooperatively develop “fixes” for each issue area
- Work with the Governor to implement county “stabilizers”

3. Legislative

With or without the loss of PL 106-393, AOC needs support of our shared service systems as outlined in our interim work with the 5520 project. The Governor’s budget recognizes the needs in these critical

shared service systems and we support his budget in those areas. The support of these systems as proposed by the Governor's budget becomes even more important with the loss of PL 106-393.

What the Legislature can do to help counties with the loss of PL 106-393 (in no particular order of importance):

- Support the Governor's shared service budget
- Create Crisis Management Team for Interim work on loss of PL 106-393
- Create a permanent forum for a continuing discussion of PL 106-393 and other important state-county governance issues (i.e. an Oregon Governance Council created by the Governor or Legislative leadership. Worst case scenario is that AOC create such a forum and invite all to the table)
- Include AOC and counties in discussions of revenue options
- Support a change in the transportation formula to a 50% state, 30% counties and 20% cities on all revenues, not just new revenue.
- Support the proposed increase in the beer tax as proposed in HB 2535.
- Identify and create solutions to the structural handcuffs that provide roadblocks for counties to help themselves
- Work with AOC to implement county "stabilizers"
- Preserve shared revenues
- Provide flexible standards for programs
- Access to E-Board for urgent county problems
- Access to 2008 Special Session
- NO NEW MANDATES
- Do not increase expenses (including employment costs)
- No preemption of local revenue authority
- No state exemptions
- Do not erode counties' ability to raise local revenue

4. Toolbox

AOC will create a toolbox of options for counties to consider as they work through the loss of PL 106-393 funds. For example:

- Local option levy
- 451 service district
- Special Districts
- Regionalization of services
- Finance options, i.e. local government investment pool
- Revenue producing options, i.e. system development charges, vehicle registration fee, gas tax, income tax, sales tax (general or specific)

- RIF risk management and other human services and insurance needs – CIS

5. Constitutional and Statutory Fixes

- Elimination of double majority requirement
- Reform of Measures 5 and 50

AOC will keep our members informed and prepared to act when necessary. You can help us by providing information in a timely manner, offering your thoughtful suggestions and providing feedback. This is a team effort, and we must all work together, because right now the RUBBER MEETS THE ROAD.

February 12, 2007

To: County Commissioners

Fr: AOC

Re: Departments or programs Counties may be assessing for cuts

The Association of Oregon Counties is currently working with the Governor's Office to bring counties and state agencies together to begin to deal with the loss of PL 106-393. The information provided below will be helpful in determining which state agencies AOC needs to work most closely with to provide relief from the loss of funds. Albeit preliminary, please indicate below which state/county shared services and other county public services will potentially be impacted by your county's discretionary **general fund** loss. Please do not include road fund losses in this quick questionnaire.

What county departments are likely to face cuts due to the loss of PL 106-393, and what might those cuts look like?

Can you estimate the number of FTEs that will be eliminated or laid off? What percentage of your workforce does this represent?

Additional Information:

PLEASE RETURN THIS INFORMATION TO AOC BY FEBRUARY 16, 2007

The answers to these questions will be used to guide discussions with the State. It is understood that the information contained herein is subject to change.

7/30/05

NOTE TO
FORWARD
+ cover other peace officers
+ shall to may
confined sum
• Sunset DA after 2 years

EXECUTIVE SUMMARY

(1 objection)

- The use of deadly force by police officers is a matter of statewide concern.
- The most effective responses will grow from a partnership between the state and local communities.
- Events involving the use of deadly force are part of a continuous cycle involving the community and peace officers.

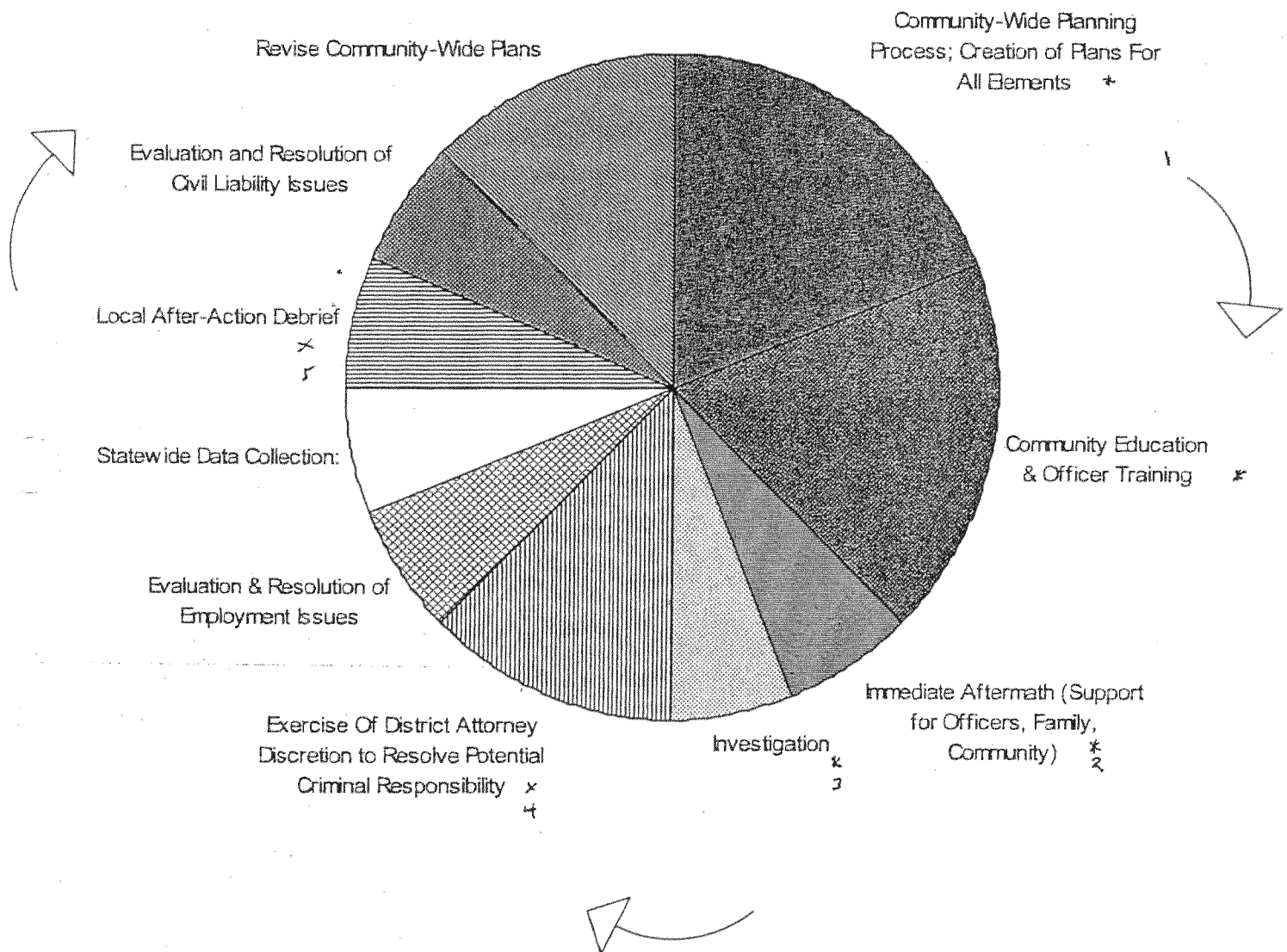
Key Recommendations For Legislation

- A "Planning Authority" in each county co-chaired by the District Attorney and Sheriff will have responsibility for drafting five plans: (1) Education, community outreach and training; (2) Support for officers, their families, and the families of those who may have been killed by an officer; (3) Investigation; (4) Resolution by the District Attorney of the potential criminal liability of the officer; and (5) Data collection and debriefing.
- If each plan is approved by city councils and county governments, and if the Attorney General determines that each plan satisfies specified statutory standards, state general funds will be made available on a matching-grant basis to political subdivisions and law enforcement agencies to facilitate the planning process and to help implement the plans.
- Require every law enforcement agency to adopt a policy describing the circumstances under which peace officers employed by that agency may use deadly force.
- Forbid any agency from taking sole responsibility for investigating one of its own officers who killed an individual.
- Permit District Attorneys to submit to a grand jury evidence about any use of deadly force by a peace officer.

- Require grand jury testimony to be transcribed verbatim, and released to the public under most circumstances, whenever the District Attorney decides to submit to the grand jury the facts about a death resulting from an officer's use of deadly force.
- Forbid law enforcement agencies from returning involved officers to active duty any sooner than 72 hours after the incident occurs.
- Require law enforcement employers to provide at least two mental health counseling sessions for involved officers and require the officer to attend at least one of the sessions.
- Prohibit an inquest jury from convening before the District Attorney has resolved the officer's potential criminal culpability.
- Exclude from evidence in civil cases the conclusions and recommendations of after-action or other debriefing process specified in the local plan.
- Require law enforcement agencies to collect, and the state to compile, data about incidents in which the use of deadly force causes death or injury requiring hospitalization.
- Appropriate sufficient resources to state agencies to support successful implementation of the state-local partnership, including additional training resources for the Department of Public Safety Standards and Training and for the Oregon Department of Justice.
- Make most new elements of law, including the first issuance of grants, effective July 1, 2006.

7/30/05

WHEN DUTY AND LIFE COLLIDE: COMPREHENSIVE APPROACHES TO PEACE OFFICER USE OF DEADLY FORCE



Report and Recommendations

Attorney General Hardy Myers
March 22, 2005



Deadly force

Bill would change investigations of shootings

This week's shooting of an unarmed 15-year-old by a Springfield police officer should prod the Oregon Legislature to approve Attorney General Hardy Myers' plan to make changes in the way law enforcement agencies investigate officers' use of deadly force.

Senate Bill 301 would amend state law to make deadly force investigations more transparent and more consistent across the state. It would improve training for police to help them both avoid and deal with fatal incidents, and it would ensure that support is available for both families of victims and officers.

The legislation was prompted by several Portland police shootings in recent years, although Sunday's fatal shooting of 15-year-old Jason Michael Porter in Springfield makes it clear that police use of deadly force is a statewide issue.

Many Oregon law enforcement agencies have only limited plans and policies that address deadly force; some have none. SB 301 requires that the district attorney and sheriff in each of Oregon's 36 counties lead local task forces that would draw up plans to be submitted to the attorney general for review.

While the plans would have to meet basic standards, they could be tailored to meet local preferences. For example, police agencies in Lane County could craft policies mandating that any deadly force incident involving a minor be reviewed by a grand jury. Currently, such decisions are left to district attorneys in each county.

The bill would allow district attorneys to refer deadly force cases to grand juries, even when they do not

have reason to believe an officer committed a crime.

Transcripts of grand jury testimony in such cases would be made public unless there are compelling reasons not to do so. That's a departure from the historic secrecy of grand jury proceedings, but it's both a limited and warranted exception that is justified by the importance of keeping an often-anxious and angry public fully and accurately informed. Currently, civil lawsuits are often the only way that the public ends up getting detailed information about deadly force incidents.

The bill would require that at least one outside agency be involved in any deadly force investigation, which would help ensure that reviews are fair and avoid allegations that police agencies are protecting their own. Police agencies would be required to report all deadly force incidents — including fatalities, injuries and "misses" — to the state. Currently, no such records are kept.

Critics have argued that the bill would impose a financial burden on local governments, but it includes funding that would cover much of the planning costs. Some also have charged that the legislation is motivated by Portland area police shootings and not needed elsewhere in the state. But the attorney general's office estimates that an average of at least two dozen deadly force incidents occur each year, and that they occur across the state.

The Senate Judiciary Committee has approved SB 301, but it has yet to be voted on by the full Senate. In the wake of Sunday's tragic shooting in Springfield, Lane County lawmakers in both the Senate and House should lend their full support to this bill.

Register Guard 6/30/05

Senate Bill 111

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Attorney General Hardy Myers for Department of Justice)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Creates planning authority in each county to develop plan concerning use of deadly physical force by police officers. Directs planning authority to submit plan to governing body of each law enforcement agency within county except Department of State Police and Department of Justice. Specifies required elements of plan. Directs governing body to approve or disapprove plan.

Authorizes Department of Justice, to extent funds are appropriated for such purposes, to make grants to law enforcement agencies for expenses incurred in implementing and revising approved plans.

Establishes procedures for law enforcement agencies to follow in dealing with use of deadly physical force and for grand jury proceedings in which use of deadly physical force is element.

Appropriates moneys from General Fund to Department of Justice for grants and for grand jury recording and transcription costs.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to use of physical force; creating new provisions; amending ORS 132.090, 132.330, 132.430, 146.135, 181.640 and 181.662; appropriating money; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. As used in sections 1 to 7 of this 2007 Act:

(1) "Employ," when used in the context of the relationship between a law enforcement agency and a police officer, includes the assignment of law enforcement duties on a volunteer basis to a reserve officer.

(2) "Law enforcement agency" means the Department of State Police, the Department of Justice, a district attorney, a political subdivision of the State of Oregon and a municipal corporation of the State of Oregon, that maintains a law enforcement unit as defined in ORS 181.610 (12)(a)(A).

(3) "Police officer" means a person who is:

(a) A police officer or reserve officer as defined in ORS 181.610; and

(b) Employed by a law enforcement agency to enforce the criminal laws of this state.

SECTION 2. (1) There is created in each county a deadly physical force planning authority consisting of the following members:

(a) The district attorney and sheriff of the county.

(b) A nonmanagement police officer selected by the district attorney and sheriff. If there are unions representing police officers within the county, the district attorney and sheriff shall select the police officer from among candidates nominated by any union representing police officers within the county.

(c) If at least one city within the county employs a police chief, a police chief selected by the police chiefs within the county.

NOTE: Matter in boldfaced type in an amended section is new; matter [italic and bracketed] is existing law to be omitted. New sections are in boldfaced type.

(d) A representative of the public selected by the district attorney and sheriff. The person selected under this paragraph may not be employed by a law enforcement agency.

(e) A representative of the Oregon State Police selected by the Superintendent of State Police.

(2) The district attorney and sheriff are cochairpersons of the planning authority.

(3) The law enforcement agency that employs the police officer selected under subsection (1)(b) of this section shall release the officer from other duties for at least 16 hours per year to enable the officer to serve on the planning authority. The agency shall compensate the officer at the officer's regular hourly wage while the officer is engaged in planning authority activities.

(4) The planning authority shall develop a plan consisting of the following:

(a) An element dealing with education, outreach and training regarding the use of deadly physical force for police officers, attorneys employed by state or local government within the county and members of the community.

(b) An element dealing with the immediate aftermath of an incident in which a police officer used deadly physical force.

(c) An element dealing with the investigation of an incident in which a police officer used deadly physical force.

(d) An element dealing with the exercise of district attorney discretion to resolve issues of potential criminal responsibility resulting from a police officer's use of deadly physical force.

(e) An element dealing with collecting information regarding a police officer's use of deadly physical force, debriefing after an incident in which a police officer used deadly physical force and revising a plan developed under this subsection based on experience.

(f) An estimate of the fiscal impact on the law enforcement agencies to which the plan applies of each element described in paragraphs (a) to (e) of this subsection.

(5) The planning authority shall conduct at least one public hearing in the county before submitting a plan, or a revision of a plan, to the governing bodies in the county under subsection (7) of this section.

(6) The planning authority may consult with anyone the planning authority determines may be helpful in carrying out its responsibilities.

(7) The planning authority shall submit the plan developed under subsection (4) of this section, and revisions of the plan, to the governing body of each law enforcement agency within the county except for the Department of State Police and the Department of Justice.

(8) A governing body shall approve or disapprove the plan submitted to it under subsection (7) of this section within 60 days after receiving the plan. The governing body may not amend the plan.

(9) If the plan is not approved by at least two-thirds of the governing bodies to which the plan is submitted, the planning authority shall develop and submit a revised plan.

(10) If the plan is approved by at least two-thirds of the governing bodies to which the plan is submitted, the planning authority shall submit the approved plan to the Attorney General. No later than 30 days after receiving the plan, the Attorney General shall review the plan for compliance with the minimum requirements described in section 3 of this 2007 Act. If the Attorney General determines that the plan complies with the minimum requirements, the Attorney General shall approve the plan. Upon approval of the plan:

(a) Each law enforcement agency within the county to which the plan applies is subject to the provisions of the plan; and

(b) Each law enforcement agency subject to the plan is entitled to grants as provided in section 4 of this 2007 Act.

(11) If the plan is not approved by the Attorney General, the planning authority shall develop and submit a revised plan.

(12) Notwithstanding subsection (10)(a) of this section, a law enforcement agency is not subject to a provision of a plan approved under subsection (10) of this section that:

(a) Conflicts with a provision of a city or county charter or a general ordinance that applies to the law enforcement agency; or

(b) Imposes an obligation not required by section 5 of this 2007 Act if complying with the provision would require the law enforcement agency to budget moneys, or submit a revenue measure for a vote of the people, in order to comply with the provision.

(13) The Attorney General shall periodically publish all approved plans.

(14) A law enforcement agency within a county has a duty to participate in good faith in the planning process of the planning authority for the county.

(15) A person bringing an action challenging the validity or enforceability of a plan approved under subsection (10) of this section shall serve the Attorney General with a copy of the complaint. If the Attorney General is not a party to the action, the Attorney General may intervene in the action.

SECTION 3. In the plan required by section 2 (4) of this 2007 Act, a deadly physical force planning authority shall, at a minimum:

(1)(a) Address, under section 2 (4)(a) of this 2007 Act, the manner in which each law enforcement agency within the county will comply with section 5 (2) of this 2007 Act; and

(b) Attach a copy of each policy adopted under section 5 (2) of this 2007 Act to the plan.

(2) Address, under section 2 (4)(b) of this 2007 Act, the manner in which each law enforcement agency within the county will comply with section 5 (3)(a) and (4) of this 2007 Act.

(3) Address, under section 2 (4)(c) of this 2007 Act, the manner in which each law enforcement agency within the county will comply with section 5 (5)(a) of this 2007 Act.

(4) Address, under section 2 (4)(d) of this 2007 Act, the manner in which the district attorney of the county will comply with ORS 146.135 (2).

(5) Address, under section 2 (4)(e) of this 2007 Act, the manner in which each law enforcement agency within the county will comply with section 5 (6) of this 2007 Act.

SECTION 4. (1) As used in this section, "expenses" does not include personnel costs.

(2) To the extent that funds are appropriated to it for such purposes, the Department of Justice shall make grants to law enforcement agencies to reimburse the law enforcement agencies for expenses incurred in implementing and revising the plans required by section 2 of this 2007 Act. A grant under this section may not exceed 75 percent of the expenses incurred by the law enforcement agency.

(3) The department may not make a grant under this section to a law enforcement agency unless the law enforcement agency is subject to a plan that has been approved by the Attorney General under section 2 (10) of this 2007 Act.

(4) The department shall adopt rules necessary for the administration of this section.

SECTION 5. (1) As used in this section, "involved officer" means:

1 (a) A police officer whose official conduct, or official order to use deadly physical force,
2 was a cause in fact of the death of a person. As used in this paragraph, "order to use deadly
3 physical force" means an order issued to another officer to use deadly physical force in a
4 specific incident or an order or directive establishing rules of engagement for the use of
5 deadly physical force for a specific incident.

6 (b) A police officer whose official conduct was not a cause in fact of the death of a person
7 but whose official involvement in an incident in which the use of deadly physical force by a
8 police officer resulted in the death of a person:

9 (A) Began before or during the use of the deadly physical force; and

10 (B) Was reasonably likely to have exposed the police officer to greater stresses or trauma
11 than other police officers experienced as a result of their involvement in the incident before
12 or during the use of the deadly physical force.

13 (2) A law enforcement agency shall adopt a policy dealing with the use of deadly physical
14 force by its police officers. At a minimum, the policy must include guidelines for the use of
15 deadly physical force.

16 (3)(a) For each involved officer employed by a law enforcement agency, the law enforce-
17 ment agency shall pay the costs of at least two sessions with a mental health professional
18 that are attended by the officer. The sessions must be held within six months after the in-
19 cident in which the officer was involved.

20 (b) An involved officer shall attend at least one of the sessions described in paragraph
21 (a) of this subsection.

22 (c) Sessions with a mental health professional under this subsection may not be substi-
23 tuted for a fitness for duty examination required or requested as a condition of employment
24 by the law enforcement agency that employs the involved officer.

25 (4) For at least 72 hours immediately following an incident in which the use of deadly
26 physical force by a police officer resulted in the death of a person, a law enforcement agency
27 may not return an involved officer to duties that might place the officer in a situation in
28 which the officer has to use deadly physical force. A law enforcement agency may not reduce
29 an involved officer's pay or benefits as a result of the law enforcement agency's compliance
30 with this subsection. Notwithstanding section 4 (1) of this 2007 Act, a personnel cost in-
31 curred in complying with this subsection by a law enforcement agency employing 40 or fewer
32 police officers is an expense for purposes of section 4 of this 2007 Act.

33 (5)(a) A law enforcement agency employing an involved officer shall include at least one
34 police officer from a different law enforcement agency in the investigation of the incident in
35 which the involved officer was involved.

36 (b) The failure of a law enforcement agency to comply with paragraph (a) of this sub-
37 section is not grounds for suppressing evidence obtained in the investigation.

38 (6)(a) A law enforcement agency shall collect at least the following information relating
39 to incidents in which a police officer's use of deadly physical force resulted in the death of
40 a person:

41 (A) The name, gender, race, ethnicity and age of the decedent.

42 (B) The date, time and location of the incident.

43 (C) A brief description of the circumstances surrounding the incident.

44 (b) A law enforcement agency shall promptly submit the information collected under
45 paragraph (a) of this subsection to the Department of Justice.

(7) The department shall compile and periodically publish information submitted under subsection (6) of this section. The department, by rule, may specify a form to be used by law enforcement agencies in submitting information under subsection (6) of this section.

SECTION 6. Conclusions and recommendations for future action made by or for a law enforcement agency that result from activities conducted pursuant to the element of a plan described in section 2 (4)(e) of this 2007 Act are not admissible as evidence in any subsequent civil action or administrative proceeding.

SECTION 7. (1) Notwithstanding sections 2, 3, 5 (3) and (6) and 12 of this 2007 Act, if sufficient moneys are not appropriated to the Department of Justice for purposes of making grants under section 4 of this 2007 Act, a deadly physical force planning authority created by section 2 of this 2007 Act or a law enforcement agency is not required to comply with any requirement of section 2, 3 or 5 (3) or (6) of this 2007 Act for which the law enforcement agency is entitled to reimbursement under section 4 of this 2007 Act.

(2) If sufficient moneys are not appropriated to the Department of Justice to pay the costs of recording and transcribing testimony before a grand jury as required by section 12 of this 2007 Act:

(a) The Department of Justice is not required to comply with section 12 (5) of this 2007 Act; and

(b) A district attorney is not required to comply with section 12 of this 2007 Act.

SECTION 8. ORS 132.330 is amended to read:

132.330. (1) The district attorney may submit an indictment to the grand jury in any case when the district attorney has good reason to believe that a crime has been committed which is triable within the county.

(2) The district attorney may present facts to the grand jury about an incident in which a police officer used deadly physical force.

SECTION 9. ORS 132.090 is amended to read:

132.090. (1) Except as provided in subsections (2) and (3) of this section and section 12 of this 2007 Act, no person other than the district attorney or a witness actually under examination shall be present during the sittings of the grand jury.

(2) If not otherwise required under section 12 of this 2007 Act, upon a motion filed by the district attorney in the circuit court, the circuit judge may appoint a reporter who shall attend the sittings of the grand jury to take and report the testimony in any matters pending before the grand jury, and may appoint a parent, guardian or other appropriate person 18 years of age or older to accompany any child 12 years of age or younger, or any person with mental retardation, during an appearance before the grand jury. The circuit judge, upon the district attorney's showing to the court that it is necessary for the proper examination of a witness appearing before the grand jury, may appoint a guard, medical or other special attendant or nurse, who shall be present in the grand jury room and shall attend such sittings.

(3) The district attorney may designate an interpreter who is certified under ORS 45.291 to interpret the testimony of witnesses appearing before the grand jury. The district attorney may designate a qualified interpreter, as defined in ORS 45.288, if the circuit court determines that a certified interpreter is not available and that the person designated by the district attorney is a qualified interpreter as defined in ORS 45.288. An interpreter designated under this subsection may be present in the grand jury room and attend the sittings of the grand jury.

(4) No person other than members of the grand jury shall be present when the grand jury is

1 deliberating or voting upon a matter before it.

2 (5) As used in this section, "mental retardation" has the meaning given that term in ORS
3 427.005. Mental retardation may be shown by attaching to the motion of the district attorney:

4 (a) Documentary evidence of intellectual functioning; or

5 (b) The affidavit of a qualified person familiar with the person with mental retardation. "Quali-
6 fied person" includes, but is not limited to, a teacher, therapist or physician.

7 **SECTION 10.** The Legislative Assembly finds that:

8 (1) Grand juries originally were created and have existed for centuries as a check against
9 potential abuse of the government's power to charge individuals with crimes.

10 (2) Grand jury proceedings are kept secret to help protect witnesses, victims and grand
11 jurors against retaliation and innocent persons against wrongful accusations of crime.

12 (3) As authorized by law and as guided by the policies of law enforcement agencies, police
13 officers may cause the death of a person by the use of deadly physical force.

14 (4) The use of deadly physical force by a police officer that results in the death of a
15 person requires a level of public scrutiny that uniquely justifies limited intrusions into the
16 secrecy historically accorded grand jury proceedings.

17 **SECTION 11.** Section 12 of this 2007 Act is added to and made a part of ORS 132.310 to
18 132.390.

19 **SECTION 12.** (1) As used in this section:

20 (a) "Certified shorthand reporter" has the meaning given that term in ORS 8.415.

21 (b) "Involved officer" has the meaning given that term in section 5 of this 2007 Act.

22 (c) "Police officer" has the meaning given that term in section 1 of this 2007 Act.

23 (2) A proceeding before a grand jury must be on the record and recorded by a certified
24 shorthand reporter as provided in this subsection if the proceeding has been convened to
25 examine the use of deadly physical force by a police officer that resulted in the death of a
26 person. When a proceeding is required to be on the record under this subsection, the district
27 attorney shall ensure that a certified shorthand reporter attends the sittings of the grand
28 jury to take and report the questioning and testimony of all witnesses. The certified short-
29 hand reporter may not record any information that reveals the identity of a grand juror. The
30 certified shorthand reporter may not be present during, or record, the deliberations of the
31 grand jury.

32 (3) Unless the certified shorthand reporter can show good cause why the time should be
33 extended, no later than seven days after a grand jury in a proceeding required to be on the
34 record under subsection (2) of this section determines that no criminal charges should be
35 returned or returns an indictment indorsed "not a true bill," the certified shorthand reporter
36 shall provide a certified transcript of the report to the district attorney of the county in
37 which the incident occurred.

38 (4)(a) No later than five days after receiving the transcript from the certified shorthand
39 reporter, the district attorney shall send notice of the following to all witnesses who ap-
40 peared before the grand jury:

41 (A) The witness's right to file a petition under subsection (6) of this section;

42 (B) The time period within which the petition must be filed; and

43 (C) The witness's right to review the transcript and submit objections to the accuracy
44 of the transcript as provided in paragraph (b) of this subsection.

45 (b) No later than seven days after the district attorney sends the notice required by

1 paragraph (a) of this subsection, a witness may:

2 (A) Review, under the supervision of the district attorney, the portion of the grand jury
3 transcript in which the witness's testimony is transcribed; and

4 (B) Submit an objection to the accuracy of the transcription of the witness's testimony.
5 A witness submitting an objection under this subparagraph shall attach the objection to the
6 transcript.

7 (c) No earlier than eight days after sending the notice required by paragraph (a) of this
8 subsection, the district attorney shall provide a copy of the complete transcript to each in-
9 volved officer in the incident and to the law enforcement agency that employs each involved
10 officer.

11 (5) The Department of Justice shall pay the costs of the recording and the transcripts
12 required by subsections (2) and (3) of this section.

13 (6)(a) No later than 14 days after the district attorney sends the notice required by sub-
14 section (4)(a) of this section, the district attorney, an involved officer, the law enforcement
15 agency employing the involved officer or any witness who appeared before the grand jury
16 may petition the circuit court for a judgment sealing all or part of the transcript or delaying
17 the public release of all or part of the transcript. The petition must be served on the district
18 attorney, the involved officer and the law enforcement agency employing the involved officer.
19 The petition must be supported by an affidavit showing why the public interest in disclosure
20 is outweighed by one of the factors listed in subsection (7)(b) of this section.

21 (b) If no petition is timely filed, the district attorney shall make the transcript available
22 to any person upon request and payment of copying fees set under ORS 192.440.

23 (7)(a) No later than seven days after service under subsection (6)(a) of this section, the
24 district attorney, an involved officer or the law enforcement agency that employs the in-
25 volved officer may file an objection to the petition. If no objection is timely filed, the court
26 may rule without a hearing on the petition. If an objection is timely filed, the court shall hold
27 a hearing on the petition no later than seven days after the time for filing objections has
28 expired.

29 (b) The court shall deny the petition unless the court finds that the public interest in
30 disclosure is outweighed by:

31 (A) The impairment of the proceeding or prosecution of any criminal matter related to
32 the proceeding;

33 (B) The probable prejudice to the right of a witness who appeared before the grand jury
34 or of an involved officer to a fair trial; or

35 (C) The privacy right of a witness who appeared before the grand jury.

36 (8) When the court determines that all or part of the transcript should be sealed or that
37 disclosure of all or part of the transcript should be delayed, the court shall enter a judgment
38 sealing the transcript or portions of the transcript or delaying the public release of the
39 transcript or portions of the transcript.

40 (9) A judgment sealing or delaying release of all or any portion of a transcript based on
41 subsection (7)(b)(B) or (C) of this section has no further effect with respect to public release
42 of the transcript after a witness whose testimony is subject to the judgment:

43 (a) Files a civil action against an involved officer or the law enforcement agency em-
44 ploying the involved officer; or

45 (b) Gives testimony, including depositions, in a civil or criminal action arising out of the

1 incident in which deadly physical force was used.

2 (10) The testimony of a police officer who is the subject of an investigation of the use of
3 deadly physical force and who is called as a witness before a grand jury in a proceeding re-
4 quired to be on the record under subsection (2) of this section is not admissible evidence in
5 a civil proceeding except:

6 (a) When the testimony before the grand jury is compelled under ORS 136.617; or

7 (b) When the testimony before the grand jury is offered as a prior inconsistent statement
8 to impeach the witness.

9 (11) This section does not create a cause of action.

10 (12) The failure of a certified shorthand reporter to record all of the grand jury pro-
11 ceeding required to be recorded under subsection (2) of this section does not affect the va-
12 lidity of any indictment or prosecution that arises from the proceeding.

13 **SECTION 13.** ORS 146.135 is amended to read:

14 146.135. (1) The district attorney for the county where the death occurs may order an inquest
15 to obtain a jury finding of the cause and manner of death in any case requiring investigation.

16 (2) The district attorney may not order an inquest under this section concerning a death
17 that resulted from a police officer's use of, or order to use, deadly physical force until after
18 the district attorney has determined that the police officer did not commit a crime or a
19 grand jury has received testimony concerning the incident and has declined to indict the
20 police officer. As used in this subsection, "police officer" has the meaning given that term
21 in section 1 of this 2007 Act.

22 [(2)] (3) For the purpose of conducting an inquest, the district attorney shall have the powers
23 of a judicial officer as described by ORS 1.240 and 1.250.

24 [(3)] (4) The district attorney shall advise the jury of inquest as to its duties and instruct the
25 jury on questions of law.

26 [(4)] (5) The district attorney shall cause a record of the inquest proceedings to be made which
27 shall include the written order of inquest, a record of the testimony of witnesses and the written
28 verdict of the jury.

29 [(5)] (6) Within a reasonable time after the verdict is returned, the record of inquest shall be
30 filed in the district medical examiner's office for the county where the inquest was held.

31 [(6)] (7) A copy of the order of inquest and verdict of the jury shall be filed in the State Medical
32 Examiner's office.

33 [(7)] (8) The record of inquest shall be available for inspection as provided by ORS 146.035 (5).

34 **SECTION 14.** ORS 146.135, as amended by section 13 of this 2007 Act, is amended to read:

35 146.135. (1) The district attorney for the county where the death occurs may order an inquest
36 to obtain a jury finding of the cause and manner of death in any case requiring investigation.

37 (2) The district attorney may not order an inquest under this section concerning a death that
38 resulted from a police officer's use of, or order to use, deadly physical force *[until after the district*
39 *attorney has determined that the police officer did not commit a crime or a grand jury has received*
40 *testimony concerning the incident and has declined to indict the police officer]*. As used in this sub-
41 section, "police officer" has the meaning given that term in section 1 of this 2007 Act.

42 (3) For the purpose of conducting an inquest, the district attorney shall have the powers of a
43 judicial officer as described by ORS 1.240 and 1.250.

44 (4) The district attorney shall advise the jury of inquest as to its duties and instruct the jury
45 on questions of law.

(5) The district attorney shall cause a record of the inquest proceedings to be made which shall include the written order of inquest, a record of the testimony of witnesses and the written verdict of the jury.

(6) Within a reasonable time after the verdict is returned, the record of inquest shall be filed in the district medical examiner's office for the county where the inquest was held.

(7) A copy of the order of inquest and verdict of the jury shall be filed in the State Medical Examiner's office.

(8) The record of inquest shall be available for inspection as provided by ORS 146.035 (5).

SECTION 15. ORS 181.662 is amended to read:

181.662. (1) The Department of Public Safety Standards and Training may deny the application for training, or deny, suspend or revoke the certification, of any instructor or public safety officer, except a youth correction officer or fire service professional, after written notice and hearing consistent with the provisions of ORS 181.661, based upon a finding that:

(a) The public safety officer or instructor falsified any information submitted on the application for certification or on any documents submitted to the Board on Public Safety Standards and Training or the department.

(b) The public safety officer or instructor has been convicted of a crime or violation in this state or any other jurisdiction.

(c) The public safety officer or instructor does not meet the applicable minimum standards, minimum training or the terms and conditions established under ORS 181.640 (1)(a) to (d).

(d) The public safety officer failed to comply with section 5 (3)(b) of this 2007 Act.

(2) The department shall deny, suspend or revoke the certification of a fire service professional, after written notice and hearing consistent with the provisions of ORS 181.661, based upon a finding that the fire service professional has been convicted in this state of a crime listed in ORS 137.700 or in any other jurisdiction of a crime that, if committed in this state, would constitute a crime listed in ORS 137.700.

(3) The department may deny, suspend or revoke the certification of any fire service professional after written notice and hearing consistent with the provisions of ORS 181.661, based upon a finding:

(a) That the fire service professional falsified any information submitted on the application for certification or on any documents submitted to the board or the department; or

(b) Consistent with ORS 670.280, that the fire service professional is not fit to receive or hold the certification as a result of conviction of a crime in this state, or in any other jurisdiction, other than a crime described in subsection (2) of this section.

(4) The department shall deny, suspend or revoke the certification of any public safety officer or instructor, except a youth correction officer, after written notice and hearing consistent with the provisions of ORS 181.661, based upon a finding that the public safety officer or instructor has been discharged for cause from employment as a public safety officer.

(5) The department, in consultation with the board, shall adopt rules specifying those crimes and violations for which a conviction requires the denial, suspension or revocation of the certification of a public safety officer or instructor.

(6) Notwithstanding the lapse, suspension, revocation or surrender of the certification of a public safety officer or instructor, the department may:

(a) Proceed with any investigation of, or any action or disciplinary proceedings against, the public safety officer or instructor; or

(b) Revise or render void an order suspending or revoking the certification.

(7) The department shall deny, suspend or revoke the accreditation of a training or educational program or any course, subject, facility or instruction thereof if the program, course, subject, facility or instruction is not in compliance with rules adopted or conditions prescribed under ORS 181.640 (1)(g) or 181.650 (3).

SECTION 16. (1) A deadly physical force planning authority created by section 2 of this 2007 Act shall submit the plan required by section 2 (4) of this 2007 Act to the governing bodies described in section 2 (7) of this 2007 Act no later than July 1, 2008.

(2) Notwithstanding section 2 (3) of this 2007 Act, for the period of time from the effective date of this 2007 Act to June 30, 2008, the law enforcement agency that employs the police officer selected under section 2 (1)(b) of this 2007 Act shall release the officer from other duties for at least 80 hours to enable the officer to serve on the planning authority. The agency shall compensate the officer at the officer's regular hourly wage while the officer is engaged in planning authority activities during that period of time.

SECTION 17. A law enforcement agency shall adopt the policy required by section 5 (2) of this 2007 Act no later than July 1, 2008.

SECTION 18. (1) A law enforcement agency that participates in the development of the plan required by section 2 (4) of this 2007 Act shall keep track of the expenses it incurs by reason of its participation. For purposes of this subsection and subsection (2) of this section, "expenses" includes, but is not limited to, personnel costs.

(2) The Department of Justice shall award a law enforcement agency one credit for each dollar of expenses incurred before July 1, 2008, by reason of the law enforcement agency's participation in the development of the plan required by section 2 (4) of this 2007 Act.

(3) Notwithstanding section 4 (2) of this 2007 Act, when a law enforcement agency applies for a grant under section 4 of this 2007 Act, the department, to the extent that funds are appropriated to the department for the purpose, shall make a grant that exceeds 75 percent of the expenses incurred by the law enforcement agency if the law enforcement agency has unused credits awarded under subsection (2) of this section. When the department makes a grant that exceeds 75 percent of the expenses incurred by a law enforcement agency, the department shall deduct the amount of the grant that exceeds 75 percent from the credits awarded the law enforcement agency under subsection (2) of this section.

(4) The department may adopt rules necessary for the administration of this section.

SECTION 19. ORS 132.430 is amended to read:

132.430. (1) When a person has been held to answer a criminal charge and the indictment in relation thereto is not found "a true bill," it must be indorsed "not a true bill," which indorsement must be signed by the foreman and filed with the clerk of the court, in whose office it shall remain a public record. **Except for the recording and transcript required by section 12 of this 2007 Act,** in the case of an indictment not found "a true bill" against a person not so held, the same, together with the minutes of the evidence in relation thereto, must be destroyed by the grand jury.

(2) When an indictment indorsed "not a true bill" has been filed with the clerk of the court, the effect thereof is to dismiss the charge; and the same cannot be again submitted to or inquired of by the grand jury unless the court so orders.

SECTION 20. A law enforcement agency, as defined in section 1 of this 2007 Act, may not use moneys it receives under section 4 of this 2007 Act to supplant moneys from another source that the law enforcement agency has been previously authorized to expend.

SECTION 21. There is appropriated to the Department of Justice, for the biennium be-

1 ginning July 1, 2007, out of the General Fund, the amount of \$300,000 for the purpose of
2 carrying out the provisions of sections 4 and 12 (5) of this 2007 Act.

3 SECTION 22. ORS 181.640 is amended to read:

4 181.640. (1) In accordance with any applicable provision of ORS chapter 183, to promote
5 enforcement of law and fire services by improving the competence of public safety personnel and
6 their support staffs, and in consultation with the agencies for which the Board on Public Safety
7 Standards and Training and Department of Public Safety Standards and Training provide standards,
8 certification, accreditation and training:

9 (a) The department shall recommend and the board shall establish by rule reasonable minimum
10 standards of physical, emotional, intellectual and moral fitness for public safety personnel and in-
11 structors.

12 (b) The department shall recommend and the board shall establish by rule reasonable minimum
13 training for all levels of professional development, basic through executive, including but not limited
14 to courses or subjects for instruction and qualifications for public safety personnel and instructors.
15 Training requirements shall be consistent with the funding available in the department's
16 legislatively approved budget.

17 (c) The department, in consultation with the board, shall establish by rule a procedure or pro-
18 cedures to be used by law enforcement units, public or private safety agencies or the Oregon Youth
19 Authority to determine whether public safety personnel meet minimum standards or have minimum
20 training.

21 (d) Subject to such terms and conditions as the department may impose, the department shall
22 certify instructors and public safety personnel, except youth correction officers, as being qualified
23 under the rules established by the board.

24 (e) The department shall deny applications for training and deny, suspend and revoke certif-
25 ication in the manner provided in ORS 181.661, 181.662 and 181.664 (1).

26 (f) The department shall cause inspection of standards and training for instructors and public
27 safety personnel, except youth correction officers, to be made.

28 (g) The department may recommend and the board may establish by rule accreditation stan-
29 dards, levels and categories for mandated and nonmandated public safety personnel training or ed-
30 ucational programs. The department and board, in consultation, may establish to what extent
31 training or educational programs provided by an accredited university, college, community college
32 or public safety agency may serve as equivalent to mandated training or as a prerequisite to man-
33 dated training. Programs offered by accredited universities, colleges or community colleges may be
34 considered equivalent to mandated training only in academic areas.

35 (2) The department may:

36 (a) Contract or otherwise cooperate with any person or agency of government for the procure-
37 ment of services or property;

38 (b) Accept gifts or grants of services or property;

39 (c) Establish fees for determining whether a training or educational program meets the accred-
40 itation standards established under subsection (1)(g) of this section;

41 (d) Maintain and furnish to law enforcement units and public and private safety agencies infor-
42 mation on applicants for appointment as instructors or public safety personnel, except youth cor-
43 rection officers, in any part of the state; and

44 (e) Establish fees to allow recovery of the full costs incurred in providing services to private
45 entities or in providing services as experts or expert witnesses.

1 (3) The department, in consultation with the board, may:

2 (a) Upon the request of a law enforcement unit or public safety agency, conduct surveys or aid
3 cities and counties to conduct surveys through qualified public or private agencies and assist in the
4 implementation of any recommendations resulting from such surveys.

5 (b) Upon the request of law enforcement units or public safety agencies, conduct studies and
6 make recommendations concerning means by which requesting units can coordinate or combine their
7 resources.

8 (c) Stimulate research by public and private agencies to improve police, fire service, corrections
9 and adult parole and probation administration and law enforcement.

10 (d) Provide grants from funds appropriated or available therefor, to law enforcement units,
11 public safety agencies, special districts, cities, counties and private entities to carry out the pro-
12 visions of this subsection.

13 (e) Provide optional training programs for persons who operate lockups. The term "lockup" has
14 the meaning given it in ORS 169.005.

15 (f) Provide optional training programs for public safety personnel and their support staffs.

16 (g) Enter into agreements with federal, state or other governmental agencies to provide training
17 or other services in exchange for receiving training, fees or services of generally equivalent value.

18 (h) Upon the request of a law enforcement unit or public safety agency employing public safety
19 personnel, except youth correction officers, grant an officer, fire service professional, telecommu-
20 nicator or emergency medical dispatcher a multidiscipline certification consistent with the minimum
21 requirements adopted or approved by the board. Multidiscipline certification authorizes an officer,
22 fire service professional, telecommunicator or emergency medical dispatcher to work in any of the
23 disciplines for which the officer, fire service professional, telecommunicator or emergency medical
24 dispatcher is certified. The provisions of ORS 181.652, 181.653 and 181.667 relating to lapse of cer-
25 tification do not apply to an officer or fire service professional certified under this paragraph as
26 long as the officer or fire service professional maintains full-time employment in one of the certified
27 disciplines and meets the training standards established by the board.

28 (i) Establish fees and guidelines for the use of the facilities of the training academy operated
29 by the department and for nonmandated training provided to federal, state or other governmental
30 agencies, private entities or individuals.

31 (4) Pursuant to ORS chapter 183, the board, in consultation with the department, shall adopt
32 rules necessary to carry out the board's duties and powers.

33 (5) Pursuant to ORS chapter 183, the department, in consultation with the board, shall adopt
34 rules necessary to carry out the department's duties and powers.

35 (6) For efficiency, board and department rules may be adopted jointly as a single set of combined
36 rules with the approval of the board and the department.

37 (7) The department shall obtain approval of the board before submitting its legislative concepts,
38 Emergency Board request or budget requests to the Oregon Department of Administrative Services.

39 (8) **The Department of Public Safety Standards and Training shall develop a training**
40 **program for conducting investigations required under section 5 of this 2007 Act.**

41 **SECTION 23.** The Department of Public Safety Standards and Training shall complete
42 development of the training program required by ORS 181.640 (8) no later than August 31,
43 2008. The department shall submit a report summarizing the training program to the legis-
44 lative interim committees dealing with the judiciary no later than September 30, 2008.

45 **SECTION 24.** (1) Sections 4, 10 to 12 and 20 of this 2007 Act and the amendments to ORS

1 132.090, 132.430, 181.640 and 181.662 by sections 9, 15, 19 and 22 of this 2007 Act become op-
2 erative on July 1, 2008.

3 (2) The amendments to ORS 146.135 by section 14 of this 2007 Act become operative on
4 July 1, 2009.

5 SECTION 25. (1) Notwithstanding the effective date of section 5 of this 2007 Act, section
6 5 (3) to (7) of this 2007 Act applies to incidents occurring on or after July 1, 2008.

7 (2) Section 12 of this 2007 Act applies to incidents occurring on or after July 1, 2008.

8 SECTION 26. This 2007 Act being necessary for the immediate preservation of the public
9 peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect
10 on its passage.
11

~~Sam~~ Sam . forward

(+ cover other peace officers
+ may
+ review by LPSCC

Drug Courts (State funded start up)

(Drug Court in Clatsop County
SB 184 3 million for 290 OLLC . phase
2535 8 million

~~Drug~~ (Drug/Court Treatment)

DA Recommending

- increase DA assistance
-
-

Senate Bill 184

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Theodore R. Kulongoski)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs Oregon Department of Administrative Services to transfer two percent of gross revenues derived from sales of distilled liquors by bottle to Mental Health Alcoholism and Drug Services Account. Provides that transferred moneys may be used only for establishment, operation and maintenance of programs for alcohol and drug abuse prevention, alcohol and drug abuse early intervention and treatment services and drug courts.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to revenues derived from sales of alcoholic beverages; amending ORS 430.380 and 471.810; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 471.810 is amended to read:

471.810. *[(1) At the end of each month, the Oregon Liquor Control Commission shall certify the amount of moneys available for distribution in the Oregon Liquor Control Commission Account, and after withholding such moneys as it may deem necessary to pay its outstanding obligations shall within 35 days of the month for which a distribution is made direct the State Treasurer to pay the amounts due, upon warrants drawn by the Oregon Department of Administrative Services, as follows:]*

(1) At the end of each month, the Oregon Liquor Control Commission shall certify the amount of funds available in the Oregon Liquor Control Commission Account. The commission shall then withhold the amounts the commission determines to be necessary to pay the commission's outstanding obligations. After withholding those amounts, the commission shall cause to be transferred from the available funds to the Mental Health Alcoholism and Drug Services Account an amount that is equal to two percent of the gross revenues derived from the sales of distilled liquors in the stores operated by the commission under ORS 471.750. After making the transfer, the commission shall cause to be distributed the remaining available funds as follows:

(a) Fifty-six percent[, or the amount remaining after the distribution under subsection (4) of this section, credited to] shall be deposited in the General Fund and be available for general governmental purposes [wherein it]. Amounts deposited in the General Fund under this paragraph shall be considered [as] revenue received during the quarter immediately preceding [receipt;] the deposit.

(b) Twenty percent shall be distributed to the cities of the state in such shares as the population of each city bears to the population of the cities of the state, as determined by the State Board of Higher Education last preceding such apportionment, under ORS 190.510 to 190.610[;].

(c) Ten percent shall be distributed to counties in such shares as their respective populations

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 bear to the total population of the state, as estimated from time to time by the State Board of
2 Higher Education[; and].

3 (d) Fourteen percent **shall be distributed** to the cities of the state [*to be distributed*] as provided
4 in ORS 221.770 [*and this section*].

5 (2) The commission shall direct the Oregon Department of Administrative Services to transfer
6 50 percent of the revenues from the taxes imposed by ORS 473.030, 473.035 and 473.040 to the
7 Mental Health Alcoholism and Drug Services Account in the General Fund to be paid monthly as
8 provided in ORS 430.380.

9 (3) If the amount of revenues received from the taxes imposed by ORS 473.030 for the preceding
10 month were reduced as a result of credits claimed under ORS 473.047, the commission shall compute
11 the difference between the amounts paid or transferred as described in subsections (1)(b), (c) and (d)
12 and (2) of this section and the amounts that would have been paid or transferred under subsections
13 (1)(b), (c) and (d) and (2) of this section if no credits had been claimed. The commission shall direct
14 the Oregon Department of Administrative Services to pay or transfer amounts equal to the differ-
15 ences computed for subsections (1)(b), (c) and (d) and (2) of this section from the General Fund to
16 the recipients or accounts described in subsections (1)(b), (c) and (d) and (2) of this section.

17 [(4) Notwithstanding subsection (1) of this section, no city or county shall receive for any fiscal year
18 an amount less than the amount distributed to the city or county in accordance with ORS 471.350 (1965
19 Replacement Part), 471.810, 473.190 and 473.210 (1965 Replacement Part) during the 1966-1967 fiscal
20 year unless the city or county had a decline in population as shown by its census. If the population
21 declined, the per capita distribution to the city or county shall be not less than the total per capita
22 distribution during the 1966-1967 fiscal year. Any additional funds required to maintain the level of
23 distribution under this subsection shall be paid from funds credited under subsection (1)(a) of this
24 section.]

25 (4) The commission shall make the transfers and distributions required by subsection (1)
26 of this section not later than 35 days after the end of the month for which the funds have
27 been certified to be available.

28 **SECTION 2.** ORS 430.380 is amended to read:

29 430.380. (1) There is established in the General Fund of the State Treasury an account to be
30 known as the Mental Health Alcoholism and Drug Services Account. Moneys deposited in the ac-
31 count are continuously appropriated to the **Department of Human Services** for the [*purposes of*]
32 **purpose of implementing** ORS 430.345 to 430.380. Moneys deposited in the account may be invested
33 in the manner prescribed in ORS 293.701 to 293.820.

34 (2) **Except as provided in subsection (3) of this section, moneys in the Mental Health**
35 **Alcoholism and Drug Services Account shall be distributed or set aside each month by the**
36 **Department of Human Services as follows:**

37 (a) Forty percent of the moneys [*in the Mental Health Alcoholism and Drug Services Account*
38 *shall be continuously appropriated*] **shall be distributed** to the counties on the basis of population.
39 The counties [*must*] **may** use the moneys **only** for the establishment, operation and maintenance of
40 alcohol and drug abuse prevention, early intervention and treatment services and for local matching
41 funds under ORS 430.345 to 430.380.

42 [(3)] (b) Forty percent of the moneys shall be [*continuously appropriated to*] **set aside by** the
43 Department of Human Services to be used for state matching funds to counties for alcohol and drug
44 abuse prevention, early intervention and treatment services pursuant to ORS 430.345 to 430.380.

45 [(4)] (c) Twenty percent of the moneys shall be [*continuously appropriated to*] **set aside by** the

Department of Human Services to be used for alcohol and drug abuse prevention, early intervention and treatment services for inmates of correctional and penal institutions and for parolees therefrom and for probationers as provided pursuant to rules of the department. *[However, prior to expenditure of moneys under this subsection, the department must present its program plans for approval to the appropriate legislative body which is either the Joint Ways and Means Committee during a session of the Legislative Assembly or the Emergency Board during the interim between sessions.]*

(3) All moneys deposited in the Mental Health Alcoholism and Drug Services Account under ORS 471.810 (1) may be used by the Department of Human Services only for the establishment, operation and maintenance of programs for alcohol and drug abuse prevention, alcohol and drug abuse early intervention and treatment services and drug courts.

SECTION 3. This 2007 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect on its passage.

Passed out of
Committee
unanimously

DRAFT

SUMMARY

Adds sheriff services to types of services that can be provided by county service districts. Authorizes sheriff to petition county for formation of county service district to provide sheriff services.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to service districts providing sheriff services; amending ORS 451.010 and 451.435; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 451.010 is amended to read:

451.010. (1) Master plans and service districts may be established as provided by this chapter regarding:

(a) Sewage works, including all facilities necessary for collecting, pumping, treating and disposing of sanitary or storm sewage.

(b) Drainage works, including all facilities necessary for collecting, pumping and disposing of storm and surface water.

(c) Street lighting works, including all facilities necessary for the lighting of streets and highways.

(d) Public parks and recreation facilities, including land, structures, equipment, supplies and personnel necessary to acquire, develop and maintain such public park and recreation facilities and to administer a program of supervised recreation services.

(e) Diking and flood control works, including all facilities necessary for diking and control of watercourses.

(f) Water supply works and service, including all facilities necessary for

1 tapping natural sources of domestic and industrial water, treating and pro-
2 tecting the quality of the water and transmitting it to the point of sale to
3 any person, city, domestic water supply corporation or other public or pri-
4 vate agency for domestic, municipal and industrial water supply service.

5 (g) Solid waste disposal. This paragraph does not apply in Clackamas,
6 Multnomah and Washington Counties.

7 (h) Public transportation, including public depots, public parking and the
8 motor vehicles and other equipment necessary for the transportation of per-
9 sons together with their personal property.

10 (i) Agricultural educational extension services.

11 (j) Emergency medical services, including ambulance services.

12 (k) Library services.

13 (L) Roads.

14 (m) Emergency communications services, including a 9-1-1 emergency re-
15 porting system established under ORS 401.720.

16 (n) Law enforcement services.

17 (o) Human services.

18 (p) Cemetery maintenance.

19 (q) Animal control.

20 (r) **Sheriff services.**

21 (2) Within the geographical jurisdiction of any local government bound-
22 ary commission established by or pursuant to ORS 199.410 to 199.519, in ad-
23 dition to the purposes described in subsection (1) of this section, master
24 plans and service districts may be established as provided by this chapter
25 regarding:

26 (a) Fire prevention and protection.

27 (b) Hospital and ambulance services.

28 (c) Vector control.

29 (d) Weather modification.

30 (3) Within the boundaries of any subdivision, service districts may be es-
31 tablished as provided by this chapter regarding:

1 (a) Fire prevention and protection.

2 (b) Security services provided by contract with an association of home-
3 owners whose property is located entirely within the boundaries of the ser-
4 vice district, which services may include the enforcement of the rules or
5 regulations of the association dealing with public access to or the use of the
6 property of the association, routine patrolling and inspection of private areas
7 located within the jurisdiction of the association and matters of traffic and
8 safety within such areas.

9 (c) Law enforcement services.

10 (d) Hospital and ambulance services.

11 (e) Vector control.

12 (f) Activities set forth in subsection (1)(a), (f), (g), (j) and (m) of this sec-
13 tion.

14 (4) As used in subsection (3) of this section, "subdivision" means a sub-
15 division as defined by ORS 92.010 or any contiguous group of such subdi-
16 visions that:

17 (a) Is a planned community within the meaning of ORS 94.550 without
18 regard to whether such subdivision or group of subdivisions is subject to
19 ORS 94.550 to 94.783;

20 (b) Is located entirely within an unincorporated area and is everywhere
21 separated by a distance of five miles or more from an urban growth boundary
22 described in an acknowledged comprehensive plan of a city or the urban
23 growth boundary adopted by a metropolitan service district under ORS
24 268.390 (3); and

25 (c) Prior to the establishment of a service district under subsection (3)
26 of this section, is designated a subdivision for purposes of this subsection
27 by the governing body of the county in which the subdivision or group of
28 subdivisions is located.

29 (5) Within the boundaries of Washington County, master plans and ser-
30 vice districts may be established as provided by this chapter regarding water
31 resource management services that affect the quality and quantity of water

1 within a single watershed, basin or planning area. As used in this subsection,
2 "water resource management services" means:

3 (a) Planning for and provision of two or more services or facilities such
4 as sewage works, drainage works, surface water management, endangered
5 species recovery management, water quality management, diking and flood
6 control works, river flow management, water supply works, wastewater reuse
7 and irrigation facilities.

8 (b) Activities ancillary to the services and facilities listed in paragraph
9 (a) of this subsection, including facilities for the production, sale or purchase
10 of energy when such facilities are integrated in a master plan adopted under
11 ORS 451.120.

12 **SECTION 2.** ORS 451.435 is amended to read:

13 451.435. (1) All district formation and change of organization proceedings
14 shall be initiated, conducted and completed as provided by ORS 198.705 to
15 198.955. Except for an order allowing an existing district established to pro-
16 vide sewage works to also provide drainage works, *[no]* a county or portion
17 *[thereof shall]* **of a county may not** be included within a district *[which]*
18 **that** is to provide services in more than one county without the consent of
19 the governing body of the affected county.

20 (2) In the case of sewage works, upon certification to the county court
21 by the Environmental Quality Commission or the county health officer that
22 an emergency exists the county court shall initiate the formation of a dis-
23 trict in the manner specified in ORS 198.835, or annexation to an existing
24 district in the manner specified in ORS 198.850 (3), whichever is most ap-
25 propriate.

26 (3) A petition or order initiating the formation or change or organization
27 of a district shall, in addition to the requirement specified by ORS 198.705
28 to 198.955, state which of the service facilities specified by ORS 451.010 the
29 district shall be authorized to construct, maintain and operate.

30 (4) **In addition to other methods for initiating proceedings to form**
31 **a district provided in ORS 198.705 to 198.955, proceedings to form a**

1 district to provide sheriff services may be initiated by a petition of the
2 sheriff of the county in which the district is proposed. The provisions
3 of ORS 198.748 and 198.750 to 198.775 do not apply to the petition of a
4 sheriff. However, the petition of a sheriff must contain the informa-
5 tion required by ORS 198.750 (1)(a) to (h).

6 [(4)] (5) A final order in a formation or change of organization proceeding
7 of a district shall, in addition to the requirements specified by ORS 198.705
8 to 198.955, state which of the service facilities specified by ORS 451.010 the
9 district shall be authorized to construct, maintain and operate.

10 **SECTION 3.** This 2007 Act being necessary for the immediate pres-
11 ervation of the public peace, health and safety, an emergency is de-
12 clared to exist, and this 2007 Act takes effect on its passage.

13

An Act Providing for the Establishment of Rural Law Enforcement Districts.

Section 1. (1) As used in this chapter, unless the context requires otherwise:

- (a) "Board of directors" or "district board" means the governing body of a district.
- (b) "County" means the county in which the district is located.
- (c) "County board" means the county court or board of county commissioners of the county.
- (d) "District" or "law enforcement district" means a rural law enforcement district proposed to be organized or organized under, or subject to, this chapter.
- (e) "Owner" or "landowner" means a legal owner of real property or the vendee of a contract of purchase of real property, if any, to the exclusion of the vendor. The term includes a unit owner, as defined in ORS 100.005.
- (f) "Law enforcement agency" means the Oregon State Police, a county sheriff's office or department, or a municipal police department.
- (g) "Law enforcement officer" means any person who is member of the Oregon State Police, a sheriff, a sheriff's deputy or officer, a constable, a deputy constable, a marshal, a deputy marshal, or a municipal police officer.
- (e) "Law enforcement services" includes the services of law enforcement officers or law enforcement agencies, court services, prosecution and defense services, corrections services, parole and probation services and related services that contribute to the peace and safety of the public.

Section 2. (1) A rural law enforcement district may be formed in the manner set forth in this chapter and chapter 198 of the Oregon Revised Statutes.

(2) A district may not include:

- (a) Territory within a city.
- (b) Territory within more than one county.

Section 3. A director of a district shall be an elector or an owner within the district. A district may determine, by ordinance that takes effect at least one year prior to the date of a regular district election, that law enforcement officers of the district, volunteer or otherwise, and other district employees shall not serve as directors.

Section 4. No final order of a county board establishing a district shall be set aside, or annulled upon appeal or review, on account of any defect or irregularity in the petition asking for organization of such district, or notice thereof, which does not materially affect the substantial rights of an interested party. The following irregularities are declared to be immaterial defects:

(1) Errors of description of the intermediate points, courses or distances of the exterior boundaries of the proposed district set out in the petition for organization or as changed at the hearing by the county board, when the exterior boundaries can be otherwise definitely determined.

(2) Errors in posting notices where it can be shown that all persons objecting to the proceedings had actual notice thereof prior to the hearing.

(3) Errors in or omissions of the names of petitioners or number thereof, or in the

percentage thereof of property owners in the district, required to sign the petition for organization, where there is entered upon the records of the county board an order or proclamation establishing or legally forming such district.

Section 5 Subject to the provisions of Section 2 of this Act , a county governing body may, under ORS 198.705 to 198.955, include in or exclude from a proposed district, or territory proposed to be annexed to a district, such territory as it determines.

Section 6. (1) When formation of a district is proposed, in addition to other information required under ORS 198.750 or 198.835:

(a) A statement that the district shall be divided into a specified number of zones for the purpose of imposing and levying ad valorem taxes at different rates in each zone based upon differences in services provided by the district in each zone.

(b) The boundaries of the proposed zones.

(2) If an election on formation of the district is held, the county board shall order the questions of whether or not to form the district and, if the district is formed, whether or not to divide it into zones to be submitted to the voters as separate questions to be voted upon separately.

(3) After an election on formation is held, if both the formation of the district and the division of the district into zones are approved by the voters, the order issued under ORS 198.820 (3) creating the district shall declare that the district contains zones with the boundaries specified in the petition or order for formation. If only formation of the district is approved by the voters, the order creating the district shall be issued as provided in ORS 198.820.

(4) If the district is formed without an election, the order issued under ORS 198.820 (3) creating the district shall declare that the district contains zones with the boundaries specified in the petition or order for formation.

(5) When a district containing zones is formed under this section, the first board of directors of the district, prior to the levy of any ad valorem taxes by the district, shall provide notice of a public hearing and conduct the hearing as provided in Sections 34 and 35 of this Act. After the public hearing required under this section, the board shall enter an order in its journal stating the percentage of the total amount of ad valorem taxes of the district that will be collected in each zone. The board may then determine, make and declare the ad valorem tax levy for each zone.

(6) The boundaries of the zones and the percentages of taxes collected in each zone that are established for a district under this section shall be effective until the regular district election in the first odd-numbered year following the year in which the district is formed. At that regular district election, a proposal for changing the boundaries of the zones may be submitted to the voters of the district as provided in Sections 34, 35, and 36 of this Act. If no proposal for a boundary change is submitted, the boundaries of the zones established upon formation of the district shall be retained until notice of a change is given to, and approved by, the voters of the district as provided in Sections 34, 35, and 36 of this Act.

Section 7. For purposes of ad valorem taxation, a boundary or zone change must be

filed in final approved form with the county assessor and the Department of Revenue as provided in ORS 308.225.

Section 8. (1) The power and authority given to the district, except as otherwise provided, is vested in and shall be exercised by a board of five directors. Except as provided by subsection (3) of this section, the term of director is four years.

(2) The board of directors shall fill any vacancy on the board as provided in ORS 198.320.

(3) Within 10 days after receiving their certificates of election, the members of the first board of a district shall meet and organize by first taking and subscribing an oath of office. At the same meeting, the directors shall determine by lot the length of term each shall hold office. Of the members of the board first elected:

(a) The terms of two directors shall expire June 30 next following the first regular district election; and

(b) The terms of three members shall expire June 30 next following the second regular district election.

Section 9. (1) Each office of director shall be designated by number as Position No. 1, Position No. 2 and so forth.

(2) The secretary of a district shall assign a position number to each office on the board. The number so assigned shall be certified by the secretary to the director in office holding that position. A copy of the certification shall be filed in the records of the elections officer for the district.

Section 10. (1) Candidates for election from subdistricts created by Section 11 of this Act shall be nominated by electors of the subdistricts. Candidates for election at large may be nominated by electors of subdistricts or by electors of the district, or any combination of such methods.

(2) Subject to Section 11 of this Act, the directors may be elected in one of the following methods or a combination of both:

(a) Elected by electors of subdistricts.

(b) Elected at large by position number by the electors of the district.

Section 11. Election subdistricts; petition for formation; election. (1) This section establishes the procedure for determining either of the following questions:

(a) Whether subdistricts should be created in a district for the purpose of nominating or electing two or more directors.

(b) Whether the method established in a district for nominating and electing directors should be changed to another method.

(2) A question under this section shall be decided by election. The district board shall order an election when a petition is filed as provided in this section.

(3) Except as otherwise provided in this section, the requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition in ORS 255.135 to 255.205.

(4) If the question proposes creation of subdistricts or a change in the boundaries or

the number of existing subdistricts, the following requirements shall apply:

(a) The petition shall contain a map indicating the proposed subdistrict boundaries. The map shall be attached to the cover sheet of the petition and shall not exceed 14 inches by 17 inches in size.

(b) Notwithstanding ORS 250.035, the statement summarizing the measure and its major effect in the ballot title shall not exceed 150 words.

(c) The following apply to the statement summarizing the measure and its major effect in the ballot title:

(A) The statement shall specify the method of nomination and election of directors from among the methods described in Section 10.

(B) The statement shall specify whether, in filling each position on the board, an elector of the district may sign a petition of nomination or vote for a candidate from any subdistrict or only for a candidate from the subdistrict in which the elector resides.

(C) If the method for nominating directors combines nomination of candidates from and by subdistricts and nomination of candidates at large, the statement shall specify the number of candidates to be nominated in each manner. The statement shall include a general description of the proposed boundaries of the subdistricts, using streets and other generally recognized features.

(d) The order calling the election shall contain a map of the proposed subdistrict boundaries and a metes and bounds or legal description of the proposed subdistrict boundaries. The map and description shall be prepared by the county surveyor or county assessor and shall reflect any adjustment made in the boundaries under subsection (7) of this section.

(5) The map to be contained in the petition under subsection (4) of this section shall be prepared by the county surveyor or county assessor. The chief petitioners shall pay the county for the cost of preparing the map, as determined by the county surveyor or county assessor. The county clerk shall not accept the prospective petition for filing until the chief petitioners have paid the amount due.

(6) Subsection (4) of this section does not apply if the question proposes abolition of all subdistricts.

(7) If the district board determines or adjusts the boundaries of the subdistricts under Section 12 before submitting the question under this section, the district board shall amend the ballot title as necessary to reflect its adjustment of the boundaries.

(8) If the electors of the district approve the creation of subdistricts, or a change in the boundaries or the number of existing subdistricts, directors then holding office shall continue to serve until their terms of office expire. As vacancies occur, positions to be filled by nomination or election by subdistrict shall be filled by persons who reside within subdistricts which are not represented on the board. If more than one subdistrict is not represented on the board when a vacancy occurs, the subdistrict entitled to elect a director shall be decided by lot.

Section 12. The boundaries or proposed boundaries of election subdistricts proposed or established within a district under Section 11 of this Act from which directors are to be nominated or elected shall be as nearly equal in population as is feasible according to the latest available federal census data and shall be adjusted by the board to apportion

population, to follow wherever practicable existent election precinct boundaries and to reflect boundary changes of the district. The boundaries shall be determined or adjusted by the board prior to submitting the question of election subdistricts to the electors under Section 11.

Section 13. (1) ORS chapter 255 governs the following:

(a) The nomination and election of directors.

(b) The conduct of district elections.

(2) The electors of a district may exercise the powers of the initiative and referendum regarding a district measure, in accordance with ORS 255.135 to 255.205.

Section 14. (1) The question whether subdistricts should be established for the purpose of nominating or electing one or more board members may be submitted at an election called under ORS 198.866 and 198.867, or at an election on merger or consolidation called under ORS 198.903.

(2) The following provisions of Section 4, paragraph (4) apply to an election on annexation, merger or consolidation when the question of establishing subdistricts is submitted at that election:

(a) The requirements applicable to the ballot title.

(b) The provision for a map of the proposed subdistrict boundaries.

Section 15. At any regular meeting, the district board may call a special election.

Section 16. (1) The district board shall hold meetings at such time and place within the district as it determines. It shall hold at least one regular meeting in each month on a day fixed by the board, and may hold special meetings under such rules as it may make.

(2) At the organizational meeting the board shall choose from the members a president, vice president, secretary and a treasurer. The board may choose as secretary and treasurer the same person. Officers shall hold their offices until the first regular meeting in July following or until their successors are elected and qualified. They shall have the powers and perform the duties usual in such cases. In the absence of the president, the vice president or, in the absence of both, any other member of the board may preside at any meeting.

(3) The board shall transact all business pertinent to the establishment, equipment and maintenance of the district and its properties.

Section 17. (1) The district board shall select an Executive Director, and assistants, volunteer or otherwise, and fix their compensation. Under the direction of the district board, the Executive Director shall be responsible for the personnel, equipment, properties and operations of the district.

(2) The district board shall select the location of the headquarters and office or offices of the district. Such sites shall be chosen with a view to the best service to the residents and properties of the whole district and may be acquired by purchase or exercise of the powers of eminent domain in the manner provided by ORS chapter 35. The board may

purchase apparatus and equipment as needed by the district for administration of the district and any law enforcement purpose. Pursuant to ORS chapter 190, the board may contract with the county government of the county in which the law enforcement district is located or with one or more cities which are adjacent to or contiguous with the law enforcement district for office facilities, administrative assistance, for law enforcement services and for apparatus and equipment at a rate of compensation mutually agreed upon.

(3) A district may form and operate a police agency, or may contract with one or more law enforcement agencies to provide services within the district.

(4) A district may enter an agreement with a city that is in any part adjacent to or contiguous with the district for joint law enforcement services.

(5) For the purposes of ORS 153.630 (2) the treasurer of a law enforcement district shall receive any funds resulting from prosecutions initiated by or from arrests or complaints made by any law enforcement officer acting under authority of or contract with the law enforcement district.

(6) A district may enter into agreements or contracts with other public entities or private entities to provide law enforcement services to the district.

Section 18. The board of directors may employ assistants as necessary or convenient in carrying on the work of the district and fix their compensation. The board may pay the expenses of directors actually incurred in the service of the district.

Section 19. In addition to the authority to enter into intergovernmental agreements under ORS chapter 190, a rural law enforcement district may contract with any person or entity for the purpose of providing law enforcement services to the district.

Section 20 A district may contract with other rural law enforcement districts, cities, or other public entities in the county in which the district is located for the establishment and maintenance of a mutual communication system for law enforcement and other public safety purposes and may, in cooperation with the other contracting party or parties, provide for a joint board of control composed of representatives of the contracting parties, to control the operations of such communication system.

Section 21. Expenses incurred by a district in establishing programs or providing benefits authorized by Section 22 to Section 27 of this Act are expenses for which a district may levy taxes as provided by Section 28 of this Act.

Section 22. (1) A district board may enter into contracts for medical and hospital services or insurance covering employees of the district for remedial care and hospital benefits. Failure to obtain insurance or service contracts shall not be construed as negligence or lack of diligence on the part of the board or the members thereof.

(2) As used in this section "remedial care" includes services rendered by a person licensed to practice one or more of the healing arts within the scope of the license of the person or any other remedial care recognized under the law of this state.

Section 23. (1) The district may agree to pay none, part or all of the premiums or charges on insurance or service contracts, and it may collect from the salary of any employee covered by the contract the percentage of the premiums or charges the employee is required to provide pursuant to the contract. Contributions for premiums or charges by employees shall be only on a voluntary basis.

(2) The board may negotiate more than one contract with one or more companies or associations if necessary to obtain optimum coverage at minimum cost.

(3) No premium or other periodic charge on any insurance or service contract shall be paid unless the insurer or hospital association issuing such policy or contract is authorized to transact business as an insurance company or hospital association in this state.

Section 24. (1) A district may establish an employees' retirement system pursuant to Section 22 to Section 27 of this Act. The board may enter into agreements necessary to establish the system and carry out the plan and may agree to modifications of such agreements from time to time.

(2) The retirement plan may provide for retirement benefits measured on the basis of services rendered or to be rendered by an employee, either before or after the date on which such employee first becomes a member of the retirement plan. The retirement plan may provide for a minimum of years of service and a minimum and maximum age of retirement for the employee.

Section 25. The district may budget and provide for payment into the fund of the retirement plan an amount sufficient:

(1) To provide, on an actuarial reserve basis, the amortized level premium cost of the retirement benefits which, under the provision of the retirement system, are to be provided by the district to its employees who attain the retirement age or retire in accordance with the terms of the retirement plan.

(2) To meet the actuarially computed costs of retirement benefits measured on the basis of services rendered or to be rendered by an employee before or after the date on which such employee becomes a member of the retirement plan.

Section 26. The district may collect, as a contribution from any employee, that percentage of the salary received by the employee which is necessary to fund on an actuarial reserve basis the cost of retirement benefits which the employee is required to provide pursuant to the provisions of a retirement plan.

Section 27. Nothing in Section 21 or in Section 22 to Section 27 of this Act authorizes the district to budget, provide for payments or collect contributions to fund retirement benefits for an individual who is not in the employment of the district at the time of the creation of a membership status under a retirement plan.

Section 28. (1) To provide funds for defraying expenses for the establishment, equipment, operation and maintenance of the district, the district board may provide for a tax on the assessed value of all taxable property within the district.

(2) To carry into effect any of the powers granted to the district, the district, when

authorized by a majority of the voters voting at an election called for that purpose, may borrow money and sell and dispose of general obligation bonds. The total outstanding general obligation bonds, together with liabilities outstanding incurred under rental or lease-purchase agreements authorized by subsection (3) of this section, shall at no time exceed one and one-fourth percent (.0125) of the real market value of all taxable property within the district, computed in accordance with ORS 308.207.

(3) The board may enter into rental or lease-purchase agreements to rent, lease or acquire real or personal property, or both, required for law enforcement and related administrative purposes. Except for agreements to rent, lease or acquire real property, no agreement shall run for more than 10 years or be subject to renewal. The aggregate principal obligations under such agreements, and under other like agreements, with outstanding bonded indebtedness, shall not exceed the limitation imposed by subsection (2) of this section. The provisions of ORS 294.305 to 294.555 shall not affect or restrict the right of any district to enter into such an agreement.

Section 29. Bonds authorized under Section 28 of this Act shall be issued and sold in the manner prescribed in ORS 287.014 to 287.028. They shall be so conditioned that the district agrees to pay, at the place named, to the bearer the sum named in lawful money of the United States with interest at the rate named, payable semiannually each year in accordance with the terms of interest coupons attached.

Section 30. A district board shall ascertain and levy annually, in addition to all other taxes, an ad valorem tax on all the taxable property in the district, sufficient to pay the interest accruing and the principal maturing on the bonds promptly as they become due.

Section 31. The district may receive from any source whatever, gifts, donations, bequests, money or property for any purpose consistent with the terms of this chapter. The district may, from time to time, provide from its current revenue or create or set up sinking funds to be applied to authorized expenditures contemplated to be made beyond the current tax year.

Section 32. Funds collected on behalf of the district through the levy of taxes, all donations, contributions, bequests or annuities and all borrowed money received by or on behalf of the district shall be deposited in one or more depositories, as defined in ORS 295.005, to be designated by the board. Funds shall be drawn out only upon proper order and warrant or check, bearing the signature of those persons authorized to sign warrants or checks by resolution of the board.

Section 33. All warrants for the payment of any indebtedness of a district which are unpaid for want of funds shall bear interest at a rate to be fixed by the district board but not to exceed six percent per annum from the date of the registering of the unpaid warrants with the county treasurer. The amount of warrants outstanding shall not exceed the revenue provided for the year in which the indebtedness was incurred.

Section 34. (1) A district board may divide its district into zones for the purpose of

imposing and levying ad valorem taxes at different rates on the assessed value of all taxable property in each zone. The establishment of zones within a district under this section shall be based upon differences in the services provided by the district to the residents and their property in each zone.

(2) When a district board decides to divide the district into zones under subsection (1) of this section, it shall conduct a public hearing on the formation of the proposed zones. The hearing shall be held after notice to the public is published as provided in Section 35 of this Act. The notice shall set forth the date, hour and place of the hearing and the information required under Section 35 of this Act. The notice shall state that all interested persons may attend and shall be given a reasonable opportunity to be heard.

Section 35. (1) The district board shall cause a notice of a public hearing relating to the formation of zones under Subsection (1) of Section 34 of this Act to be published once a week for two successive weeks in the newspaper in general circulation in the district which, in the judgment of the district board, will afford the best notice to the residents of the district.

(2) The notice published under this section shall set forth:

- (a) The resolve of the district board to divide the district into zones.
- (b) The boundaries of the proposed zones.
- (c) The percentage of the total amount of ad valorem taxes of the district that will be collected in each zone.

Section 36. (1) After the public hearing required under Subsection (2) of Section 34 of this Act, if the district board decides to proceed with the proposal, it shall submit the question of dividing the district into zones to the voters of the district at the next regular district election on the date specified in ORS 255.335 (1).

(2) If a majority of the voters of the district voting upon the question vote in favor of dividing the district into zones, the district board shall enter an order in its journal declaring that fact. The order shall be conclusive as to the regularity of all proceedings in reference to the election and to the existence of the zones.

Section 37. (1) When a proposal for dividing a district into zones is approved by the voters of a district, a proposal for changing the boundaries of the zones shall not be submitted to the voters at the regular district election next following such approval, but may be submitted at any regular district election thereafter.

(2) Following approval of the formation of zones within a district by the voters of the district, the boundaries of the zones shall not be changed by the district board unless notice of that change is given to, and approved by, the voters of the district as provided in Section 34 to Section 36 of this Act.

Section 38. If a district is divided into zones under Section 34 of this Act, the district board shall determine, make and declare the ad valorem tax levy for each zone when the district board adopts its budget for any fiscal year. The determination of the amount of ad valorem taxes to be levied in each zone shall be in accordance with the proposal approved by the voters under Section 36 of this Act and shall be entered in the proper records of the

district board.

Section 39. (1) The electors of a district may initiate proceedings to divide the district into zones under Section 6 and Section 34 to Section 38 of this Act by filing a petition with the district board. The petition shall state the name of the district and contain a request that the district board divide the district into zones consisting of areas zoned for exclusive farm use, areas within urban growth boundaries and all other areas.

(2) A petition filed under this section shall be signed by not less than 10 percent of the electors of the district.

(3) When the district board receives a petition filed under this section, the district board shall hold a public hearing on the formation of the proposed zones, and provide notice thereof, as required by Section 34 and Section 35 of this Act.

Section 40. In addition to any other powers granted by law, a district may:

(1) Make all contracts, execute all instruments and do all things necessary or convenient for the exercise of the powers granted by this Act, or for the performance of its covenants or duties, or in order to secure the payment of its indebtedness.

(2) Establish a reserve fund or account for the benefit of bond owners and provide that the reserve fund or account may be funded with bond proceeds, from moneys held in the general fund, an enterprise fund or other fund of the district or from such other revenues or sources as the governing body of the district may determine.

Section 41. ORS 255.012 is amended to read:

(30) A rural law enforcement district organized under this Act.

Section 42. (1) A district organized under this Act shall be known as the "_____ Rural Law Enforcement District of _____ County" if a named district, or as "Rural Law Enforcement District No. _____ of _____ County" if a numbered district.

(2) The name or number of the district shall be stated in the petition for the formation of the district or shall be selected by the directors of the district at their first meeting and shall be unique to the district.

(3) In the event of a consolidation or merger of two or more districts, the consolidated board shall select a name or number for the surviving or successor district.

(4) In the event of the dissolution of a district, the name or number given to the district may be subsequently used by another district.

Can't go below a minimum fine.
AOC
NO POSITION

74th OREGON LEGISLATIVE ASSEMBLY--2007 Regular Session

House Bill 2303

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Judiciary)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Expands authority of court to reduce fines for violations.

A BILL FOR AN ACT

Relating to criminal procedure; creating new provisions; and amending ORS 153.093.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 153.093 is amended to read:

153.093. (1) Notwithstanding any other provision of law **and except as otherwise provided in this section**, a court or violations bureau may not defer, waive, suspend or otherwise reduce the fine for a violation to an amount that is less than:

(a) [75] **50** percent of the base fine amount established for the offense under ORS 153.125 to 153.145, if the offense is a Class A, B, C or D violation, or an unclassified violation, under ORS 153.012 and 153.015; or

(b) 20 percent of the base fine amount established for the offense under ORS 153.125 to 153.145, if the offense is a specific fine violation as described by ORS 153.015.

(2) A court or violations bureau may impose a fine lower than the amount required by subsection (1) of this section if the court has:

(a) **Authorized imposition of a lower fine for a vehicle equipment violation in a proceeding in which the defendant establishes that the vehicle equipment has been installed or repaired to comply with the law that was violated; or**

(b) **Established procedures for the imposition of a lower fine based on a determination that the defendant has not been convicted of an offense within the three-year period immediately preceding the date on which the citation was issued.**

(3) In addition to the grounds specified in subsection (2) of this section, a court may impose a fine lower than the amount required by subsection (1) of this section if the court determines:

(a) **That the defendant is indigent; or**

(b) **In a specific case, that the amount of the fine required by subsection (1) of this section would be inconsistent with justice.**

[(2)] (4) Nothing in this section:

(a) **Affects the manner in which a court imposes or reduces monetary obligations other than fines.**

(b) **Allows a court to reduce any fine amount below a minimum fine amount established by statute for the offense.**

NOTE: Matter in boldfaced type in an amended section is new; matter [italic and bracketed] is existing law to be omitted. New sections are in boldfaced type.

1 (c) Affects the ability of a court to establish a payment schedule for fines imposed by the court.
2 [(3)] (5) For the purpose of determining whether a fine meets the requirements of subsection (1)
3 of this section, the unitary assessment amount under ORS 137.290 and the county assessment amount
4 under ORS 137.309 shall be included in calculating the amount required under subsection (1) of this
5 section.

6 [(4)] (6) The Department of Revenue or Secretary of State may audit any court to determine
7 whether the court is complying with the requirements of this section. In addition, the Department
8 of Revenue or Secretary of State may audit any court to determine whether the court is complying
9 with the requirements of ORS 137.290 (4) and 153.630 (4). The Department of Revenue or Secretary
10 of State may file an action under ORS 34.105 to 34.240 to enforce the requirements of this section
11 and ORS 137.290 (4) and 153.630 (4).

12 **SECTION 2.** The amendments to ORS 153.093 by section 1 of this 2007 Act apply to vio-
13 lations committed before, on or after the effective date of this 2007 Act.
14

Law Offices of A. Carl Myers

January 25, 2007

House Judiciary Committee
Room 357
Oregon State Capitol
Salem, OR 97310

RE: HB 2303 Authority of Courts to Reduce Fines for Violations

Dear Chair Macpherson and Members of the Committee,

My name is Carl Myers and I am the President of the Oregon Municipal Judges Association. I am also the Government Relations Consultant for that association and the Oregon Justices of the Peace Association. In those capacities, I speak for both judge groups in strong support of House Bill 2303. Unfortunately, my Court schedule does not allow me to attend the Public Hearing on this important bill. I am sure there will be others from those two groups at the hearing to testify in person on behalf of HB 2303.

HB 2303 represents the law that was in effect prior to the law change coming out of the Oregon 2003 legislative session. The sole purpose of that 2003 legislation was to raise money for state courts during the times of significantly reduced budgets. That 2003 bill, HB 2759, also raised the maximum fines for violations and raised the percentage used in calculating the base fine amount for traffic violations, again, all for the express purpose of raising additional revenue.

While implementation of the other parts of HB 2759 have had an effect on violation offenders, the raising of the minimum fine from 50% of the base fine to the current 75% of the base fine has caused major problems for courts and traffic violators. We, the local traffic court judges, support HB 2303 because it allows us judges more discretion to impose fines more appropriate to the facts of a particular case, the driving record and economic situation of a particular driver.

In summary our concerns about the present 75% minimum fine are:

- It has a punitive effect on drivers with prior clean driving records. For example, a driver with a clean driving record for, say, 20 or more years that fails to come to a complete stop at a stop sign (California or rolling stop) faces a minimum fine of \$182. A driver that runs the stop sign altogether and who might have several similar convictions on his or her driving record will pay the base fine of \$242. The driver with the clean record is a responsible driver and a good law-abiding citizen that made a mistake that many drivers make every day. With or without the imposition of a fine, that driver will probably not re-offend for many years. However, with such a high minimum

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January 25, 2007

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fine, there is no significant difference in the way the two different violators can be treated.

- The current law has a punitive effect on drivers that suffer from economic hardship. High fines only make it more difficult for some people to pay the fine and avoid other sanctions, such as loss of driving privileges, for such failure. Senior citizens on fixed incomes suffer most from these high minimum fines. Judges often struggle with this requirement to impose such a large fine when they know that the defendant cannot pay the fine anytime soon.

- High minimum fines are not needed to punish bad drivers or drivers with extensive records. The courts can always increase the fines for those drivers that deserve a greater penalty.

- High minimum fines are not needed for greater traffic safety. There is, in my experience, no correlation between the amount of the minimum fines and the deterrence factor for drivers. Again, most drivers make mistakes in driving through distraction, not paying enough attention, sloppy driving habits, or ignorance of the law. Being stopped by a police officer is generally enough of a reminder for the driver. If not, a small fine would get the point of responsible driving across. Large fines just anger many drivers and cause them to lose respect for the police, the traffic courts, and the jurisdictions that, in their minds, enforce the laws only to raise money.

- In 2003, HB 2759 raised the maximum fines for violation classes as well as the percentage of the maximum fine used in calculating the base fine. Passage of this current bill, HB 2303, will not roll fine collections back to 2003 levels because of the other increases in HB 2759 are not being changed in this bill.

- It is my experience that some, if not many, traffic enforcement officers are not writing citations for many offenses in circumstances that would have received a citation prior to the increase in the minimum fine. I am told that this is because the officers know the financial impact that the conviction will have. Passage of HB 2303 may actually increase the number of citations issued which may mitigate any loss of fines from imposition of lower fines.

Thank you for your consideration of this important measure. I invite all of you to join me in Keizer Municipal Court for arraignments on Wednesday mornings to see firsthand the impact these high minimum fines have on your constituents.

Sincerely,



A. Carl Myers
Municipal Court Judge

ACM/prm



Andy OLSON
STATE REPRESENTATIVE
DISTRICT 15
HOUSE OF REPRESENTATIVES

January 26, 2007

Representative Greg McPherson, Chairman
House Committee on Judiciary
900 Court St. NE
Salem, OR 97301

Mr. Chair and Members,

I speak to HB 2303 from two perspectives: having served with the Oregon State Police for 29 years, and having served as the vice-chair of the House Judiciary Committee last session and during the interim. This bill returns a small amount of discretion back to the courts regarding violations . . . basically, traffic infractions. It does not impact ORS 153.018 which provides maximum sentencing guidelines for Class A, B, C and D violations (\$720, \$360, \$180, & \$90 respectively).

What it does do is very simple:

1. It gives discretion to the court to reduce the fine no less than 50 percent of the base fine.
2. It gives discretion to the court to lower the fine for vehicle equipment related violations in which the driver has corrected the equipment violation.
3. Additionally, the court may lower the fine if the driver has not been convicted of an offense within a three-year period of receiving another citation.
4. The court may impose a fine lower than the amount required if the court determines the defendant to be indigent or if the fine required in subsection (1) would be inconsistent with justice.

As you are aware, the mandatory minimum fine was increased to 75 percent by the 2003 Legislature. This bill just returns to the 50 percent base fine level and the other points discussed.

Okay . . . so what happened to the courts as a result of the steep 75 percent increase four years ago? Well, before the increase in 2003, the courts had the flexibility to lower the fine in indigent cases and cases of injustice. Today, in five percent of the cases involving indigent and injustice instances, courts either grant a discharge (conviction with no fine) or dismiss the case.

Let me share an example I recently heard from a judge. A female driver exceeded past the stop line of an intersection by five feet to peek around a curve before continuing. She did not stop at the stop line, but did stop at the intersection because of the stop sign. She was issued a citation for Disobeying a Stop Sign. She appeared in court, pleading guilty. She had never received a citation in her 45-years of driving. Because of the current structure of the mandatory minimum fine structure, Unitary Assessment, and court costs, she received a fine of \$203.00.

On August 3, 2006, I discussed the concept of this bill with John Minnis who is currently the director of DPSST and was the chief sponsor of the change in 2003 as chair of the Senate Committee on Judiciary. This is what he said, "Legislators have always grappled with courts being able to collect fines. The change was a process to bring some consistency."

For your information, John retired a few years back from the Portland Police Bureau, so there was some "Cop-shop" talk at the same time. We both concluded that officers are generally reluctant to issue citations when fines are high. He shared there are times when policy is created that doesn't workout as planned. He felt this legislation may very well fit into that category and that it was time to look at it again.

So . . . here I am.

I appreciate your time hearing this bill, and I hope you will strongly consider returning some discretion to the courts, because it does impact the public. I urge you to move this bill to the floor with a due-pass recommendation.

By: Andy Olson, State Representative
 House District 15 - Albany

JAMES R. STRICKLAND, P.C.
ATTORNEY AT LAW

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January 25, 2007

RE: HB 2303

Dear Chairman MacPherson & Committee Members

I am the Presiding Judge for the Springfield Municipal Court. This letter is from me and has not been approved by the City of Springfield.

I agree with the position of the Oregon Municipal Judges Association regarding HB 2303. Only being allowed to reduce fines by 25% causes a hardship on poor citizens.

Some people who appear in front of me are on SSI and earning approximately \$650 per month. There are also people appearing in front of me on Social Security, as well as many in the wood products industry who are retired and receive defined benefit plan retirement benefits which have not kept up with inflation.

A vast majority of the people who appear in front of me are what I call the working poor, who survive on minimum wage. As you are probably aware, a minimum wage employee who works 40 hours per week after taxes only brings home approximately \$1,026.75 per month in net pay. With rent running at a minimum \$500 per month, many people are forced to survive on limited financial resources.

In these case, where the individual has an excellent driving record, I have two choices:

1. I can reduce the fine by only 25%, usually leaving a fine due of \$183, which is a substantial percent of their income; or
2. I can find a legal way to have the matter dismissed.

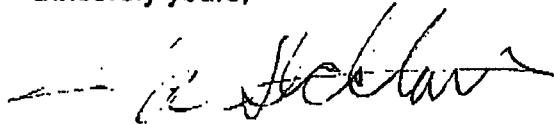
The consequences of not paying fines is severe. The person's driver's license is suspended, which requires a reinstatement fee of approximately \$76. Many people in this state are driving while suspended because they had no money to pay their fines. A ticket for driving while suspended runs approximately \$400, plus the vehicle is usually

January 25, 2007
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impounded, costing several hundreds of dollars to retrieve. All of this just puts the driver deeper into a financial hole from which there is no escape.

Many persons believe the state is using traffic fines as a source of revenue, which causes citizens to become even more cynical about the justice system than they already are.

Sincerely yours,

A handwritten signature in black ink, appearing to read "James R. Strickland", written over a horizontal line.

James R. Strickland
Attorney and Presiding Judge

JRS:lar

FACTS ABOUT JUSTICE, MUNICIPAL AND CIRCUIT COURTS
AND THE CRIMINAL FINE AND ASSESSMENT ACCOUNT (CFAA)
DURING THE CURRENT BIENNIUM (7/1/05 to 6/30/07)
November 30, 2007

- There are 30 justice of the peace courts in 20 Oregon counties.
- The 30 justices of the peace paid \$9,806,023 the CFAA through 11/30/06.
- The average justice of the peace paid \$326,867 to the CFAA through 11/30/06.
- The cost to the State of Oregon General Fund to operate justice courts: \$-0-.
- There are approximately 120 municipal courts in the 240 cities in Oregon.
- Oregon municipal courts paid \$9,592,979 to the CFAA through 11/30/06.
- The average municipal court paid \$79,941 to the CFAA through 11/30/06.
- The cost to the State of Oregon General Fund to operate municipal courts: \$-0-.
- The Oregon Judicial Department (OJD) employs 187 judges in 36 Oregon counties.
- OJD paid \$66,118,714 to the CFAA through 11/30/06.
- The average OJD judge paid \$353,576 to the CFAA through 11/30/06.
- The cost to the State of Oregon to operate OJD courts this biennium: \$1,632,592¹ per judge (not including indigent defense).

JUSTICE, MUNICIPAL & CIRCUIT COURT PAYMENTS TO CFAA
By fiscal year (FYE 6/30/xx)

Year	Justice Courts	Municipal Courts	Circuit Courts
'96	2,972,576	2,737,564	27,530,924
'97	3,378,703	3,647,393	31,888,936
95-97 Biennium	6,351,279	6,384,957	59,419,860
'98	4,016,211	3,602,510	33,612,408
'99	5,063,699	4,104,224	38,124,305
97-99 Biennium	9,079,910	7,706,734	71,736,713
'00	6,007,373	5,096,339	42,706,438
'01	7,045,500	6,165,451	45,672,324
99-01 Biennium	13,052,873	11,261,790	88,378,762
'02	6,723,937	6,060,902	40,480,266
'03	6,868,258	6,220,449	39,373,041
01-03 Biennium	13,592,195	12,281,351	79,853,307

(Continued on next page)

Facts About Justice, Municipal & Circuit Courts and the CFAA
November 30, 2006 Page 2

JUSTICE, MUNICIPAL & CIRCUIT COURT PAYMENTS TO CFAA
By fiscal year (FYE 6/30/xx)(Continued)

Year	Justice Courts	Municipal Courts	Circuit Courts
'04	7,090,888	6,450,163	42,646,843
'05	6,707,890	6,336,006	42,804,471
03-05 Biennium	13,798,778	12,786,169	85,491,314
'06	6,568,204	6,302,804	46,220,597
'07	3,237,819	2,968,864	19,898,117
05-07 Biennium	9,806,023	9,592,979	66,118,714

- The State of Oregon, Oregon Judicial Dept. (OJD), operates the largest municipal court in the state, the Multnomah County Circuit Court in the City of Portland, see, ORS 3.136; this revenue is included as circuit court revenue in the statements above.
- There is a one-month lag between collection by the courts and payment to the CFAA. Thus, revenue collected by the courts in February is paid as revenue to the CFAA in March.
- The Oregon Dept. of Revenue (DOR) now collects over 44% of the revenue paid by OJD to the CFAA. Most of the gain (86%) in OJD revenue from the 01-03 biennium that occurred in the 03-05 and current bienniums is attributable to DOR collections. DOR has authority to use full collections procedures for OJD collections. DOR has limited collections authority (offset only) for justice and municipal courts. DOR collections are not yet a significant factor for local court collections, and, so long as local courts are limited to offset only, DOR collections will not be as significant a factor in collections for local courts as for OJD.
- The decline in the road strength of the Oregon State Police (OSP) is most notably reflected in revenue from justice courts. OSP patrols declined and outposts were closed in rural areas where most justice courts are located in 2003. At least one justice court closed a facility because of the decline in OSP filings; other justice courts reduced staff and operations because of the decline in OSP filings. Revenue from justice courts has made only slight gains since 01-03 biennium.

¹ The per judge cost of operating the Oregon Judicial Dept., \$1,632,592, is determined by dividing the 2005-07 Approved Budget (May 2006) for the Oregon Judicial Dept., \$305,294,716 by 187, the number of Judicial Dept. judges (circuit court, 169; appellate court, 17; and tax court, 1); the result is the average cost per judge.

2006-2007

Based on month \$ received by Dept. of Revenue

	Jul-2006	Aug-2006	Sep-2006	Oct-2006	Nov-2006	Dec-2006	Jan-2007	Feb-2007	Mar-2007	Apr-2007	May-2007	Jun-2007	Total
Unitary													
Justice	462,542.87	324,731.10	492,657.78	402,282.51	408,439.12								
Municipal	571,389.28	485,278.68	569,303.13	531,472.64	693,314.32								2,090,653.38
Total	1,033,932.15	810,009.78	1,061,960.91	933,755.15	1,101,753.44	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,850,758.05
													4,941,411.43
Other State Fines/Fees													
Justice	243,559.94	185,325.70	269,715.18	245,601.43	202,964.11								
Municipal	19,752.65	21,383.24	24,794.80	19,701.61	32,473.29								1,147,166.36
Total	263,312.59	206,708.94	294,509.98	265,303.04	235,437.40	0.00	0.00	0.00	0.00	0.00	0.00	0.00	118,105.59
G Total	1,297,244.74	1,016,718.72	1,356,470.89	1,199,058.19	1,337,190.84	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,265,271.95
IDPF / DUII													
Justice	2,532.00	916.40	1,866.10	1,945.81	1,682.19								
Municipal	11,263.99	10,018.61	8,831.86	10,119.62	10,858.61								8,942.50
Total	13,795.99	10,935.01	10,697.96	12,065.43	12,540.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00	51,092.69
													60,035.19
LEMLA													
Justice	19,953.09	13,771.74	21,629.23	17,616.83	17,498.01								
Municipal	24,176.13	18,839.68	21,858.49	19,129.82	27,246.19								90,468.90
Total	44,129.22	32,611.42	43,487.72	36,746.65	44,744.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	111,250.31
													201,719.21

2006-2007

Based on month \$ received by Judicial Dept. OJD

	Jul-2006	Aug	Sep	Oct	Nov	Dec	Jan-2007	Feb	Mar	Apr	May	Jun-2007	Total
State Fee													
Total	3,912,971.86	4,292,303.36	4,047,325.56	3,926,029.43	3,719,486.84								19,898,117.05
IDPF													
Total	20,812.56	28,346.16	24,781.91	24,503.70	25,016.23								123,460.56
LEMLA													
Total	31,074.27	33,040.31	32,477.90	30,916.21	28,571.81								156,080.50

2004-2005

Based on month \$ received by Dept. of Revenue

Unitary	Jul-2005	Aug-2005	Sep-2005	Oct-2005	Nov-2005	Dec-2005	Jan-2006	Feb-2006	Mar-2006	Apr-2006	May-2006	Jun-2006	Total
Justice	293,167.93	358,432.53	437,853.15	354,066.43	368,116.45	337,358.37	257,721.56	277,239.88	371,228.35	271,935.64	492,524.95	300,491.52	4,120,136.76
Municipal	490,151.26	536,340.09	582,162.10	502,429.76	582,451.36	458,267.52	428,967.50	437,965.34	610,659.79	378,925.27	691,447.52	603,036.99	6,302,804.50
Total	783,319.19	894,772.62	1,020,015.25	856,496.19	950,567.81	795,625.89	686,689.06	715,205.22	981,888.14	650,860.91	1,183,972.47	903,528.51	10,422,941.26
Other State Fines/Fees													
Justice	172,955.88	236,781.59	292,351.98	230,073.02	225,437.10	173,030.61	154,387.75	152,694.25	224,719.92	120,838.11	301,137.80	163,660.04	2,448,068.05
Municipal	27,930.66	22,589.92	20,629.99	27,696.01	25,666.25	24,633.74	24,593.90	23,405.93	33,183.04	26,476.82	32,502.91	32,001.71	321,310.88
Total	200,886.54	259,371.51	312,981.97	257,769.03	251,103.35	197,664.35	178,981.65	176,100.18	257,902.96	147,314.93	333,640.71	195,661.75	2,769,378.93
Grand Total	984,205.73	1,154,144.13	1,332,997.22	1,114,265.22	1,201,671.16	993,290.24	865,670.71	891,305.40	1,239,791.10	798,175.84	1,517,613.18	1,099,190.26	13,192,320.19
IDPF / DUII													
Justice	487.50	721.50	1,421.50	1,297.00	1,598.00	1,795.00	813.00	1,300.25	1,687.75	1,098.00	4,435.39	1,227.50	17,882.39
Municipal	9,346.31	7,786.12	8,913.48	9,930.15	10,595.31	6,737.65	10,212.37	7,504.73	12,648.46	8,049.95	10,815.89	12,459.67	115,000.09
Total	9,833.81	8,507.62	10,334.98	11,227.15	12,193.31	8,532.65	11,025.37	8,804.98	14,336.21	9,147.95	15,251.28	13,687.17	132,882.48
LEMLA													
Justice	12,131.02	15,338.06	19,126.73	15,568.87	15,688.16	30,494.71	10,586.29	12,020.65	16,366.52	11,232.15	18,569.26	12,972.00	190,094.42
Municipal	19,699.09	20,202.13	22,161.49	19,493.76	19,996.02	17,290.18	16,843.37	16,273.19	22,535.76	15,538.53	26,182.47	23,512.48	239,728.47
Total	31,830.11	35,540.19	41,288.22	35,062.63	35,684.18	47,784.89	27,429.66	28,293.84	38,902.28	26,770.68	44,751.73	36,484.48	429,822.89

2004-2005

Based on month \$ received by Judicial Dept. OJD

State Fee	Jul-2004	Aug	Sep	Oct	Nov	Dec	Jan-2005	Feb	Mar	Apr	May	Jun-2005	Total
Total	3,693,434.23	3,888,284.50	3,850,516.07	3,830,989.23	3,424,264.98	3,326,040.65	3,525,480.40	3,707,210.03	4,523,418.64	4,129,150.74	4,076,924.25	4,244,883.51	46,220,597.23
IDPF													
Total	22,382.40	25,133.96	22,764.02	22,496.01	22,433.87	20,701.90	22,527.46	23,269.73	29,154.97	24,816.81	25,732.10	24,188.70	285,601.93
LEMLA													
Total	33,272.58	34,904.01	33,522.47	34,271.64	30,182.51	29,417.30	29,575.94	29,877.15	35,861.63	32,785.36	32,075.00	34,429.44	390,175.03

2004-2005

		Based on month \$ received by Dept. of Revenue												
		Jul-2004	Aug	Sep	Oct	Nov	Dec	Jan-2005	Feb	Mar	Apr	May	Jun-2005	Total
Unitary	Justice	377,386.11	344,870.37	399,572.86	346,917.32	342,515.57	336,067.77	320,558.73	242,788.82	303,486.65	320,181.04	376,083.51	347,066.76	4,057,495.51
Municipal		533,666.12	387,715.95	563,850.61	424,968.36	517,850.90	477,086.41	426,010.88	465,191.85	626,109.14	467,867.09	631,142.29	458,810.42	5,980,270.02
Total		911,052.23	732,586.32	963,423.47	771,885.68	860,366.47	813,154.18	746,569.61	707,980.67	929,595.79	788,048.13	1,007,225.80	805,877.18	10,037,765.53
Other State Fines/Fees														
Justice		260,408.45	227,118.58	260,470.86	220,299.77	233,599.96	249,664.63	226,536.73	126,849.28	188,244.17	184,455.79	248,689.47	224,057.44	2,650,395.13
Municipal		42,135.55	37,295.23	43,995.98	37,792.35	31,329.08	22,855.57	22,721.46	27,210.40	25,628.94	23,853.20	23,167.50	17,750.91	355,736.17
Total		302,544.00	264,413.81	304,466.84	258,092.12	264,929.04	272,520.20	249,258.19	154,059.68	213,873.11	208,308.99	271,856.97	241,808.35	3,006,131.30
IDPF / DUII														
Justice		1,163.50	1,331.00	1,515.00	1,364.00	2,602.50	1,208.50	1,172.00	1,430.00	1,802.50	1,164.00	1,235.50	864.00	16,852.50
Municipal		11,400.69	7,304.08	11,837.32	7,082.80	12,151.22	7,811.41	9,295.91	10,015.69	10,041.39	8,108.76	11,865.93	10,611.88	117,527.08
Total		12,564.19	8,635.08	13,352.32	8,446.80	14,753.72	9,019.91	10,467.91	11,445.69	11,843.89	9,272.76	13,101.43	11,475.88	134,379.58
LEMLA														
Justice		13,469.81	14,597.05	14,634.49	12,372.99	12,055.89	10,841.11	11,993.93	12,617.93	69,348.42	13,592.08	15,960.20	14,792.97	216,276.87
Municipal		21,030.72	15,527.29	21,530.90	17,383.23	19,413.81	17,889.03	16,161.23	16,872.46	25,951.87	18,117.01	23,453.34	17,199.31	230,530.20
Total		34,500.53	30,124.34	36,165.39	29,756.22	31,469.70	28,730.14	28,155.16	29,490.39	95,300.29	31,709.09	39,413.54	31,992.28	446,807.07

2004-2005

		Based on month \$ received by Judicial Dept.												
		Jul-2004	Aug	Sep	Oct	Nov	Dec	Jan-2005	Feb	Mar	Apr	May	Jun-2005	Total
State Fee	Total	3,773,836.01	3,783,249.81	3,664,984.26	3,542,367.78	3,521,491.75	3,286,413.09	3,316,980.47	3,367,640.79	4,485,112.87	3,909,998.29	3,521,085.88	3,901,310.00	44,074,471.00
IDPF / DUII	Total	21,356.80	24,088.60	24,079.73	23,507.42	21,226.78	22,486.67	22,739.03	24,140.54	28,957.65	25,294.06	22,466.03	26,902.85	287,246.16
LEMLA	Total	33,554.16	34,623.71	33,041.35	32,863.35	32,133.51	29,281.19	29,320.33	30,376.27	40,380.24	34,106.39	31,899.67	34,735.88	396,316.05

2003-2004

	Based on month \$ received by Dept. of Revenue												Total
	Jul-2003	Aug	Sep	Oct	Nov	Dec	Jan-2004	Feb	Mar	Apr	May	Jun-2004	
Unitary Justice	426,465.08	505,500.82	436,012.54	509,552.60	338,190.02	266,174.92	382,317.27	302,665.98	381,748.82	375,578.63	556,486.62	351,927.84	4,832,621.12
Municipal	500,742.12	643,018.94	545,016.75	541,240.96	480,534.41	465,713.21	476,219.47	447,904.72	528,132.68	467,300.04	602,523.37	408,514.86	6,106,861.53
Total	927,207.20	1,148,519.76	981,029.29	1,050,793.56	818,724.43	731,888.13	858,536.74	750,570.68	909,881.50	842,878.67	1,159,009.99	760,442.70	10,939,482.65
Other State Fines/Fees													
Justice	190,749.30	169,349.63	198,697.16	217,152.72	234,723.35	184,756.36	161,578.90	152,710.79	190,554.50	176,997.30	208,948.06	172,048.25	2,258,266.32
Municipal	15,223.00	29,556.90	15,982.16	26,518.30	23,927.90	35,618.34	21,683.25	43,524.85	22,913.53	17,428.95	51,277.78	39,646.55	343,301.51
Total	205,972.30	198,906.53	214,679.32	243,671.02	258,651.25	220,374.70	183,262.15	196,235.64	213,468.03	194,426.25	260,225.84	211,694.80	2,601,567.83
IDPF													
Justice	1,802.73	1,277.50	1,524.50	1,685.50	1,924.00	1,347.00	977.00	1,282.50	1,833.00	1,230.50	1,406.50	1,120.00	17,410.73
Municipal	8,477.00	10,897.76	10,534.35	10,073.73	6,320.07	9,517.01	8,242.85	8,094.87	9,376.63	8,139.53	13,607.72	7,509.31	110,790.83
Total	10,279.73	12,175.26	12,058.85	11,759.23	8,244.07	10,864.01	9,219.85	9,377.37	11,209.63	9,370.03	15,014.22	8,629.31	128,201.56
LEMLA													
Justice	14,677.59	13,891.02	15,262.38	15,596.40	14,731.48	11,654.36	10,059.72	9,286.60	12,436.83	11,659.79	14,258.98	10,854.78	154,369.93
Municipal	20,863.48	24,450.25	19,916.09	20,479.87	19,012.82	17,646.45	18,658.23	19,661.22	24,919.12	18,503.82	24,004.94	16,610.56	244,726.85
Total	35,541.07	38,341.27	35,178.47	36,076.27	33,744.30	29,300.81	28,717.95	28,947.82	37,355.95	30,163.61	38,263.92	27,465.34	399,096.78

2003-2004

	Based on month \$ received by Judicial Dept.												Total
	Jul-2003	Aug	Sep	Oct	Nov	Dec	Jan-2004	Feb	Mar	Apr	May	Jun-2004	
State Fee Total	3,712,148.30	3,232,913.41	3,252,190.80	3,802,157.21	3,085,544.98	3,228,504.37	3,059,970.26	3,439,894.86	4,059,742.63	4,382,834.22	3,520,423.65	3,870,518.44	42,646,843.13
IDPF Total	25,661.31	24,169.60	24,512.12	25,776.93	21,307.33	21,197.44	21,243.89	22,983.80	27,106.83	26,791.47	21,542.93	23,817.11	286,110.76
LEMLA Total	36,384.73	31,063.27	31,130.61	37,226.31	27,907.19	27,506.30	25,154.97	34,936.47	36,167.50	40,033.69	32,428.12	34,737.49	394,676.65

Public Safety

DISTRICT ATTORNEYS AND THEIR DEPUTIES

	2003-05 Actuals	2005-07 Legislatively Approved	2007-09 Governor's Recommended
General Fund	\$9,327,704	\$8,857,799	\$10,658,236
Lottery Funds	0	0	0
Other Funds	0	0	0
Federal Funds	0	0	0
Other Funds (Nonlimited)	0	0	0
Federal Funds (Nonlimited)	0	0	0
Total Funds	\$9,327,704	\$8,857,799	\$10,658,236
Positions	36	36	38
Full-time Equivalent	36.00	36.00	38.00

Overview

The District Attorneys and their deputies prosecute criminal cases and juvenile delinquency matters, advise and represent county officers, and enforce child-support orders. The Oregon Constitution establishes district attorneys as state officers. Their duty is to ensure that the laws of the state are enforced and executed faithfully. Overall, the state funds a portion of the total operating expenses of district attorney offices. Local governments provide the additional support required for state criminal prosecutions. State funds are provided for the following purposes:

- Salaries and benefits of the 36 elected district attorneys.
- Special payments to counties on a formula basis to defray the cost of about 300 deputy district attorneys (prosecutorial assistance).
- Statute requires the state to partially reimburse counties for witness expenses. While the recommended budget does not specifically provide funding for this purpose, counties receiving prosecutorial assistance funding could use that resource for witness expenses.

The Department of Justice provides administrative support and budgeting services.

Recommended Budget

The Governor's recommended budget for the agency is \$10.7 million General Fund, which is 20.3 percent higher than the 2005-07 Legislatively Approved Budget. The budget fully funds District Attorney costs. It also includes funding to pay to restructure their compensation plan in two ways: The three part-time district attorneys are made full-time and there is a one-time salary increase for all district attorneys that is

Public Safety

consistent with statewide management compensation planning. An executive director for the district attorneys' association is added, and a support position is moved from the Department of Justice to the association. A deputy supplement (prosecutorial assistance) is also provided.

Revenue

The budget is funded entirely with General Fund. The state's budget does not reflect other county funding for this function.

Miscellaneous

- Marine law enforcement contracts with 32 local county sheriffs' offices. The Governor's recommended budget of \$9.2 million total funds is a 9.0 percent increase over the 2005-07 Legislatively Approved Budget.
- Facility grants for marine facility improvements and construction. The Governor's recommended budget of \$11.2 million total funds is a 19.5 percent increase from the 2005-07 Legislatively Approved Budget.

Parks and Recreation Department. Funds are distributed primarily to counties for grants to enhance local parks and recreation systems and opportunities. Some funds are specifically related to the creation of All-Terrain Vehicle recreational opportunities. Other funding goes to municipalities for historic resource programs, historic trails, and pioneer cemeteries.

- Grants for historic resource programs, historic trails, and pioneer cemeteries are funded at about \$1 million.
- Grants for veteran and war memorials and the Oregon youth recreation initiative are funded at about \$1.9 million.
- County grants for recreational vehicles and all-terrain vehicle grants are funded at \$1.1 million.

Grants to enhance local parks and recreation systems and opportunities are funded at \$22 million.

Public Safety Program Area

The Public Safety Program Area represents 3.9 percent of total aid to local government. It provides \$468 million total funds. Juvenile crime prevention is a key area of cooperation among counties, the Criminal Justice Commission, and the Oregon Youth Authority.

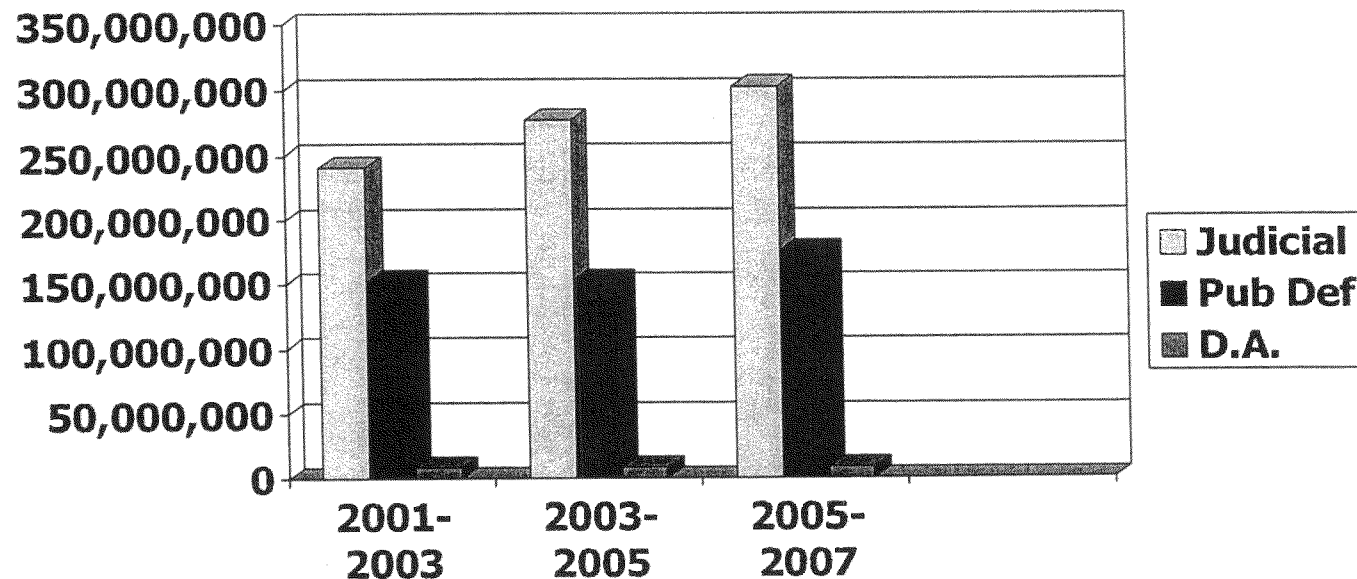
Agencies in the public safety area are responsible for ensuring the safety of Oregon's people, property, and natural resources. This is done through trained militia and law enforcement. It also includes prosecution and incarceration of juvenile and adult offenders. Some examples of aid to local government are:

Criminal Justice Commission. The recommended budget includes \$5.2 million General Fund and \$3.6 million Other Funds for distribution to counties to fund drug court grants that were begun midway through the 2005-07 biennium as part of the Governor's and Legislature's package of bills responding to statewide methamphetamine abuse issues.

Department of Corrections. The recommended budget includes \$232.6 million total funds for grants to counties for supervision of state felony offenders on parole, probation, and post-prison supervision, and for management of felony offenders sentenced to incarceration for 12 or fewer months. This amount includes \$25 million to bring funding to the counties in line with their actual costs, according to a year-long cost study undertaken during the 2005-07 biennium.

District Attorneys and Their Deputies. The Governor's budget includes \$810,290 General Fund for prosecutorial assistance (formerly called deputy supplements).

Proposed Senate Justice System Budgets



Judicial Department

01-03 \$240,768,342

03-05 \$276,713,237

05-07 \$302,681,608

(26% increase in 6 years)

Public Defense Services

01-03 \$152,085,728

03-05 \$152,528,661

05-07 \$175,854,566

(16% increase in 6 years)

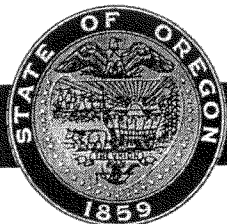
District Attorneys

01-03 \$9,272,891

03-05 \$9,327,704

05-07 \$8,409,157

(9% decrease in 6 years)



As of 6/10/2005

SELECTED DISTRICT ATTORNEYS STATE BUDGET NUMBERS*

	2001 – 2003 Legislatively Adopted Budget	2001 – 2003 Reductions
	<hr/>	<hr/>
Witness Fees	\$584,135	\$191,277 (2 nd & 3 rd Special Session Reductions)
		67,500 (Unspecified Reductions – Reduced Witness Fees)
		14,195 (5 th Special Session Reductions – Contingent on Income Tax)
		<hr/>
		272,972
		46.7% Reduction in Witness Fee Payments
Deputy DA Supplement	\$1,903,744	68,787 (Contingent on Income Tax)
		3.6% Reduction in Deputy DA Supplement
State Government Service Charge	\$363,077	14,527 (Contingent on Income Tax)
		4.0% Reduction in Administrative Expenses

* Prepared by Doug Harclerod,
Lane County District Attorney
11/18/02

SB 5516 DISTRICT ATTORNEYS AND THEIR DEPUTIES, BUDGET FOR. District Attorneys and their Deputies prosecute state criminal offenses committed by adults and juveniles. In addition, district attorneys enforce child support obligations in non-welfare cases, prosecute civil forfeitures, present evidence at mental health hearings, rule on public records requests, assist juvenile courts, and advise and represent county officers. The Legislature approved a total budget of \$10,331,558 General Fund and 36.00 full-time equivalent positions.

In the past, the budget has been divided into four separate appropriations. Senate Bill 5516 combines all funding into a single appropriation, which will provide more flexibility in managing funding. The approved budget assumes:

- \$7.3 million for district attorney salaries and other payroll expenses.
- \$1.9 million for deputy supplement payments.
- \$1.2 million for administration expenses most of which are Department of Administrative Services assessments for tort liability coverage.

The Ways and Means Subcommittee made no revisions to the agency base or essential packages, but did approve statewide reductions and adjustments recommended by the Legislative Fiscal Office. The Legislature approved increasing deputy district attorney salary supplements by \$1.3 million. This increase restores the supplements to approximately the level in the 2001-03 Legislatively Adopted Budget. Both the deputy supplements and witness fee supplements, which were completely eliminated by the Governor's balanced budget, were not restore.

The legislature approved increasing deputy district attorney salary supplements by \$1.3 million. This increase restores the supplements to approximately the level in the 2001-03 Legislatively Adopted Budget. Witness fee supplements, which were completely eliminated by the Governor's balanced budget, were not restored.

The Ways and Means Subcommittee discussed the budget in total, remarking that the work of a district attorney is similar to running a large law office; that the budget as approved is not adequate, although in light of the 2003-05 revenue picture, quite good; and that the less district attorneys are funded, the higher tort liability expense is likely to be. With respect to compensation, the Legislature developed the following budget note:

BUDGET NOTE

The district attorneys and the Department of Administrative Services are directed to review the groupings of counties for the purposes of district attorney compensation to determine if it is appropriate to update or modify the salary groupings. The Department of Administrative Services should report the findings to the Emergency Board during the 2003-05 biennium on any changes to the groupings as part of a general report on compensation plan changes. **EFFECTIVE JULY 29, 2003. Chapter 624.**

HB 5013 DISTRICT ATTORNEYS AND THEIR DEPUTIES, BUDGET FOR. State funds are provided for salaries and benefits of the 36 elected district attorneys, with most counties supplementing the salary paid by the state. State funds are also provided to counties on a formula basis to defray the cost of about 300 deputy district attorneys, and to partially reimburse witness fees. Overall, counties fund about 82 percent of the total expenses of the offices of the district attorneys, the state funds nine percent, and other sources provide the remaining nine percent.

District Attorneys and their deputies prosecute state criminal offenses and civil offenses, assist juvenile courts, advise and represent county officers, and enforce child support orders. The Oregon Constitution establishes district attorneys as state officers although they are elected locally. Their duty is to ensure that the laws of the state are enforced and executed faithfully.

The legislature approved a budget of \$9,563,857 General Fund and 36 positions. This amount funds a portion of the salary and benefits paid to 36 district attorneys, provides partial reimbursement to the counties for deputy district attorney salaries and prosecution witness fees, and pays limited administrative expenses. **EFFECTIVE JULY 1, 2001. Chapter 127.**

Statewide Contributions to District Attorney Prosecution Budgets

Fiscal Year	Total General DA Budget	State Portion		Other Portion		County Portion	
		Amount	% of Budget	Amount	% of Budget	Amount	% of Budget
1974-1975	6,353,022	1,184,466	19%	310,541	5%	4,858,015	76%
1979-1980	11,934,781	2,112,900	18%	978,459	8%	8,860,022	74%
1984-1985	16,674,534	2,948,385	18%	212,050	1%	13,514,099	81%
1989-1990	26,202,248	3,782,733	14%	2,037,068	8%	20,382,447	78%
1991-1992	31,262,732	3,750,302	12%	2,777,494	9%	24,735,479	79%
1992-1993	33,953,995	4,163,522	12%	3,056,436	9%	26,734,017	79%
1993-1994	36,084,824	3,685,918	10%	4,729,016	13%	27,669,891	77%
1994-1995	37,403,885	4,077,174	11%	4,765,591	13%	28,561,120	76%
1995-1996	40,183,881	4,047,262	10%	4,464,326	11%	31,672,293	79%
1996-1997	44,453,653	4,024,107	9%	5,356,367	12%	35,073,179	79%
1997-1998	47,256,771	4,466,970	9%	4,978,178	11%	37,811,623	80%
1998-1999	50,207,910	4,833,811	10%	4,058,666	8%	41,315,434	82%
1999-2000	55,085,004	5,226,088	10%	4,493,736	8%	45,365,181	82%
2000-2001	57,072,525	5,157,109	9%	5,405,225	9%	46,510,191	82%

for reimbursing school districts, as provided in ORS 343.730, and, to the extent of not more than \$40,000 in any one biennium, for the expenses of administering this subsection and ORS 343.710 to 343.740.

Section 5. This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Act shall take effect on July 1, 1967.

Approved by the Governor June 30, 1967.

Filed in the office of Secretary of State July 1, 1967.

CHAPTER 555

AN ACT

[HB 2009]

Relating to the payment of expenses of the circuit and district judges; appropriating money; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

Section 1. There is appropriated out of the General Fund the sum of \$3,462,961 for paying the expenses of circuit and district judges for the biennium beginning July 1, 1967.

Section 2. This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Act shall take effect upon its passage.

Approved by the Governor June 30, 1967.

Filed in the office of Secretary of State July 1, 1967.

CHAPTER 556

AN ACT

[HB 2017]

Relating to the compensation of district attorneys and their deputies; creating new provisions; repealing ORS 8.740; appropriating money; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

Section 1. There is appropriated for the biennium beginning July 1, 1967, out of the General Fund, the sum of \$973,696, which sum may be expended only for paying the personal services expenses of the district attorneys.

Section 2. There is appropriated for the biennium beginning July 1, 1967, out of the General Fund, the sum of \$512,500, which may be expended only for paying the salaries of deputy district attorneys.

Section 3. The moneys appropriated by section 2 of this Act shall be distributed as follows:

- | | |
|----------------------------|-----------|
| (1) Benton County | \$ 15,000 |
| (2) Clackamas County | \$ 50,000 |
| (3) Clatsop County | \$ 7,500 |

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HB 2009]

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(4) Columbia County	\$ 7,500
(5) Coos County	\$ 15,000
(6) Deschutes County	\$ 7,500
(7) Douglas County	\$ 15,000
(8) Jackson County	\$ 15,000
(9) Josephine County	\$ 7,500
(10) Klamath County	\$ 15,000
(11) Lane County	\$ 60,000
(12) Lincoln County	\$ 7,500
(13) Linn County	\$ 15,000
(14) Malheur County	\$ 7,500
(15) Marion County	\$ 40,000
(16) Multnomah County	\$170,000
(17) Polk County	\$ 7,500
(18) Umatilla County	\$ 15,000
(19) Wasco County	\$ 7,500
(20) Washington County	\$ 20,000
(21) Yamhill County	\$ 7,500

Section 4. The moneys distributed by section 3 of this Act shall be paid in equal annual instalments on July 1 of each year of the 1967-69 biennium.

Section 5. ORS 8.740 is repealed.

Section 6. This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Act shall take effect on July 1, 1967.

Approved by the Governor June 30, 1967.

Filed in the office of Secretary of State July 1, 1967.

CHAPTER 557

AN ACT

[HB 2020]

Relating to the financial administration of the Emergency Board; appropriating money; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

Section 1. There is appropriated to the Emergency Board, for the biennium beginning July 1, 1967, out of the General Fund, the sum of \$7,943,325. The sum may be expended for only the following purposes:

(1) \$8,000 for paying the expenses of the Emergency Board and the members of the board acting in their capacities as such.

(2) \$6,435,325 as an emergency fund for allocation as provided in ORS 291.322 to 291.328, and also for allocation to the Department of Employment for paying unemployment compensation contributions incurred by state agencies which have ceased to exist or become defunct during such biennium.

(3) (a) \$1,500,000 as an emergency salary adjustment fund for allocation to state agencies during the fiscal year beginning July 1, 1968, which

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(17) Josephine County	6,500	10,000
(18) Klamath County	10,000	11,000
(19) Lake County	5,500	6,000
(20) Lane County	11,000	12,000
(21) Lincoln County	6,500	10,000
(22) Linn County	10,000	11,000
(23) Malheur County	6,500	10,000
(24) Marion County	11,000	12,000
(25) Morrow County	4,200	4,800
(26) Multnomah County	12,000	13,800
(27) Polk County	6,500	7,200
(28) Sherman County	3,600	4,800
(29) Tillamook County	5,500	6,000
(30) Umatilla County	10,000	11,000
(31) Union County	5,500	6,000
(32) Wallowa County	5,500	6,000
(33) Wasco County	5,500	6,500
(34) Washington County	10,000	11,000
(35) Wheeler County	3,600	4,200
(36) Yamhill County	6,500	10,000

Section 2. ORS 8.740 is amended to read:

8.740. The annual salaries of the deputy district attorneys as listed in this section shall be paid by the state in the same manner as the salaries of district attorneys:

- (1) Benton County, one deputy at ~~2,500~~ \$2,800.
- (2) Clackamas County, one deputy at ~~3,600~~ \$4,500.
- (3) Clatsop County, one deputy at \$2,500.
- (4) Coos County, one deputy at \$3,000.
- ~~(4)~~ (5) Deschutes County, one deputy at \$1,800.
- ~~(5)~~ (6) Douglas County, one deputy at ~~3,000~~ \$4,000.
- ~~(6)~~ (7) Jackson County, one deputy at ~~3,000~~ \$4,000.
- (8) Klamath County, one deputy at \$3,000.
- ~~(7)~~ (9) Lane County, one deputy at ~~3,600~~ \$4,500, and one deputy at ~~3,000~~ \$4,000.
- ~~(8)~~ (10) Lincoln County, one deputy at \$1,800.
- ~~(9)~~ (11) Linn County, one deputy at ~~3,000~~ \$4,000.
- ~~(10)~~ (12) Marion County, one deputy at ~~3,600~~ \$4,500.
- ~~(11)~~ (13) Multnomah County:
 - (a) One deputy at ~~4,620~~ \$5,700.
 - (b) One deputy at ~~4,158~~ \$5,200.
 - (c) One deputy at ~~3,743~~ \$4,800.
 - (d) One deputy at ~~3,465~~ \$4,200.
 - (e) One deputy at ~~3,036~~ \$3,900.
 - (f) Two deputies at ~~2,860~~ \$3,600 each.

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(g) One deputy at ~~[\$1,980]~~ \$2,700, who shall be assigned to perform the duties prescribed by ORS 8.685.

(14) Umatilla County, one deputy at \$3,000.

~~[(12)]~~ (15) Washington County, one deputy at ~~[\$3,000]~~ \$4,000.

~~[(13)]~~ (16) Yamhill County, one deputy at \$2,500.

Section 3. ORS 8.725 is amended to read:

8.725. ~~[In counties where the]~~ A district attorney, or a deputy district attorney, who receives from the state, or from the state and county, an annual salary of \$10,000 or more ~~[per annum, he]~~ shall not engage in the private practice of law.

Section 4. ORS 8.760 is amended to read:

8.760. ~~[Whenever, in the judgment of the county court or board of county commissioners of any county, there is business enough to warrant the appointment of a deputy district attorney,]~~ The county court or board of county commissioners may empower the district attorney to appoint ~~[a deputy]~~ one or more deputy district attorneys whose compensation shall be fixed by the county court or board of county commissioners and paid out of the county funds in the same manner as county officers are paid.

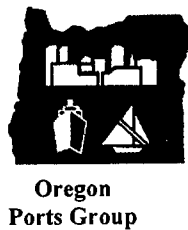
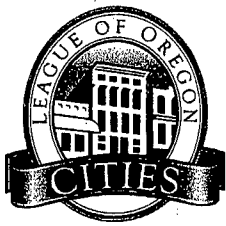
Section 5. ORS 8.780 is amended to read:

8.780. A district attorney ~~[may appoint a deputy at any time for his county, which]~~ shall appoint his deputies. A deputy district attorney shall have the same ~~[powers and possess the same]~~ qualifications as the district attorney, and subject to the direction of the district attorney, has the same functions as the district attorney. ~~[Unless the deputy is one of those whose compensation is specified by ORS 8.740 or one who is appointed and compensated as provided by ORS 8.760 or 8.770, he shall receive no compensation other than from the district attorney who appointed him.]~~

Section 6. ORS 8.770 is repealed.

Section 6a. ORS 8.795 is amended to read:

8.795. Notwithstanding ORS 8.800 as ~~[compiled in the 1959 replacement part]~~ amended by section 1 of this 1961 Act, until a district attorney whose annual salary from the state, as authorized by ORS 8.800 as ~~[compiled in the 1959 replacement part]~~ amended by section 1 of this 1961 Act, is \$10,000 or more files with the Secretary of State his affidavit stating that he is not engaged at the time of the filing thereof and will not thereafter during the remainder of his term engage in the private practice of law, such district attorney's salary paid by the state shall be paid at a monthly rate based on the annual



February 1, 2007

Members of the 74th Legislative Assembly:

The Community Development Forum is a coalition of local and state partners that includes the League of Oregon Cities, the Association of Oregon Counties, the Oregon Ports Group, the Special Districts Association of Oregon, the Governor's Office and the eight Economic Revitalization Team state agency directors.

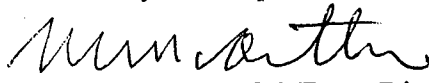
This local/state partnership has worked together since 1998 on a shared agenda to help Oregon's communities maintain and increase their economic vitality. In support of the Legislature's and the Governor's efforts to grow Oregon's economy, the Forum's 2007-09 Legislative Budget Priorities were selected because they propose critical investments that support and strengthen:

- Public Infrastructure
- Jobs for Oregonians
- Local Capacity for Economic Development, and
- Streamline Regulatory Processes

Strategic investments in infrastructure, local economic development capacity, workforce development funding and modernization of industry processes, new technology and streamlining of regulatory processes are critical to achieving Oregon's economic prosperity. State funding mechanisms for upgrading sewer and water systems, constructing access roads, improving port facilities and supporting brownfields cleanup for industrial development increase our ability to successfully compete globally. With the myriad of state and local issues surrounding land use, the local partners particularly support necessary funding for planning assistance grants, even beyond the Governor's Proposed Budget.

We ask for your support during this legislative session for the attached budget priorities. Please let us work with you to improve Oregon's tools needed to bring about positive economic returns to Oregon's communities and its businesses.

Sincerely,
Community Development Forum Co-Chairs:


Mike McArthur, AOC Exec. Dir.


Salem Mayor Janet Taylor



Department of
Land Conservation
and Development

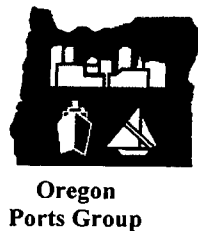


Oregon
Department
of State Lands



Oregon
Department
of Agriculture





Community Development Forum 2007-09 Legislative Budget Priorities

Invest in Public Infrastructure

- Recapitalize Community Infrastructure Funds (Water, Sewer, Industrial and Community facilities) – OECDD
- Connect Oregon II – Multi-modal (non-highway) Transportation Infrastructure Improvements – ODOT
- Recapitalize Clean Water State Revolving Fund for Municipal Loans – DEQ

Requested Funding

\$100 M Lottery Bonds (LB)

Bill

SB 5508

\$100 M LB

HB 2278

\$4.8 M OF-NL Bond Issue
\$24 M Federal Match

HB 5005
HB 5022

Create Jobs for Oregonians

- Maintain Strategic Reserve Fund– OECDD
- Strengthen Regional/Rural Investment Program – OECDD
- Support Workforce Investment in Industry Clusters – OECDD
- Clean up Contaminated Orphan Sites – DEQ
- Support Oregon InC Innovation Plan – OECDD

\$10 million Lottery Funds (LF)

SB 5508

\$11.5 LF

SB 5508

\$15,225,000 LF

SB 5508

\$7.5 million OF-NL Bond Issue
\$638,250 GF Debt Service
\$38.2 million LF

HB 5005
HB 5022
SB 5508

Build Local Capacity for Economic Development

- Continue the Economic Revitalization Team supporting State-Local Economic Development System - GO
- Support Office of Rural Policy – GO
- Planning Assistance Grants to Local Governments to Resolve Land Use Issues – DLCD
- Support Water Supply and Conservation Initiative - WRD
- Support Brand Oregon Marketing Plan – OECDD

\$1.8 million LF

HB 5026

\$389,000 GF

HB 5026

\$2.2 million General Fund (GF)
(Local partners support increase)

HB 5033

\$890,000 GF

HB 5050

\$1.6 million LF

SB 5508

Streamline Regulatory Processes

- Support E-Permitting extension to Local Governments – DCBS, BCD
- Improve Wetlands Delineation Reports Processing – DSL
- Improve Water-Related Removal/Fill Permit Process – DSL
- Expedite Wastewater and Stormwater Permitting - DEQ

\$4.6 million OF (fees)

HB 2405

\$305,515 OF (fees)

HB 2106

\$361,511 GF

HB 2251

\$1.67 million GF(partial funding)

HB 5022



Department of
Land Conservation
and Development



Oregon
Department
of State Lands



Oregon
Department
of Agriculture



SELECTED RENEWABLE ENERGY BILLS

HB 2209

- Requires State Dept. of Energy to create renewable portfolio standards (primary and secondary) under which electric utilities must derive 25 percent of annual retail electricity sales from renewable energy resources by calendar year 2025.
- Authorizes Dept. to adopt rules to implement standards.
- See attached 1-page description of proposed elements.

HB 2210

- Creates income tax credit for production or collection of biomass used to produce biofuel. Allows for transfer of tax credits to a taxpayer subject to tax. Allows for tax credits of different kinds of biomass, a \$ amount for quantities specified in the bill.
- Sets renewable fuel standards in Oregon, administered by the Oregon Dept. of Agriculture, for retail sale of fuels containing ethanol or biodiesel. Use of diesel fuels required once a certain percentage of biodiesel is produced in the region (Oregon, Washington, Idaho and Montana) reaches a certain level of production. Use of ethanol in gasoline sales is required at a certain percentage, once ethanol production in Oregon reaches at least 40 million gallons. This level of production will affect installation of a major facility at Port of Morrow, in addition to other facilities being proposed for Oregon.
- Requires state government use of biofuels where economically feasible.
- Creates income tax credit for consumer use of biofuel blends or solid biofuels
- Allows biomass energy facilities not to be subject to energy facility siting process.
- Allows for biofuels collection and production in exclusive farm use areas up to certain limits.

HB 2211

- Increases annual cap on amount of business energy tax credit (from 35% to 50%, and project cost limit from \$10 million to \$20 million) that may be claimed for certified facilities using renewable energy resources or renewable energy resource equipment manufacturing facilities. Allows for transfer of tax credits to taxpayer who can use credits.
- Expands business energy tax credit to include credit for homebuilder-installed renewable energy systems, high-performance homes, renewable energy resource equipment manufacturing facilities, etc.
- Assures that credits for homebuilder or homeowner claims cannot be duplicated.

HB 2212

- Expands residential alternative energy device tax credit to permit increased capacity wind electric systems, solar systems, generators powered by alternative fuels, fuel cell systems, alternative fuel vehicles, to be used over four years, up from \$1,500 to \$6,000.
- Allows more than one device and greater amounts of credits to be claimed against income taxes owed.

Key Elements of the RPS Proposal Discussed in the Renewable Energy Working Group (2/9/2007)

Fundamental Architecture

- The proposed renewable portfolio standard (RPS) for Oregon consists of three separate standards which are tied together by a common set of implementation and compliance parameters. These standards are based on the use of Renewable Energy Certificates (RECs) to serve as the compliance mechanism for the RPS.
- Each REC represents one megawatt-hour of generation by an eligible resource.
- All utilities in Oregon would be subject to a primary or secondary standard, and Electricity Service Suppliers would have a related standard.
- In the primary standard those utilities responsible for 1 percent or greater of total retail electric sales in Oregon would be required to ensure that by 2025 at least 25 percent of their retail sales come from renewable sources. Similarly, interim targets are set for 2011, 2015, and 2020 at 5, 15, and 20 percent, respectively.
- In the secondary standard Oregon's 28 consumer-owned utilities that serve less than 1% of Oregon's electric load must meet 60% of their retail load growth by the year 2025 with renewable energy, with interim targets of 20% of load growth in 2015 and 40% of load growth in 2020. However, if the primary standard results in a lesser burden, these utilities instead need only meet that standard.

Resources and Resource Adjustments

- Eligible resources include wind, solar, ocean, geothermal, biomass (with restrictions), hydropower (in non-protected waters) and derivatives of these resources that were operational after January 1, 1995. Eligible generating facilities do not have to be located in Oregon but must serve Oregon loads.
- No consumer-owned utility will be required to give up access to low-cost firm power from BPA or low-cost hydro contracts with the Mid-Columbia dams owned by Washington PUDs. The RPS obligation would be adjusted accordingly.

Cost Cap

- A cost cap "off ramp" will be an integral part of the RPS, with the cap proposed to be equal to 4 percent of a utility's total annual revenue requirement.
- The "above market" costs of acquiring eligible resources would count towards this cap, as well as the costs of "unbundled" RECs (RECs sold without power).

Resource Diversity

- The public purpose charge would be extended through 2025 to serve as a complementary policy to the RPS. The renewable energy portion of the public purpose charge would be limited to small-scale renewable energy projects less than 20 megawatts to encourage a diversity of the types of renewable energy resources developed (since the RPS does not by itself encourage this diversity).
- There is a non-binding goal that one-third of the renewable energy resources used for compliance with the RPS will be small-scale renewable energy projects.

To: AOC Legislative Committee
From: Morgan Cowling, Transportation Policy Specialist
Subject: Expanding the Local Government Investment Pool

History

Mike McArthur, Executive Director, was interested in looking at options that would allow counties to receive a greater return on their investments. The Local Government Investment Pool is a current structure that cities, counties and special districts have to use to invest liquid funds up to the \$39 million statutory limit. After speaking with others knowledgeable of county investment options there seemed to be opportunity in creating another pooling option with the State Treasurer within the Local Government Investment Pool. To achieve this goal there are some statutory changes that need to happen first.

Proposed Changes:

Here are the two aspects of the statutes that need to be changed to allow this to happen.

- 1.) Expand the limits of ORS 284.805 to allow local governments to invest in the Local Government Investment Pool for set lengths of time (with the constraints in ORS 294.135).

Currently ORS section 294.805 establishes a Local Government Investment Pool, administered by the Short Term Fund Board. The first purpose would be to expand the limits of this section to allow the State Treasurer to use the existing structure of the Local Government Investment Pool, as administered by the Short Term Fund Board, to allow local governments, cities, municipalities, and special districts to invest funds in pools for set terms (up to the limits of 18 months as established by the statutes). This would allow local units of government to pool resources for set lengths of time to get a greater return on their investments. ORS Chapter 294.815 already allows the State Treasurer to set up the period of investment (subject to the right of the local government) and the procedure for withdrawal of funds by rule; however, ORS section 294.831 refers to the "liquidity requirements demanded by the short term nature of local government deposits in the pool."

The goal would not be to eliminate the liquidity requirements but to create another pooling system, within the Local Government Investment Pool, that local governments would have as an investment option.

- 2.) The second goal would be to allow the State Treasurer to invest these pools of monies on behalf of cities, counties, and special districts.

9

February 5, 2007

To: Legislative Committee

From: Human Services Committee
Chair Janet Carlson

Subject: Policy Option Packages (1) and
Committee Statement of Principles and Basic Philosophy (2)

Staff: Cara Fischer, Policy Manager

Item 1: Policy Option Packages

Requested action:

Endorse Policy Option Package 105-47, Assure Safe Drinking Water, and Policy Option Package 105-49, Restore Tobacco Prevention Education, for inclusion in the State of Oregon 2007-2009 budget.

Background:

At its January 12, 2007 meeting, the Human Services Committee contrasted the policy option packages it endorsed last fall with the Governor's Recommended 2007-2009 Budget. The endorsed policy option packages were originally requested by the Oregon Department of Human Services, the State Commission on Children and Families, Oregon Department of Justice and Oregon Criminal Justice Commission. During this review, the committee determined that two additional policies were of concern to counties and should be endorsed by AOC. They are:

Policy Option Package 105-47: Assure Safe Drinking Water. This proposal would ensure Oregonians have access to safe drinking water by providing staff and resources to ensure that drinking water systems meet all federal and state safety requirements for drinking water quality. (DHS request: \$2.7 million general fund, \$.1 million other funds, \$.1 million federal funds, for a total of \$2.9 million. Governor's recommended budget: \$2.6 million general fund, \$1.4 million other funds, \$.1 million federal funds, for a total of \$4.1 million).

Policy Option Package 105-49: Restore Tobacco Prevention Education. This proposal is to restore Oregon's Tobacco Prevention and Education Program (TPEP) to previous funding and staffing levels to establish activities that have been shown to be successful, and to re-engage community programs, Tribal programs, and the public in various approaches to reduce tobacco use. (DHS request: \$7.9 million other funds. Governor's recommended budget: \$7.9 million other funds).

Passed

Item 2: AOC Human Services Committee

Requested action:

Endorse AOC Human Services Committee Statement of Principles and Basic Philosophy and Committee Work Plan.

Background:

The Human Services Committee adopted the following Statement of Principles and Basic Philosophy and Work Plan at its January 12, 2007 meeting and requests the AOC Legislative Committee endorse this action.

Statement of Principles and Basic Philosophy of the AOC Human Services Committee

The Association of Oregon Counties recognizes the responsibility of county governments to protect and enhance the lives of its citizens and residents. Counties have been at the forefront in implementing a comprehensive, integrated system of human and family support services, encompassing evidence-based prevention, intervention and treatment approaches. In recognizing and building upon existing social foundations, county governments serve as the link among federal, state and municipal policies and the delivery of critical services in ways that maintain and foster self-sufficiency in communities, families and individuals.

The AOC mission statement guides the work of its committees. Briefly, the AOC mission is to strengthen county government's ability to serve people by adhering to the values of honesty and integrity, local self-governance, creativity and innovation, open communication and strong partnerships.

We assert that programs mandated by the state and federal governments should be fully funded. Counties must have adequate time to implement major changes to federal and state programs to prevent disruptions in service delivery. Policy and administrative changes in federal and state program and practice should encourage the maximum amount of county participation. Counties must be partners in the design and reform of human service systems.

The AOC Human Services Committee supports a continuum of human services for families and individuals based on the following principles and philosophy:

Community Based - The provision of services that are flexible to meet local community needs.

Integrated and Collaborative - Promotion of services that integrate the work and efforts of all sectors of our communities; faith and/or neighborhood based, non-profit, education, criminal justice, and federal and state-operated services.

Family Centered - Services that take into account the needs and impacts of issues and crises on the entire family.

Prevention Oriented - While promoting a comprehensive continuum of services, promoting

early preventive services to reduce the impact on individuals of escalating problems and reduce the costs associated with more intensive and costly interventions.

Outcome Based – Promote effective or “evidence-based” practices and open opportunities to promote community-based ideas that have measurable positive results; promote evidence-based and promising programs to the extent possible within available funding.

Strong Partnerships - Provide opportunities for connecting with the state and local public and nonprofit agencies and tribes providing human services within the framework of county government, and tribal governments, and for linking with other local government advisory committees related to seniors, the Oregon Department of Human Services, public health, mental health, addictions, developmental disabilities, children and families, and veterans.

Open Communications - Perform committee business in an open and forthcoming manner. Conduct meetings with frequency and regularity to ensure access and attendance.

Committee Work Plan

Committee Jurisdiction - The AOC Human Services Committee’s jurisdiction encompasses all matters pertaining to mental health and addictions, public health, children and families services and initiatives, seniors, persons with disabilities, veterans, the Oregon Medical Assistance Programs (including the Oregon Health Plan, Medicaid, and Medicare), and other related human services.

Committee Structure - The committee has a chair and vice chair. Other members of the committee are elected judges and commissioners as well as representatives of duly-recognized associate member groups. County public information staff and county advocates are also invited to attend committee meetings.

Committee Meetings - The committee meets monthly on the second Friday from 12:45 – 2:30 p.m. at the Local Government Center in Salem. During November the committee meets in conjunction with the AOC annual conference.

Date: February 12, 2007

To: Legislative Committee
Association of Oregon Counties

From: AOC Human Services Committee
Chair Janet Carlson

Subject: Commissions on Children & Families Basic Capacity Funds (3)
Developmentally Disabled Juveniles and Behavior
Rehabilitation Services (4)

Staff: Cara Fischer, Policy Manager & Member Services Director

**Item 3: Commissions on Children & Families Basic Capacity Funds
Policy Option Package**

Requested action:

Endorse the additional local Commissions on Children and Families Basic Capacity Funds, as recommended in the Governor's budget, for inclusion in the State of Oregon 2007-2009 budget.

Background:

The Governor's Recommended Budget includes an increase of \$3 million in Basic Capacity Funds that support local Commissions on Children and Families staff positions and infrastructure.

The 36 county Commissions on Children and Families are responsible for developing local coordinated comprehensive plans, mobilizing communities and coordinating programs and initiatives for children. The Governor's Recommended Budget states the \$3 million increase is critical to facilitating the commission system's ability to continue leveraging additional resources and rallying community coalitions around local support for children and families.

**Item 4: Developmentally Disabled Juveniles and
Behavior Rehabilitation Services Policy Option Packages**

Requested action:

Endorse Policy Option Packages 101-13, Developmental Disabilities Juvenile, and Policy Option Package 102-21, Behavior Rehabilitation Services Rates Increase, for inclusion in the State of Oregon 2007-2009 budget.

Background:

These two items, included in the Governor's Recommended Budget, are important to the continuum of care for juveniles with developmental disabilities and for reimbursement to behavior rehabilitation service providers.

Package 101-13 Developmental Disabilities Juvenile

SB 232, which passed in the 2005 legislative session, requires the Department of Human Services to present a plan to the 2007 Oregon Legislature to integrate adjudicated developmentally disabled juveniles into the Parole Supervision Review Board process. This will involve major costs for setting up closed-custody secure settings for children, which are not matchable under the current Title XIX waiver and is a General Fund only cost. The Governor's Recommended Budget calls for \$2.2 million for this service.

5

Package 102-21 Behavior Rehabilitation Services (BRS) Rates Increase

This package addresses rate disparity issues between the Oregon Youth Authority and Department of Human Services for payments to Behavior Rehabilitation Service providers. During the past eight years, the Department of Human Services and Oregon Youth Authority have not received the same cost of living adjustments, resulting in rate inequities for providers. Several counties are now paid the lower rate by the Department of Human Services. The Governor's Recommended Budget calls for \$2.6 million to make these rates equitable.

5

2

2

Senate Bill 10 Fact Sheet

concern
re: funding

1. Provide Dedicated Funding for the Government Standards and Practices Commission

Directs GSPC to charge public bodies subject to the ethics laws an assessment based on the number of public officials in those bodies.

2. Strengthen Reporting Requirements

Requires online quarterly reporting by lobbyists and lobbying entities, as well as online filing of Statements of Economic Interest by public officials. Includes provisions to ensure that lobbyist and public official reporting requirements are consistent.

3. Increase Civil Penalties

Raises ceiling on civil penalties from \$1,000 to \$5,000. Prohibits public officials from using campaign funds to pay civil penalties for ethics laws violations.

4. "Revolving Door" Limit on Legislators Becoming Lobbyists

Imposes a "revolving door" limit that prohibits legislators from returning as lobbyists before the Legislature for one year.

5. Gift Limit

Bans public officials from receiving gifts or other things of value of more than \$50 in any calendar year from a person or organization.

Travel exceeding the \$50 limit is prohibited unless (a) the entity paying the expenses is a nonprofit organization or government entity that does not receive a large amount of its funding from for-profit sources, and (b) the public official is scheduled to deliver a speech, make a presentation, participate on a panel, or represent the government at the event. *what so*

Meals exceeding the \$50 limit are prohibited unless the cost of the food and beverage is being provided at an event where the official speaks or answers questions as part of the scheduled program. }

Put on scheduled
program
What about
non profits?

4

Governance

Date: February 5, 2007
To: AOC Legislative Committee
From: Paul Snider, Legal Counsel
Subject: Public Safety Officer Records – Public Records Exception

Back to
work group
• disclosure
• bankruptcies
noted

The following correspondence indicates the reason for creating a workgroup in 2006 and the results of the workgroup activities:

(To Assessors; To County Counsels)

We are writing to you for your comment about possible legislation to change ORS 192.502(33).

Background

ORS 192.502(33) was enacted in 2005 in the form of HB 2724. The bill was introduced at the request of certain public safety officers unions. It creates an exemption to the disclosure requirement of the public records law "If requested by a public safety officer as defined in ORS 181.610, the home address, home telephone number and electronic mail address of the public safety officer." It was introduced to prevent the recurrence of occasions similar to one in which an arrestee obtained the officer's home address from the county A&T office and used the information to threaten the officer and his family. In response to concerns raised by county clerks, and with the consent of the proponents of the bill, the bill was amended so as not apply to county real property or lien records. But it does apply to all other public records.

Since the bill passed, there have been different interpretations about what "real property or lien records" means. Also, concerns among counties have come up about the costs and difficulty of implementation - both of this and of a similar law intended to protect crime victims (SB 850). Some felt that securing non-disclosure of the address, etc. wouldn't block access to the name by indirect means. Finally, concerns came up about unintended consequences - some records would be blocked from mortgage companies and other businesses to whom officers would want disclosure.

For a couple of months, a work group including public safety officers, the AG's office (for crime victims), AOC, some county counsels, some county records folks and A&T folks have been meeting. The group has worked through a number of problem areas with the goal of protecting officers, their families and victims from miscreants while avoiding as much as possible significant costs to counties. We've come a long way but we'd like your reactions.

Please Comment.

We request your reaction to the following proposal. Please respond in some fashion within a week of this email. Here's what we're considering:

1. *The non-disclosure provision for public safety officers [ORS 192.502(33)] will be narrowed to two areas: voter registration and assessment and taxation (including GIS) records.*
2. *As to voter registration records, the non-disclosure language will not be changed. In other words, the home address, home telephone number and electronic mail address will continue to be the records that will not be disclosed. It seems to be working fine as is.*
3. *As to assessment and taxation records:*
 - (a) *Only the name of the officer would be subject to non-disclosure. So for example in Marion County, the owner of the property would be listed as "suppressed owner."*
 - (b) *The public safety officer would list in the application for non-disclosure all the property he or she owns to which the officer would want the non-disclosure to apply.*
 - (c) *The non-disclosure would apply only to those records that are subject to "public interface." Public interface records would be defined to mean only that information that is provided over-the-counter or over-the-phone, lists that are made available to the public and information that is available over the internet. Even as to those records, disclosure would be allowed within or among governmental entities for governmental purposes.*
 - (d) *The non-disclosure would apply until the officer requested in writing to drop the non-disclosure. This was done to recognize that the need may extend beyond the time a person is employed as an officer, and to eliminate county costs of periodic renewal. It also would avoid county liability for not removing an exemption if an officer terminates employment.*
 - (e) *The officer would have to list in the application all the properties in the county that the officer owns to which the officer wants the "suppressed owner" designation to apply. The officer would be responsible for submitting a new application if the officer moves or buys additional property for which the non-disclosure is desired.*
 - (f) *The county would be immune from liability for a good faith effort to follow the law that turns out to be a violation.*

As you can see, we tried to mitigate costs and avoid liability when possible. Public safety officers came a long way from where we started to accomplish some personal protections while mitigating public costs.

Please let us hear from you with your reaction. Thank you!

As a result of the above inquiry, 23 responses came in. After reviewing those responses, the county counsels on the workgroup recommended several more changes. All but two were (tentatively) accepted by the public safety officers' representative. Those accepted are:

1. *The public records exemption would apply only to currently accessible ownership records - the online data base and other records currently accessible in the typical public records inquiry. It would include the online A&T information and documents that come in subsequently. It wouldn't apply to historical documents already in the A&T archives, especially those historical records such as microfilm and microfiche, tax cards, A&T property files that include deeds and correspondences, etc. The purpose here is to prevent the officer's personal information from being divulged in the typical phone in or over-the-counter inquiry.*
2. *The tax foreclosure statute would be clarified to allow owner to be listed as suppressed owner or similarly cryptic wording.*
3. *In the case of co-ownership, the co-owner(s) would be suppressed.*
4. *ORS 181.854(6) would be clarified so as to not apply to online searches.*

The two proposals that were rejected were to charge a fee of the applicant and the total elimination of liability by the keeper of the records, even for gross negligence. As to the fee, it is important to recognize that no fee is chargeable now and, under current law, the costs of compliance would likely be much higher than under the changes that the parties did agree to make. As to limiting liability, the officers' representatives did agree to limit liability for ordinary negligence - again an improvement over current law.

Action by AOC Governance Committee

The AOC Governance Committee members present on January 19, meeting without a quorum as a subcommittee, recommended to the AOC Legislative Committee that AOC support and join as a sponsor on the bill. Members present agreed it represents a vast improvement over current law and a cooperative effort with a public employees union with which we have often been adversaries. It would also constitute a valuable precedent on which to build future cooperative relationships on issues of mutual concern.

Action by Assessors, Tax Collectors and Counsels

The following week, the Assessors and Tax Collectors met and raised several concerns. They appointed a subcommittee which met by phone with the County Counsels Legislative Committee. That group discussion led to additional recommendations. The are:

- A. *Define "current document" to mean the core county assessor department electronic database and any manufactured home registration electronic databvase in use by a county on or after the effective date of this legislation and includes any county assessor or tax department documents and their copies submitted by, created for, issued to or sent to the public safety officer (or crime victim) beginning from the effective date of this legislation.*
- B. *Remove from ORS 181.854 (6) (which requires notification to the public safety officer when a request for a protected record is made) the obligation to notify when the requested name is not in the pubic record (as to ownership of property). We want to limit the number of clerks and others who have access to the secret list of names, so as*

to protect the integrity of the record and remove county liability when the clerk won't even know whether the officer is a property owner.

C. Add to list of records which disclosure would be allowed those that are "...allowed pursuant to court order."

D. Provide that records not subject to disclosure would include the officer's application for exclusion.

AOC Staff (Paul Snider) will contact the lobbyist for the public safety officers before the AOC Legislative Committee meets on February 12 to advise whether these further changes (A through D above) are acceptable. Staff will then make a further recommendation to the Committee.

To: AOC Governance Committee
From: Gil Riddell, Policy Manager
Subject: Legislative concept re. Cigarette Tax

The State Fire Marshal has requested that AOC join the list of supporters for a legislative concept to require cigarettes be manufactured to self-extinguish.

Background: Cigarettes are a leading cause of fatal fires in Oregon (from 1999 to 2004, 30 deaths, 152 injuries, direct property losses of \$27.9 million). The legislative concept has been on the books in New York for two years, and recently became law in California and Vermont. In New York, the requirement of fire-safe cigarettes has had no effect on consumer purchases or tax revenue, and has reduced fire deaths by 50%. The concept (SB 738) stalled in the House in 2005.

Staff recommendation: Although limited to two years of real-life experience, the concept appears to be good public policy. AOC endorsement, however, should be conditioned on no decrease in the cigarette tax rate to, e.g., provide incentive to the tobacco industry to agree to the legislation.

SUPPLY
~~REMOVED~~

AOC Tax Policy Committee
Report to the
AOC Legislative Committee
February 12, 2007

The AOC Tax Policy Committee met February 2nd and took the following actions.

- Adopted an internal procedure entitled “Action on Committee Recommendations”, which includes acknowledging the jurisdiction of the AOC Governance Committee as well as the Legislative Committee.
- Adopted its “Approach to the Legislature”.
- Adopted “Principles for Evaluation of Tax Policy Proposals”.

The Committee also began to study policy suggestions from the Oregon State Association of County Assessors, reviewed a draft statement of the financial situation of counties, and participated in an informational hearing on the expiration of PL 106-393 by the House Revenue Committee.

The Committee’s next meeting is March 2nd, where it will begin to review tax policy proposals in bill form.

Staff Recommendation: Adopt “Action on Committee Recommendations”, “Approach to Legislature”, and “Principles for Evaluation of Tax Policy Proposals”.

AOC TAX POLICY COMMITTEE
Action on Recommendations
And
Approach to the Legislature

Action on Committee Recommendations

- The Committee will consider relevant public finance proposals introduced as legislation, developed by the Committee, or brought to it by members, other commissioners and judges, affiliate and associate organizations, or other groups similarly engaged. AOC Affiliates and other expert stakeholders may serve as

resources to the Committee. The Committee shall make a recommendation on each proposal. If it meets jointly with the AOC Governance Committee, the recommendation shall be a joint one. If it does not meet with the Governance Committee, it shall refer its recommendation to that Committee for consideration.

- A recommendation on a proposal by the Tax Policy and Governance Committees shall be reported to the AOC Legislative Committee for potential action.

Adopted by the AOC Tax Policy Committee February 2, 2007.

Approach to the Legislature

- The Committee will be fully engaged in the legislative process.
- AOC staff will attend all relevant meetings of the Senate Finance & Revenue Committee and House Revenue Committee, and through meetings and other means, assist Tax Policy Committee members to develop relationships with members of the revenue committees. AOC staff will keep the Committee informed of key legislative developments, and when appropriate, arrange for and help prepare committee members to address a revenue committee.
- The Committee, representing AOC, shall:
 - a) Inform the revenue committees and the legislature in general about the significant distinctions among county financial situations;
 - b) Consider, propose, and seek incremental state measures to address the immediate or varied challenges in county finance;
 - c) Defend counties against counter-productive policy proposals; and
 - d) Be engaged in discussions about, and begin to develop, comprehensive proposals for structural reform of the Oregon public finance system.

Adopted by the AOC Tax Policy Committee February 2, 2007.

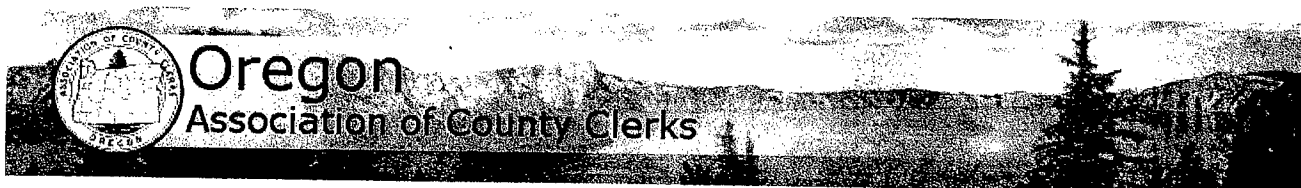
AOC TAX POLICY COMMITTEE

PRINCIPLES FOR EVALUATION OF TAX POLICY PROPOSALS

- There are significant distinctions among the financial situations of counties, and no single solution to address the challenges facing county finance. A policy proposal must positively address a fiscal challenge facing counties, while minimizing negative consequences to particular counties.

- A proposal must reasonably respect the different service priorities of the citizens of each county, and minimize reduction of policymaking authority of the county governing body.
- To the extent practicable, a proposal shall:
 - a) Be clear and understandable;
 - b) Provide revenues that are stable and adequate enough to meet its intent;
 - c) Be fair to county taxpayers;
 - d) Minimize preventable social, economic, and environmental costs; and
 - e) Have a rational linkage between the revenue source and its dedicated function, if revenue from a tax or fee is dedicated to a specific function.
- A proposal must avoid erosion of the counties' ability to raise their own local revenues to provide local service levels expected by citizens, including:
 - a) No unfunded mandates from shifts in service or administrative responsibility;
 - b) No preemption of local revenue authority unless an alternative source of revenue is provided;
 - c) Funding of legislatively granted exemptions from local revenue sources; and
 - d) Funding by the State for state-authorized economic development incentives implemented by a county. For example, enterprise zones forgive property taxes to a county for a period, while providing an immediate incentive for enhancing income taxes to the State. State funding of these types of incentives would stimulate more active implementation of them.

Adopted by the AOC Tax Policy Committee February 2, 2007.



February 9, 2007

To: Oregon Legislators

From: James V. Morales, Chair
OACC Records Legislative Sub-Committee

A handwritten signature in cursive script, appearing to read "James V. Morales", is written over the printed name and title.

Regarding: OACC Decision to Oppose New Fee Legislation on Recordings

✓ The Oregon Association of County Clerks (OACC) made a decision, at the mid-winter conference of the association held earlier this week, to oppose any legislative proposals which seek to impose new fees on documents submitted for recording in the real property and lien records.

The OACC acknowledges that there are worthy programs seeking funds through the documents we record. However, Clerks and Recorders throughout the state submit that fees collected for real property and lien recordings have always been limited to and intended for, the support of real property records management programs and the real property programs that utilize these records to complete their work. Additional reasoning and examples for this outcome follows:

- The following are **the current fees collected** at the time of recording documents in the real property and lien records: Assessment & Taxation, Land Corner Preservation, Land Information Systems, Clerk Record Systems, and in Washington County ONLY a Transfer Tax.
- Fees that do not support these functions would be outside the precedence, possibly opening the door to an onslaught of fee proposals on recordings. New recording fees could push the ability to afford the cost of recording documents in the public real property and lien records beyond the average person's ability to pay.
- In ORS 205.320 it clearly states "Fees collected by county clerk; use of portion of certain fees. In every county there shall be charged and collected in advance by the county clerk, for the benefit of the county, the following fees, *and no more*, ... (9)...such fees as may favorably compare with those established by this section for similar services and as may be established by order or rule of the county court or board of county commissioners"

Previous legislative bodies clearly stated the intention to limit fees and keep the fees within the parameters of related services.

After considering the impacts of fee increases in the Deed, Mortgage, and Lien records, the Oregon Association County Clerks asks that our state legislators and other elected officials take into account our position to these proposals. We also recommend primary consideration be given toward improved funding for existing programs before adopting fees to support new programs.

In closing, as the appointed representative for the OACC, I would like to thank you for the opportunity to provide input toward the important decisions you make.

House Bill 2085

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Presession filed (at the request of Secretary of State Bill Bradbury)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Directs State Archivist to provide certain assistance and training to political subdivisions relating to public records management, retention, long-term storage and disposition.

Directs State Archivist to award grants to political subdivisions for programs related to public records management.

Adds fee for filing or recording certain documents with county clerk.

Creates Public Records Advisory Committee. Establishes Public Records Management Assistance Fund. Continuously appropriates moneys to Secretary of State for use by State Archivist.

A BILL FOR AN ACT

1 Relating to political subdivision public records; creating new provisions; amending ORS 205.320,
2 205.323 and 357.885; and appropriating money.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Sections 2 to 6 of this 2007 Act are added to and made a part of ORS 357.805**
5 **to 357.895.**

6 **SECTION 2. The Legislative Assembly finds that:**

7 **(1) Requirements imposed upon political subdivisions for public records management,**
8 **retention, long-term storage and disposition significantly increase costs to political subdi-**
9 **visions.**

10 **(2) The State Archivist lacks funds and trained personnel to provide political subdivisions**
11 **with sufficient assistance and advice in public records management, retention, long-term**
12 **storage and disposition.**

13 **(3) The public records of the State of Oregon and its political subdivisions are so inter-**
14 **related and interdependent that the decision as to which records are retained or destroyed**
15 **is a matter of statewide public policy.**

16 **(4) The State of Oregon and its political subdivisions have a responsibility to ensure or-**
17 **derly retention and destruction of all public records, whether current or noncurrent, and to**
18 **ensure the preservation of public records of value for administrative, legal and research**
19 **purposes.**

20 **SECTION 3. (1) The State Archivist shall:**

21 **(a) Provide assistance to political subdivisions concerning public records management,**
22 **retention, long-term storage and disposition;**

23 **(b) Provide advice to political subdivisions concerning archival preservation, cataloging**
24 **and indexing of public records;**

25 **(c) Train political subdivision officials in the proper methods of creating, maintaining,**
26 **cataloging, indexing, transmitting, storing and reproducing photographic, optical, electronic**
27 **or other images used as public records; and**
28

NOTE: Matter in boldfaced type in an amended section is new; matter [italic and bracketed] is existing law to be omitted.
New sections are in boldfaced type.

(d) Award grants to political subdivisions for programs relating to public records management, retention, long-term storage and disposition.

(2) The State Archivist may employ personnel who are trained and experienced in public records management, retention, long-term storage and disposition to work with political subdivisions in carrying out the provisions of subsection (1) of this section.

(3) The State Archivist shall use moneys from the Public Records Management Assistance Fund established in section 4 of this 2007 Act to carry out the provisions of this section.

SECTION 4. The Public Records Management Assistance Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Public Records Management Assistance Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the Secretary of State to be used by the office of the State Archivist for the purposes set forth in section 3 of this 2007 Act.

SECTION 5. (1) There is created the Public Records Advisory Committee, consisting of five members who shall be appointed by the Secretary of State. In making the appointments, the Secretary of State shall give consideration to geographic balance.

(2) The Public Records Advisory Committee shall consist of:

- (a) A representative from the office of State Archivist;
- (b) Two members from an association of county clerks; and
- (c) Two members from an association of city clerks.

(3) The term of office of each committee member is three years, but a member serves at the sole discretion of the Secretary of State. The Secretary of State shall appoint a successor to a member before the expiration of the term of the member. A member is eligible for reappointment. If a position on the committee is vacant for any cause, the Secretary of State shall make an appointment to become immediately effective for the unexpired term.

(4) A member of the committee may receive only actual and necessary travel and other expenses pursuant to ORS 292.495. Members of the committee may not receive compensation for services as a member.

SECTION 6. (1) The State Archivist shall award grants described in section 3 of this 2007 Act to political subdivisions based on recommendations of the Public Records Advisory Committee.

(2) The committee shall review grant proposals submitted by political subdivisions and shall prepare a list of grant proposals recommended by the committee based on criteria adopted by rule of the State Archivist.

(3) The State Archivist shall adopt rules governing grant eligibility, grant evaluation and any other criteria relating to grant proposals submitted under this section.

SECTION 7. ORS 205.323 is amended to read:

205.323. (1) In addition to and not in lieu of the fees charged and collected under ORS 205.320 and other fees, the following fees shall be charged and collected for the recording or filing of any instrument described in ORS 205.130:

- (a) A fee of \$1, to be credited as provided in subsection (3)(a) of this section; [and]
- (b) A fee of \$10, to be credited as provided in subsection (3)(b) of this section[.]; and
- (c) A fee of \$1, to be credited as provided in subsection (3)(c) of this section.

(2) Subsection (1) of this section does not apply to the recording or filing of the following:

- (a) Instruments that are otherwise exempt from recording or filing fees under any provision of law;

1 (b) Any satisfaction of judgment or certificate of satisfaction of judgment; or

2 (c) Internal county government instruments not otherwise charged a recording or filing fee.

3 (3) Of the amounts charged and collected under this section:

4 (a) The recording or filing fee charged and collected under subsection (1)(a) of this section shall
5 be deposited and credited to the Oregon Land Information System Fund established under ORS
6 306.132; *[and]*

7 (b) *[Of]* The recording or filing fee charged and collected under subsection (1)(b) of this
8 section~~]~~ **shall be credited as follows:**

9 (A) Five percent of the fee shall be credited for the benefit of the county~~]~~;

10 (B) Five percent of the fee shall be credited for the benefit of the county clerk for the purposes
11 described in ORS 205.320 (18); and

12 (C) 90 percent of the fee shall be deposited and credited to the County Assessment and Taxa-
13 tion Fund created under ORS 294.187~~]~~; and

14 (c) **The recording or filing fee charged and collected under subsection (1)(c) of this sec-**
15 **tion shall be deposited as follows:**

16 (A) 50 percent of the fee shall be deposited in the county treasury and shall be used by
17 the county for the purposes of county public records management, retention, long-term
18 storage and disposition.

19 (B) 50 percent of the fee shall be paid over to the State Treasurer, who shall deposit the
20 moneys into the Public Records Management Assistance Fund established in section 4 of this
21 2007 Act.

22 **SECTION 8.** ORS 205.320 is amended to read:

23 205.320. In every county there shall be charged and collected in advance by the county clerk,
24 for the benefit of the county, the following fees, and no more, for the following purposes and ser-
25 vices:

26 (1) For filing and making entry when required by law of any instrument required or permitted
27 by law to be filed, when it is not recorded, \$5 for each page.

28 (2) For filing and making entry of the assignment or satisfaction of any filed, but not recorded,
29 instrument, \$5 for each page.

30 (3) For each official certificate, \$3.75.

31 (4)(a) For purposes of this subsection, "page" means one side of a sheet 14 inches, or less, long
32 and 8-1/2 inches, or less, wide.

33 (b) For recording any instrument required or permitted by law to be recorded, \$5 for each page,
34 but the minimum fee shall not be less than \$5.

35 (c) For supplying to private parties copies of records or files, not more than \$3.75 for locating
36 a record requested by the party and 25 cents for each page.

37 (d) For each official certificate, \$3.75.

38 (5) For taking affidavit for and making and issuing marriage license and registering the return
39 thereof, \$25.

40 (6) For solemnizing a marriage under ORS 106.120, \$25. This subsection does not require that
41 the county clerk charge a fee for solemnizing a marriage after normal working hours or on Satur-
42 days or legal holidays. This subsection does not prohibit a county clerk from charging and accepting
43 a personal payment for solemnizing a marriage if otherwise authorized by ORS 106.120.

44 (7) For taking and certifying acknowledgment or proof of execution of any instrument, the fee
45 established in the schedule adopted by the Secretary of State under ORS 194.164.

(8) For issuing any license required by law, other than a marriage or liquor license, and for which no fee is otherwise provided by law, \$5.

(9) For any service the clerk may be required or authorized to perform and for which no fee is provided by law, such fees as may favorably compare with those established by this section for similar services and as may be established by order or rule of the county court or board of county commissioners.

(10) For recording any instrument under ORS 205.130 (2), as required by ordinance pursuant to ORS 203.148.

(11) In addition to and not in lieu of the fees charged under subsection (4) of this section, for each additional municipal assessment lien recorded under ORS 93.643, \$5.

(12) In addition to and not in lieu of the fees charged under subsection (4) of this section, for each additional assignment, release or satisfaction of any recorded instrument, \$5.

(13) In addition to and not in lieu of the fees charged under subsection (4) of this section, for each additional transaction described under ORS 205.236, \$5.

(14) In addition to and not in lieu of the fees charged under subsection (4) of this section, for each additional lien recorded under ORS 311.675, \$5.

(15) For preparing and recording the certificate under ORS 517.280, \$20 or such other fee that is established by the county governing body.

(16) In addition to and not in lieu of the fees charged under subsection (4) of this section, for each additional claim listed on an affidavit of annual compliance under ORS 517.210, \$5.

(17) In addition to and not in lieu of the fees charged under subsection (4) of this section, for each additional name listed on a cooperative contract under ORS 62.360 (2) or for recording the termination of a cooperative contract under ORS 62.360 (4), \$5.

(18) Notwithstanding any other law, five percent of any fee or tax that is not collected for the benefit of the county clerk shall be deducted from the fee or tax. The moneys deducted shall be expended for acquiring storage and retrieval systems, payment of expenses incurred in collecting the fee or tax and maintaining and restoring records as authorized by the county clerk. Moneys collected under this subsection shall be deposited in a county clerk records fund established by the county governing body. No moneys shall be deducted under this subsection from:

(a) Fees collected for the Domestic Violence Fund under ORS 106.045.

(b) Fees collected for conciliation services under ORS 107.615.

(c) Real estate transfer taxes enacted prior to January 1, 1998.

(d) Fees collected under ORS 205.323 for the Oregon Land Information System Fund.

(e) Fees collected under ORS 205.323 for county public records management, retention, long-term storage and disposition and for the Public Records Management Assistance Fund.

SECTION 9. ORS 357.885 is amended to read:

357.885. Except as provided in section 3 of this 2007 Act, the Secretary of State shall prescribe fees to be charged and collected by the State Archivist for official services rendered as State Archivist. All moneys received pursuant to this section shall be deposited in the miscellaneous receipts account established pursuant to ORS 279A.290 for the State Archivist.

SECTION 10. The amendments to ORS 205.320 and 205.323 by sections 7 and 8 of this 2007 Act apply to documents recorded or filed with a county clerk on or after the effective date of this 2007 Act.

Senate Bill 38

Corrected Requester

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Revenue for Housing Alliance)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes fee for recording of documents in deed and mortgage records of county. Directs county clerk to transfer amounts collected to Housing and Community Services Department to fund housing programs of department.

A BILL FOR AN ACT

Relating to recordation fees; amending ORS 205.323, 294.184, 294.187 and 306.815.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 205.323 is amended to read:

205.323. (1) In addition to and not in lieu of the fees charged and collected under ORS 205.320 and other fees, the **county clerk shall charge and collect the** following fees *[shall be charged and collected]* for the recording or filing of any instrument described in ORS 205.130:

(a) A fee of \$1, to be credited as provided in subsection (3)(a) of this section; *[and]*

(b) A fee of \$10, to be credited as provided in subsection (3)(b) of this section; **and**

(c) **A fee of \$_____**, to be credited as provided in subsection (3)(c) of this section.

(2) Subsection (1) of this section does not apply to the recording or filing of the following:

(a) Instruments that are otherwise exempt from recording or filing fees under any provision of law;

(b) Any satisfaction of judgment or certificate of satisfaction of judgment; or

(c) Internal county government instruments not otherwise charged a recording or filing fee.

(3) Of the amounts charged and collected under this section:

(a) The recording or filing fee charged and collected under subsection (1)(a) of this section *[shall]* **must** be deposited and credited to the Oregon Land Information System Fund established under ORS 306.132*[; and]*.

(b) *[Of the recording or filing fee charged and collected under subsection (1)(b) of this section,]* **The recording or filing fee charged and collected under subsection (1)(b) of this section shall be credited as follows:**

(A) Five percent *[shall]* **of the fee must** be credited for the benefit of the county*[,];*

(B) Five percent *[shall]* **of the fee must** be credited for the benefit of the county clerk for the purposes described in ORS 205.320 (18); and

(C) 90 percent *[shall be deposited and]* **of the fee must be credited to and deposited in the** County Assessment and Taxation Fund created under ORS 294.187.

(c) **The recording or filing fee charged and collected under subsection (1)(c) of this sec-**

NOTE: Matter in boldfaced type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in boldfaced type.

tion must be credited to and deposited in the County Assessment and Taxation Fund created under ORS 294.187.

SECTION 2. ORS 294.184 is amended to read:

294.184. (1) There is created under ORS 293.445 a suspense account to be known as the County Assessment Function Funding Assistance Account. The account shall consist of:

(a) All moneys paid over by the county treasurers as provided under ORS 294.187 (2)(a); and

(b) All interest earned upon any moneys in the account.

(2) Of the moneys in the account as of the last day of each fiscal quarter, the moneys necessary to pay the following Department of Revenue expenses shall be transferred to a suspense account of the department created under ORS 293.445 and are continuously appropriated to the department for:

(a) Expenses incurred in carrying out the purposes of ORS 294.175 to 294.184; and

(b) Appraisal expenses incurred by the department in appraising principal and secondary industrial properties identified under ORS 306.126 and property of centrally assessed companies under ORS 308.505 to 308.665.

(3) The total amount of moneys transferred to the suspense account of the department under subsection (2) of this section may not exceed 10 percent of the moneys in the account as of the last day of the fiscal quarter for which the transfer is being made.

(4) The remainder of the moneys in the account as of the last day of the fiscal quarter shall be used for the purpose of making the grant payments to counties as required under ORS 294.178 and are continuously appropriated to the department for that purpose.

SECTION 3. ORS 294.187 is amended to read:

294.187. (1) There is created in the county treasury of each county a fund to be known as the County Assessment and Taxation Fund. The fund shall consist of:

(a) Moneys deposited in and credited to the fund under ORS 311.508.

(b) Moneys deposited in and credited to the fund under ORS 205.323 (3)(b)(C).

(c) Moneys deposited in and credited to the fund under ORS 205.323 (3)(c).

[(c)] (d) Interest earned upon moneys credited to the fund.

(2) The county treasurer shall pay over the moneys in the fund:

(a) Collected under subsection (1)(a) and (b) of this section and interest earnings on those moneys, determined as of the last day of the fiscal quarter, to the State Treasurer on or before the 10th day of the month following the last day of the fiscal quarter for deposit and credit as provided in subsection (3)(a) of this section.

(b) Collected under subsection (1)(c) of this section and interest earnings on those moneys, determined as of the last day of the fiscal quarter, to the State Treasurer on or before the 10th day of the month following the last day of the fiscal quarter for deposit and credit as provided in subsection (3)(b) of this section.

(3) The State Treasurer shall deposit and credit:

(a) The moneys [received under subsection (2) of this section] collected under subsection (1)(a) and (b) of this section and interest earnings on those moneys to the County Assessment Function Funding Assistance Account referred to in ORS 294.184.

(b) The moneys collected under subsection (1)(c) of this section and interest earnings on those moneys to the Housing and Community Services Department for housing-related programs as follows:

(A) 75 percent of the moneys must be deposited in the Housing Development and Guarantee Account;

- 1 (B) 10 percent of the moneys must be deposited in the Emergency Housing Account;
- 2 (C) Nine percent of the moneys must be deposited in the Home Ownership Assistance
- 3 Account; and
- 4 (D) Six percent of the moneys must be deposited in the Housing and Community Services
- 5 Department Revolving Account.

6 (4) If the county treasurer fails to pay over moneys, as required under subsection (2) of this
7 section, then any unpaid moneys shall be a debt due and owing by the county to the state and the
8 county shall pay the legal rate of interest thereon from the due date until paid. Payment of interest
9 under this section shall not relieve the county treasurer from any penalty imposed by law for failure
10 to make the payments, and in addition, the county treasurer shall be liable under ORS 311.375 (4)(a)
11 and (b).

12 (5) ORS 294.305 to 294.565 do not apply to a fund created under this section.

13 **SECTION 4.** ORS 306.815 is amended to read:

14 306.815. (1) A city, county, district or other political subdivision or municipal corporation of this
15 state shall not impose, by ordinance or other law, a tax or fee upon the transfer of a fee estate in
16 real property, or measured by the consideration paid or received upon transfer of a fee estate in real
17 property.

18 (2) A tax or fee upon the transfer of a fee estate in real property does not include any fee or
19 charge that becomes due or payable at the time of transfer of a fee estate in real property, unless
20 that fee or charge is imposed upon the right, privilege or act of transferring title to real property.

21 (3) Subsection (1) of this section does not apply to any fee established under ORS 203.148.

22 (4) Subsection (1) of this section does not apply to any tax if the ordinance or other law im-
23 posing the tax is in effect and operative on March 31, 1997.

24 (5) Subsection (1) of this section does not apply to any tax or fee that is imposed upon the
25 transfer of a fee estate in real property if the fee that is imposed under ORS 205.323, for the re-
26 cording or filing of the instrument conveying the real property being transferred, is less than [\$11]
27 \$_____

28

Senate Bill 366

Sponsored by Senator SCHRADER; Representative TOMEI (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Authorizes school district to establish impact fee on creation of lot or parcel. Directs county recording officer to assess and collect impact fee before recording subdivision or partition plat. Authorizes county recording officer to charge separate fee to recover administrative costs.

A BILL FOR AN ACT

Relating to school impact fee.

Be It Enacted by the People of the State of Oregon:

SECTION 1. As used in sections 1 to 3 of this 2007 Act:

(1) "Affordable housing" means housing units made available to families with a household income that is less than or equal to 80 percent of the area-wide median household income, as determined by the Housing and Community Services Department, for families with the same number of members and for which the monthly housing payment does not exceed 30 percent of the monthly income of the family.

(2) "Capital improvement" includes, but is not limited to, acquisition of land, construction, reconstruction, renovation or improvement of school facilities, acquisition or installation of new technology or other capital expenditures that improve a school district's ability to educate students. "Capital improvement" does not include costs of the operation or routine maintenance of school facilities.

(3) "School district" has the meaning given that term in ORS 330.003.

SECTION 2. (1) A school district may adopt by resolution an impact fee on the creation of new lots or parcels as provided in this section.

(2) Prior to the adoption of an impact fee, the school district shall:

(a) Prepare a facilities plan that contains a list of the capital improvements the school district intends to fund, in whole or in part, with moneys collected for the impact fee and the estimated cost of and proposed timing for each capital improvement; and

(b) Hold a public hearing at which the school district provides interested persons an opportunity to comment on the adoption of the impact fee.

(3) In the resolution establishing an impact fee, the school district shall include:

(a) The methodology for calculating the impact fee; and

(b) Findings demonstrating that:

(A) The new capital improvements are needed to meet the demands placed on school facilities by the new lots or parcels; and

(B) The impact fee is calculated with due consideration given to the estimated cost of and timing for the capital improvements identified in the facilities plan that are needed to meet the demands placed on school facilities by the new lots or parcels.

NOTE: Matter in boldfaced type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in boldfaced type.

1 (4) A school district shall exempt lots or parcels dedicated to the development of afford-
2 able housing from the assessment and collection of the impact fee authorized under this
3 section.

4 (5) An impact fee collected pursuant to this section may not exceed \$6,500 per new lot
5 or parcel, plus an amount not to exceed one percent of the impact fee to recover the ad-
6 ministrative costs of the county recording officer to assess and collect the impact fee, but
7 the school district may annually adjust the impact fee based on the higher of:

8 (a) The percentage increase in the real market value for the period, as provided by the
9 county assessor, of the land in the school district, excluding buildings, structures and im-
10 provements; or

11 (b) The Engineering News-Record Construction Cost Index for the period.

12 (6) A school district that adopts an impact fee resolution pursuant to this section shall
13 transmit the resolution to the county recording officer responsible for recording a subdivi-
14 sion or partition plat, pursuant to ORS 92.120, within the boundaries of the school district.

15 (7) A school district may use moneys collected as an impact fee only to pay:

16 (a) For capital improvements to school facilities that are needed to meet the demands
17 placed on the facilities by the new lots or parcels;

18 (b) The administrative costs of the school district to implement the impact fee authorized
19 under this section; and

20 (c) The administrative costs of the county recording officer to assess and collect the
21 impact fee.

22 (8) If the impact fee does not include an amount to recover the administrative costs of
23 the county recording officer to assess and collect the impact fee, the recording officer that
24 assesses and collects the impact fee may establish a separate fee to recover those costs, in
25 an amount that does not exceed one percent of the impact fee.

26 (9) The county recording officer:

27 (a) Shall assess and collect the impact fee before recording a subdivision or partition plat
28 pursuant to ORS 92.120;

29 (b) May, if the impact fee does not include an amount to recover the costs of the county
30 recording officer to assess and collect the impact fee, collect a fee pursuant to subsection
31 (8) of this section; and

32 (c) Shall deliver the moneys collected for the impact fee, minus the amount retained to
33 recover administrative costs, to the appropriate school district.

34 **SECTION 3.** A school district that adopts an impact fee pursuant to section 2 of this 2007
35 Act shall annually prepare a report relating to the collection and expenditure of moneys
36 generated by the impact fee, make the report available to the public and file a copy of the
37 report with the Secretary of State no later than June 30 of each year for the preceding year.
38

**Summary of CMS' Notice of Proposal for Rule Making for
Intergovernmental Transfers (IGT's)**

On January 18, 2007, CMS published proposed rules that seek to limit the state's ability to finance Medicaid through the use of Intergovernmental Transfers (IGT), a transfer of funds from a local government entity to the state.

Identification as a Unit of Government

IGT's must be from a unit of government in order to be used as match for Medicaid and State Children's Health Insurance Programs (SCHIP). Units of government are identified as State, City, County, a Special Purpose District or Other Governmental Units within the State. CMS has developed a form to assist in making the determination as to whether or not the provider is a unit of government. The proposed regulatory definition of unit of government includes:

1. Any State or Local government entity (including Indian tribes) that can demonstrate it has generally applicable taxing authority, and
2. Any State-operated, city-operated, county-operated, or tribally operated health care provider.

Under the proposed rule, health care providers that make IGT's as a "special purpose district" or "other" local government must demonstrate they are operated by a unit of government showing that:

1. The health care provider has generally applicable taxing authority; or
2. The health care provider is able to access funding as an integral part of a governmental unit with taxing authority (that is legally obligated to fund the governmental health care provider's expenses, liabilities, and deficits), so that
3. A contractual arrangement with the State or Local government is not the primary or sole basis for the health care provider to receive tax revenue.

Eligibility of Transferred Funds

The State must be able to demonstrate:

1. The source of the transferred funds is State or Local tax revenue; and
2. The provider retains the full Medicaid payment and is not required to repay, or in fact does not repay, all or any portion of the Medicaid payment.

**LGAC Meeting
February 9, 2007**

In order for State and/or Local tax dollars to be eligible as the non-Federal share of Medicaid expenditures, that tax revenue cannot be committed or earmarked for non-Medicaid activities.

For compliance to the proposed rule:

1. Providers must receive and retain the full amount of the total computable payment.
2. The funding source of an IGT is clearly separated from the Medicaid payment.
3. Generally, an IGT takes place **before** the Medicaid payment, which originates from an account funded by taxes that is separate from the account in which the provider receives Medicaid payments.

Limitation on Payments to Governmental Providers and Cost Reporting

The proposal would limit reimbursement for governmentally operated providers to amounts not to exceed cost and would require that DHS verify this annually through submitted cost reports. For hospitals and nursing facilities, the Medicare 2552-96 hospital cost report would be used to identify allowable Medicaid costs. For non-hospitals and non-nursing facilities, there isn't a standard cost report. Therefore, the state will provide auditable documentation for these costs that include:

1. Identification of the relevant category of expenditure under the state plan.
2. Explanation whether the contributing unit of government is within the scope of exception to the statutory limit on provider-related donations and taxes.
3. Demonstration that the actual expenditures incurred by the contributing unit of government in providing services to Medicaid recipients or in administration of the state plan.

Medicaid managed care organizations and SCHIP providers are not subject to the cost limit provision of the proposed regulation.

Contacts:

DHS Federal Financial Policy
Cynthia Scheick, Administrator – 503-945-6700
Mary Alexander, Policy Analyst – 503-947-5101



OFFICE OF THE SECRETARY OF STATE

NEWS RELEASE

BILL BRADBURY

For Immediate Release:
May 24, 2005

Contact: Carla Corbin
Elections Division
(503) 986-1518

The Office of the Secretary of State received a draft ballot title from the Attorney General on May 23, 2005, for initiative petition #38, proposing a statutory amendment, for the General Election of November 7, 2006.

The draft ballot title is as follows:

**ESTABLISHES OPEN PRIMARIES: ELECTORS VOTE REGARDLESS OF PARTY
AFFILIATION; TWO CANDIDATES PROCEED TO GENERAL ELECTION**

RESULT OF "YES" VOTE: "Yes" vote establishes open primary elections for certain public offices; allows electors to vote for any candidate at primary election without regard to party affiliation.

RESULT OF "NO" VOTE: "No" vote retains current primary system where electors affiliated with major political party receive ballot for that party to nominate party's candidate for general election.

SUMMARY: Under current law, electors affiliated with a major political party receive official ballot for that party and nominate party's candidate for general election. Measure designates offices of United States Senator, Representative in Congress, Governor, Secretary of State, State Treasurer, Attorney General, state Senator, state Representative, or any state, county, city or district office that is not nonpartisan as "voter choice offices." Measure establishes open primary elections for "voter choice offices": all qualified registered electors, regardless of party affiliation, receive ballot for "voter choice offices"; ballots list candidates' party affiliation; electors may vote for any candidate without regard to elector's or candidate's party affiliation; two candidates receiving highest number of votes advance from primary to general election. Measure provides signature requirements for nominating petitions. Other provisions.

Chief Petitioner(s): Phillip A. Keisling, 3408 SE 8th, Portland, OR 97202.

Copies of the text of this initiative are available at Room 141, State Capitol for \$1.25. Written requests for copies with your remittance of \$1.25 prepaid, should be addressed to: Elections Division, Room 141 State Capitol, Salem, OR 97310-0722.

There now follows an appeal period of 10 business days during which any member of the public may submit written comments which address the specific legal standards a ballot title must meet to the Secretary of State's office. This period ends June 7, 2005. Comments must be addressed to: Elections Division, Room 141 State Capitol, Salem, OR 97310-0722; fax (503) 373-7414.

The Secretary of State will deliver all written comments to the Attorney General. If comments are received, the Attorney General shall issue the certified ballot title not later than the 10th business day after receiving the comments from the Secretary of State. If no comments are received, the Attorney General shall issue the certified ballot title not later than the fifth business day after the deadline for submitting comments.

In addition, during this ballot title comment period, the Secretary of State will also seek statements from interested persons regarding whether or not a proposed initiative petition complies with procedural constitutional requirements for submission of proposed initiative petitions. The Secretary will consider the information provided in the statements received from interested persons. If you wish to comment, this period ends June 7, 2005. Comments must be addressed to: Elections Division, Room 141 State Capitol, Salem, OR 97310-0722; fax (503) 373-7414.

Any elector who is dissatisfied with the ballot title certified by the Attorney General, and who timely submitted written comments which addressed the specific legal standards a ballot title must meet, may petition the Oregon Supreme Court seeking a different title. This appeal must be filed not later than the 10th business day after the Attorney General certifies a ballot title to the Secretary of State.

The required number of signatures for placement on the 2006 general election ballot is 75,630. These signatures must be filed in this office not later than July 7, 2006.

HARDY MYERS
Attorney General



PETER D. SHEPHERD
Deputy Attorney General

DEPARTMENT OF JUSTICE
APPELLATE DIVISION

May 23, 2005

John Lindback
Director, Elections Division
Office of the Secretary of State
141 State Capitol
Salem, OR 97310

Re: Proposed Initiative Petition — Establishes Open Primaries: Electors Vote Regardless Of
Party Affiliation; Two Candidates Proceed To General Election
DOJ File #BT-38-05; Elections Division #38

Dear Mr. Lindback:

We have prepared and hereby provide to you a draft ballot title for the above-referenced prospective initiative petition. The proposed measure relates to establishing open primaries: electors vote regardless of party affiliation; two candidates proceed to general election.

Written comments from the public are due to you within ten business days after your receipt of this draft title. A copy of all written comments provided to you should be forwarded to this office immediately thereafter.

A copy of the draft ballot title is enclosed.

Sincerely,

Misty Kintz
Legal Secretary

SJG:mlk/APP80065

Enclosure

c: Peter Shepherd, Deputy Attorney General
Don Arnold, General Counsel Division
Steve Wolf, General Counsel Division

Phillip A. Keisling
3408 SE 8th
Portland, Oregon 97202

RECEIVED
2005 MAY 23 PM 2:48
BILL BRADBURY
SECRETARY OF THE STATE

DRAFT BALLOT TITLE

ESTABLISHES OPEN PRIMARIES: ELECTORS VOTE REGARDLESS OF PARTY AFFILIATION; TWO CANDIDATES PROCEED TO GENERAL ELECTION

RESULT OF "YES" VOTE: "Yes" vote establishes open primary elections for certain public offices; allows electors to vote for any candidate at primary election without regard to party affiliation.

RESULT OF "NO" VOTE: "No" vote retains current primary system where electors affiliated with major political party receive ballot for that party to nominate party's candidate for general election.

SUMMARY: Under current law, electors affiliated with a major political party receive official ballot for that party and nominate party's candidate for general election. Measure designates offices of United States Senator, Representative in Congress, Governor, Secretary of State, State Treasurer, Attorney General, state Senator, state Representative, or any state, county, city or district office that is not nonpartisan as "voter choice offices." Measure establishes open primary elections for "voter choice offices": all qualified registered electors, regardless of party affiliation, receive ballot for "voter choice offices"; ballots list candidates' party affiliation; electors may vote for any candidate without regard to elector's or candidate's party affiliation; two candidates receiving highest number of votes advance from primary to general election. Measure provides signature requirements for nominating petitions. Other provisions.

SECRETARY OF THE STATE
BILL BRADBURY

2005 MAY 23 PM 2:48

RECEIVED

OREGON VOTER CHOICE PRIMARY

PROPOSAL: THE OREGON VOTER CHOICE PRIMARY

END THE MAJOR PARTY MONOPOLY ON PRIMARY ELECTIONS BY ADOPTING A 'TOP-TWO' QUALIFYING ELECTION. ALL CANDIDATES APPEAR ON THE SAME PRIMARY BALLOT, WITH THEIR PARTY AFFILIATION NOTED, AND ALL VOTERS RECEIVE THE SAME BALLOT. THE TOP TWO VOTE GETTERS, REGARDLESS OF PARTY AFFILIATION, ADVANCE TO APPEAR ON THE GENERAL ELECTION BALLOT. THE MEASURE WOULD OPEN THE PRIMARY FOR ALL CURRENTLY PARTISAN OFFICES, FROM LEGISLATORS, GOVERNOR AND OTHER STATEWIDE OFFICES TO U.S. SENATOR AND REPRESENTATIVE.

THE PROBLEM THIS PROPOSAL ADDRESSES

THE EXISTING PRIMARY SYSTEM DEPRIVES ALL OREGONIANS OF FULL AND EQUAL CHOICE IN SELECTING OUR KEY LEADERS. THE SYSTEM ALSO ALLOWS NARROW INTERESTS TO EXERCISE DISPROPORTIONATE POWER IN CLOSED PRIMARY ELECTIONS. THIS EXACERBATES PARTISANSHIP AND DISCOURAGES CIVIL CONVERSATION AND CREATIVE SOLUTIONS TO OUR MAJOR PROBLEMS. THE OPEN PRIMARY SHIFTS THE FOCUS OF ELECTIONS BACK TO FORMING A WINNING COALITION OF ALL VOTERS, NOT JUST THOSE WHO TURN UP IN A PARTISAN PRIMARY.

OUR MOTIVATIONS

ACCESS

- EVERY CANDIDATE GETS ACCESS TO ALL VOTERS FROM THE BEGINNING OF THE ELECTORAL PROCESS.
- EVERY VOTER GETS TO CHOOSE FROM ALL CANDIDATES, NOT JUST THOSE SELECTED BY MAJOR PARTY PRIMARY VOTERS.
- *FACT: MORE THAN 25% OF THE ELECTORATE, AND A PLURALITY OF THOSE UNDER 35, HAVE NOW REJECTED BOTH MAJOR PARTIES. AS "NON-AFFILIATED" VOTERS, THEY HAVE NO SAY IN THE CHOICE OF CANDIDATES IN THE GENERAL. MANY POTENTIAL CANDIDATES SIMPLY DECLINE TO RUN IN THIS SYSTEM.*

VOTER CHOICE

- EVERY VOTER, REGARDLESS OF PARTY AFFILIATION, GETS TO CHOOSE FROM ALL CANDIDATES, REGARDLESS OF PARTY AFFILIATION, FOR EACH OFFICE.
- THE PRIMARY ELECTION INCLUDES ALL CANDIDATES. THE TOP TWO VOTE GETTERS AT THE PRIMARY ADVANCE TO THE GENERAL ELECTION.
- *FACT: 70-80% OF STATE LEGISLATIVE AND CONGRESSIONAL RACES ARE NO LONGER COMPETITIVE BETWEEN THE TWO MAJOR PARTIES. CANDIDATES IN THESE DISTRICTS - WHEN THE MEDIAN AGE OF THOSE PARTICIPATING IS CLOSE TO 60 - ARE ESSENTIALLY ELECTED IN THE PRIMARY.*

TIMELINE

GATHER SIGNATURES IN 2005 TO QUALIFY A MEASURE FOR THE 2006 GENERAL ELECTION BALLOT.

CONTRIBUTIONS

VISIT WWW.ONEBALLOT.COM TO CONTRIBUTE BY CREDIT CARD OR MAIL A CHECK TO:

VOTER CHOICE PRIMARY
921 SW WASHINGTON SUITE 810
PORTLAND OR 97205

QUESTIONS

ADDRESS TO MATT JAFFE AT (503) 736-2551 OR MATT@ONEBALLOT.COM

STATEMENT

ALL OREGONIANS HAVE AN INHERENT RIGHT TO FULLY PARTICIPATE IN CHOOSING THOSE WHO WILL GOVERN THEM.

EXPLANATION

- THE CURRENT SYSTEM OF ELECTIONS IN OREGON DISENFRANCHISES AN INCREASING NUMBER OF VOTERS BECAUSE THE CLOSED PRIMARY WAS NOT DESIGNED TO ACCOMMODATE THE DRAMATIC AND CONTINUING SHIFT AWAY FROM TRADITIONAL PARTY REGISTRATION.
- WE SEEK TO REDESIGN THE SYSTEM TO REFLECT THIS MODERN REALITY SO THAT IT CAN AGAIN FUNCTION AS IT WAS INTENDED: *TO GIVE ALL VOTERS FREE AND EQUAL ABILITY TO CHOOSE THEIR ELECTED LEADERS.*

WHO WE ARE

WE ARE A DIVERSE GROUP OF OREGONIANS - DEMOCRATS, REPUBLICANS AND INDEPENDENTS - FROM ALL CORNERS OF OREGON. WE DISAGREE ON MANY SPECIFIC ISSUES, BUT SHARE A COMMON VISION TO REFORM THE BASIC RULES OF OREGON POLITICS, TO BETTER SERVE ALL OREGONIANS.

SUPPORTERS

STAN AMY
STEVE BABSON
TODD BAUMAN
TOM BEER
JOSH BLANK
PETER BRAGDON
KNUTE BUEHLER
BILL CAMPBELL
MATT CHAPMAN
MASON COLE
JOE CORTRIGHT
CARL DAVIS
GUN DENHART
ALBERT DIPIERO
BOB EBERHARDT
JOHN EMRICK
ROBERT & DENISE FRISBEE
LINDA GANZINI
BOB GERDING
FRED GRANUM
MIKE GREENFIELD
REP. MITCH GREENLICK
RICK HANSON
EDMUND HAYES
MATT HENNESSEE
ASHLEY HENRY
MIKE HOLLERN
TOM IMESON
LOU JAFFE
CHARLES JENNINGS
PAMELA JONES
AL JUBITZ
PHIL KEISLING
BILL KELLY
JIM KELLY
ALISSA KENY-GUYER
BRIAN KURTH
RANDY LABBE
TOM LANDYE
LYNN LUNDQUIST

HUGH MACKWORTH
JOHN MAZZOCCO
JACK MCGOWAN
GEN. MERRILL "TONY" McPEAK
JOSIE MENDOZA
RANDOLPH MILLER
GARY MORTENSEN
PETE O'DELL
JAKE OKEN-BERG
NORMA PAULUS
JODY PETTIT
TIM PHILLIPS
BUD PIERCE
MAC PRICHARD
HENRY RICHARD
CAROL ROBINSON
JOHN RUSSELL
RICK SAMCO
CATHY SHAW
BRAD SMITH
HOWARD SOHN
AL SOLHEIM
FRANK SPRINGER
DOUG STAMM
RON TONKIN
SEN. BEN WESTLUND
TED WHEELER
BRETT WILCOX
HOMER WILLIAMS
BILL AND BRENDA WILLIAMS
JEREMY WRIGHT
WILLIAM AND JANET WYSE
LOREN WYSS

Abolish the Partisan Primary
Originally published in the Portland Tribune, March 2, 2004
By Phil Keisling

“Politics is broken – it’s time to change the rules.”

Oregon voters sent this message in 1904 when they overwhelmingly voted to abolish the proverbial “smoke-filled room” of party bosses, and require Democratic and Republican nominees to be selected directly by voters.

A century later, it’s time for a similarly bold step: abolish Oregon’s existing political party primary.

In its place, a “New Oregon Primary” would give every Oregon voter, regardless of personal party affiliation (or lack thereof), an identical ballot. All candidates would be listed. Voters could then vote for their favorite candidate, in each race.

The top two voter-getters – again, regardless of party affiliation – would advance to the November election.

Jettisoning Oregon’s closed, “members-only” party aligns with the strong preferences of Oregon voters – and the need to fundamentally change the dominant dynamics of current Oregon politics.

A March, 2003 poll of 504 Oregonians, conducted by Davis and Hibbits, showed 59-21% approval for this change. This overwhelming support was true across every demographic and geographic category – including registered Democrats and Republicans. (Note: a more complete poll, in June 2005, showed support holding strong, at 61-33%; again, every major demographic group favored this change).

The poll was sponsored by the Oregon Progress Forum, a bi-partisan organization whose mission is to identify, incubate, and promote a handful of bold, innovative to improve Oregon politics. While the OPF board has not yet officially endorsed this proposal, it has drawn up draft legislation and published a white paper exploring this idea in greater detail.

The New Oregon Primary would change the underlying dynamics of politics in a number of significant ways. It would:

Increase voter turn out and choice. Every Oregon voter could participate fully and equally in selecting the two major finalists for all political offices.

Treat all political parties and candidates as equals. No political party would be “guaranteed” having a finalist on the General Election ballot – their members would need to earn that right.

Allow true "Voter Registration Freedom." Oregonians could register in whatever party organization -- or not -- that most closely reflected their own viewpoints.

Promote "majority governance." This reform would eliminate "spoiler candidacies" in November that can siphon off enough votes to elect candidates with less than 50% of the votes cast.

Encourage candor and solutions-oriented campaigns and governing. Candidates, from the start of their campaigns, could speak directly to all voters and the issues that concern them -- rather than run "zig zag" races that first cater to fierce partisans in May, only to shift gears in November.

The New Oregon primary would be simple to enact. No Oregon constitutional amendment is required. The legislature could enact the necessary statutory changes -- or voters could do so via initiative petition.

The New Oregon Primary also neatly sidesteps recent federal court decisions (including a 2000 U.S. Supreme Court case) that have invalidated so called "blanket primaries" in California and Washington. Both states allowed non-party members (including independents) to help choose the official, Republican and Democratic nominees.

The New Oregon Primary simply abolishes the notion of party *nominations*. The May election instead is transformed into a "qualifying contest", much as local, non-partisan elections winnow the field to no more than two finalists.

Indeed, one state (Louisiana) has used a similar system for 30 years. In California, a citizens group has raised \$1.5 million -- and collected over 700,000 signatures -- to qualify this idea for the November 2004 ballot.

Washington State may actually beat California to the punch. There, Secretary of State Sam Reed is pushing the current session of the Washington legislature to enact such a system for its September, 2004 primary election.

In theory, party primaries help hold politicians accountable, and guarantee a vigorous debate over competing ideologies and proposed solutions.

In practice, party primaries increasingly stifle meaningful debate and act as idea "bottlenecks." To navigate through primaries -- or avoid a potentially fatal primary challenge -- candidates are pressured to pander to narrow, sometimes extreme agendas -- or keep silent about important issues, for fear of alienating key interest groups that hold disproportionate power during primary season.

In Oregon's 2002 gubernatorial primary, not a single Republican candidate risked alienating the "No new taxes!" wing of the party by openly suggesting that additional revenue *might* be needed to help balance the budget. Similarly, PERS reform was an off-limits topic for Democratic hopefuls, fearful of public employee unions.

And the need for fundamental tax reform? No candidate even went near that topic – and few legislative hopefuls seem inclined to do so in the 2004 election cycle, either.

The lack of candor during campaigns is matched by a related difficulty of state leaders, once elected, to transcend bitter, partisan wrangling to forge meaningful solutions to major state issues. While the 2003 session had some notable successes– e.g, the transportation funding package and PERS reform – major challenges like K-12 funding, health care, and higher education were left to languish.

This dynamic is exacerbated by the fact that most candidates who win their party primaries don't just make the finals – they often win the prize outright.

Powerful demographic trends – aided and abetted by partisan-inspired drawing of state and congressional district boundary lines – have now rendered the vast majority of state legislative and congressional races non-competitive between the two major parties.

Of Oregon's 60 House and 15 State Senate seats that will be contested in 2004, most observers expect fewer than 20 to be seriously fought over.

The average age of partisans who regularly vote in primary elections is now close to 60. Many care passionately about a relative handful of social issues; and many are active members in large political organizations, ranging from unions to trade associations.

Meanwhile, more Oregonians are simply becoming spectators -- even as primary elections increasingly determine who will actually govern.

Among registered Democrats and Republicans, about 40% don't vote in primaries. Another 25% of registered voters are unaffiliated, so called "independents. And almost 28% of the 'voting eligible' population in Oregon today isn't registered at all – more than 700,000 citizens.

Rather than eviscerate political parties, this change should actually reinvigorate them. Rather than "coerce" members to join – which is now necessary in order to vote for partisan candidates in May -- the Democratic and Republican parties would have to win and retain allegiance on the basis of ideas.

In the end, the most dangerous threat to democracy isn't the fierceness of our debates or the clamor of those with heartfelt arguments. Rather, it's the indifference, even apathy, of growing numbers of citizens who no longer engage in (or even pay attention) to politics.

That's why the ultimate promise of the New Oregon Primary is not to abolish "partisanship" in politics, but to redefine it. Rather than a narrow partisanship – focused primarily on party membership and labels – the New Oregon primary aims to promote a healthier, more vigorous partisanship based on ideas.

Ideas freely advanced and argued – without fear or favor of how they might be received by a vocal minority with inordinate power. That kind of partisanship is arguably what Oregonians have too little of – and what is needed as the state faces unprecedented challenges in an uncertain world.

Phil Keisling is a VP with Hepieric, an Oregon-based information technology consulting company.

Davis, Hibbitts & Midghall, Inc.
Election Reform Survey-Annotated
May/June 2005, n=500, likely voters

Q1. All in all, would you say that things in Oregon are headed in the right direction, or are things pretty much off on the wrong track?

Right direction -----35%
Wrong direction -----49%
[DON'T READ] DK / Na / Refused-----16%

Q2. For each of the following, please tell me if you think they are doing an excellent, pretty good, not too good, or poor job in office.

(ROTATE)	<u>Excellent</u>	<u>Pretty Good</u>	<u>Not too Good</u>	<u>Poor</u>	<u>DK</u>
a. Governor Ted Kulongoski-----	5%	51%	23%	17%	4%
b. The Oregon State Legislature-----	0%	27%	39%	23%	11%
c. The United States Congress-----	2%	24%	39%	30%	5%
d. President George W. Bush-----	11%	29%	14%	44%	1%

Q3. Here are two statements about Oregon's election system. Please tell me which one statement comes closer to your point of view. (ROTATE)

A. Oregon's political system is working pretty well right now and there is no strong reason to make major changes to it at this time. -----50%

OR

B. Oregon's political system has serious flaws and problems right now and major changes are needed at this time. -----46%

[DON'T READ] DK / Na / Refused----- 5%

Q4. Here are two more statements about Oregon's current political system. Please tell me which one statement comes closer to your point of view. (ROTATE)

A. Partisan argument and sharp differences between the parties are healthy for Oregon's democracy. The two major parties in Oregon have very real differences in their views on the issues facing the state, and it is good for the public to see those sharp differences so they can make a judgment as to which party is more in tune with their views. -----38%

OR

B. Partisan politics has gotten out of hand in Oregon in recent years. Both parties are taking more extreme positions and seem to be unable to work together to solve the state's problems. We need significant changes in the political system in Oregon to reduce the amount of partisan arguing we have seen in recent legislative sessions. -----58%

[DON'T READ] DK / Na / Refused----- 5%

- Q5. A proposal has been made to make Oregon's legislature non-partisan. If this change occurs, there would be no mention of a candidate's political party on the election ballot. After the election, the State Legislature would likely organize and operate on a non-partisan basis, much like a School Board or City Council, rather than organize and operate by party as the Legislature now does. If you had a chance to vote on a measure to make Oregon's Legislature non-partisan, would you definitely or probably vote for it, or would you definitely or probably vote against it?

Definitely vote for it -----	17%
Probably vote for it -----	27%
Probably vote against it -----	22%
Definitely vote against it -----	25%
[DON'T READ] DK / Na / Refused -----	10%

- Q6. I would like to tell you a bit about how candidates are chosen in Oregon's election system. Oregon has what is called a closed primary, held in mid-May of even numbered years. Only registered Democrats can vote in the Democratic primary for offices that are filled on a partisan basis, such as US Senator, Governor and state legislator. Likewise, only registered Republicans can vote in their primary. Non affiliated voters and minor party cannot vote in either the Republican or Democratic primary, though they do vote on non partisan races like judges, school board members, and on ballot measures. Generally, would you say that you strongly support, somewhat support, somewhat oppose or strongly oppose this system?

Strongly support -----	22%
Somewhat support -----	25%
Somewhat oppose -----	23%
Strongly oppose -----	24%
[DON'T READ] DK / Na / Refused -----	6%

- Q7. A proposal has been made to change Oregon's election system. If this change occurs, all voters would get the same ballot, regardless of their party registration, if any. Every candidate running for a particular office would be listed, without party label, and voters could vote for the candidate they preferred. The top two vote getters for a particular office would advance to the November election, regardless of the party, if any, they belonged to. Would you strongly favor, somewhat favor, somewhat oppose, or strongly oppose this change if you had a chance to vote on it in the next election?

Strongly favor -----	29%
Somewhat favor -----	30%
Somewhat oppose -----	12%
Strongly oppose -----	22%
[DON'T READ] DK / Na / Refused -----	8%

Q8. I would like to read some possible variations of the proposal I just mentioned. For each, please tell me if that change would make you much more, somewhat more, somewhat less, or much less likely to vote for the proposal. If that variation would not make any difference in your vote, just let me know.

(ROTATE)

	<u>Much</u> <u>More</u>	<u>Smwt</u> <u>More</u>	<u>Smwt</u> <u>Less</u>	<u>Much</u> <u>Less</u>	<u>NA</u>
a. Create an open primary for state offices like Governor and the state legislative positions, but continue to select candidates for federal offices like US Senator and Congress the way we do now, in closed party primaries -----	14%	34%	19%	15%	19%
b. Specifically list on the ballot next to the candidate's name, the party, if any, of each candidate running for all state offices -	24%	34%	14%	13%	15%
c. If any candidate received a majority of the vote in the May primary they would be declared elected and there would be no contest for that office in the November general election	20%	25%	18%	29%	8%

Q9. Let me read you another measure that might be on the ballot next year. It reads: Makes All State Offices Non Partisan; Governor, State Legislative, and other candidates nominated without regard to Party Affiliation. As of today, would you vote for that measure or against it?

Vote for the measure -----43%
 Vote against the measure -----47%
 [DON'T READ] DK / Na / Refused-----11%

Q10. (If undecided on Q9) Well, would you say that you lean toward voting for this measure, or against it?

Lean for -----4%
 Lean against -----2%
 [DON'T READ] DK / Na / Refused-----5%

Q11. Would you be more likely or less likely to vote for a candidate for public office who favored making the Oregon State Legislature a non partisan Legislature, or would this position not make any difference in whether you would support that candidate or not?

More likely -----27%
 Less likely -----27%
 No difference at all-----42%
 [DON'T READ] DK / Na / Refused-----4%

Q12. Would you be more likely or less likely to vote for a candidate for public office who favors changing the Oregon primary so that every registered voter can vote in the primary for the candidate of their choice, regardless of party registration?

More likely -----60%
 Less likely -----18%
 No difference at all-----19%
 [DON'T READ] DK / Na / Refused-----3%

Q13. Here is another measure that could be on the ballot next year. It reads: Establishes open primaries: Electors vote regardless of party affiliation; two candidates proceed to general election. As of today, would you vote for or against this measure?

Vote for -----58%
 Vote against -----31%
 [DON'T READ] DK / Na / Refused -----10%

Q14. (If undecided on Q13) Well, would you say that you lean toward voting for this measure, or against it?

Lean for -----3%
 Lean against -----2%
 [DON'T READ] DK / Na / Refused -----5%

Q15. I would like to read you some more information about possible changes in the Oregon primary election. For each piece of information that I read, please tell me if it would make you more likely or less likely to vote for it. If the information would not make any difference to you one way or the other, just let me know. (ROTATE, IF RESPONDENT SAYS MORE/LESS LIKELY, ALSO ASK, WOULD THAT BE MUCH MORE OR SOMEWHAT MORE/LESS LIKELY TO VOTE FOR THE MEASURE)

	Much More Likely	Somewhat More Likely	Somewhat Less Likely	Much Less Likely	No Diff	DK/NA Ref
<u>ROTATE Q15a-15f</u>						
a. This proposal would allow voters registered in one party, or no party at all to vote in May primary for candidates whose party registration is different from their own -----	30%	28%	11%	17%	11%	3%
b. This proposal would advance the top two vote getters for each office from the primary to the general election. In some cases we wind up with two candidates from the same party, no party, or some other combination facing each other in the general election -----	24%	25%	13%	20%	12%	6%
c. This proposal would give almost 500,000 non-affiliated voters and minority voters in Oregon a much bigger say in Oregon's primary -----	33%	27%	9%	16%	11%	4%
d. Supporters say this proposal would reduce partisanship in Oregon and move elected officials toward finding solutions to the problems that the state faces -----	30%	30%	9%	15%	9%	6%
e. This proposal would make all voters equal in the May primary -----	38%	28%	8%	14%	9%	3%
f. Under this proposal if a candidate for a particular office gets a majority of the vote in the primary they would be declared elected and there would be no contest for that office in the November election -----	26%	18%	14%	32%	6%	3%

Q16. Let me read two statements about changing the primary election system in Oregon. Please tell me which one comes closer to your point of view. (ROTATE)

A. Revising Oregon's primary would be a major change in Oregon's political system. If we do switch, it would be best to start with only state offices and see how it works before we include federal offices like US Senator and Congress. -----50%

OR

B. If we are going to make a major change in Oregon's primary, then we should do it for all offices, including federal offices like US Senator and Congress. Otherwise we will wind up with a system that is confusing to voters. -----37%

[DON'T READ] DK / Na / Refused-----12%

Q17. Just your best guess on this next question. When you think about the issues you personally care most about, do you believe that if Oregon's primary election system is changed those issues would get more attention, less attention, or about the same amount of attention that they now get?

More attention -----31%

Less attention -----12%

About the same amount of attention -----51%

[DON'T READ] DK / Na / Refused-----6%

Q18. Some political observers believe that making changes in the primary system in Oregon would push both the Republicans and Democrats more toward the political center. If that did occur, which one of the following statements best represents how you would feel? (ROTATE)

A. Moving the parties more toward the center would be a good thing for Oregon since it would encourage compromises and finding a middle ground on issues, instead of producing partisan gridlock and arguments. -----57%

OR

B. Moving the parties more toward the center would be a bad thing for Oregon, since it would actually give us less choice, and produce politicians in the mushy middle who are more willing to abandon or compromise on important principles of their party. -----31%

[DON'T READ] DK / Na / Refused-----12%

Q19. When you think of your own political views and how you vote in partisan elections, would you say that you are someone who votes almost entirely for Republicans, mostly for Republicans, about evenly between Republicans and Democrats, mostly for Democrats, almost entirely for Democrats, or do you usually vote for a candidate from a party other than the Republicans or Democrats?

Entirely Republican -----10%

Mostly Republican -----20%

About even -----25%

Mostly Democrat -----26%

Entirely Democrat -----12%

Other Party ----- 5%
[DON'T READ] DK / Na / Refused ----- 2%

Now these last few questions are for statistical purposes only.

Q20. Is your age between [READ LIST]?

18-34 ----- 12%
35-54 ----- 42%
55 + ----- 46%
[DO NOT READ] Refused ----- 0%

Q21 Would you describe yourself as politically conservative, middle of the road, or liberal?

Conservative ----- 32%
Middle of the road ----- 40%
Liberal ----- 27%
Refused ----- 1%

Thank you for your time.

Q22. Gender [BY OBSERVATION]?

Male ----- 47%
Female ----- 53%

Q23. Area of State [RECORD FROM SAMPLE]

Tri-County ----- 42%
Willamette Valley ----- 28%
Rest of state ----- 30%

Q24. Party Registration [RECORD FROM SAMPLE]

Republican ----- 39%
Democrat ----- 44%
Independent/Other ----- 17%



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 02/15/07
Agenda Item #: B-4
Est. Start Time: 10:40 AM
Date Submitted: 02/07/07

BUDGET MODIFICATION: -

Agenda Title: Briefing on Animal Services Response to Budget Note Asking for Policy Options Regarding Multnomah County's Pet Licensing Fees

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

Date Requested: February 15, 2007 Time Requested: 20 mins
Commissioner Lisa Naito,
Department: Non-Departmental Division: District 3
Contact(s): Matthew Lieuallen
Phone: 503.988.4576 Ext. 84576 I/O Address: 503/600
Presenter(s): Mike Oswald, Director of Animal Services

General Information

1. What action are you requesting from the Board?

Informational Briefing on policy options available regarding Multnomah County's Pet Licensing Fees

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.

This briefing is in response to the following budget note:

Oregon state law requires all dogs over six months of age to be inoculated for rabies (ORS 433). Cats are not required by state law to be vaccinated for rabies. However, it is required in Multnomah County, by County ordinance.

Under state law, a current rabies inoculation is required for a dog to be licensed. This also applies to cat licensing in Multnomah County.

Counties are required by state law to maintain rabies inoculation certificates and issue licenses. A

valid license serves as proof that the dog's/cat's inoculation is current. Only a licensed veterinarian can administer a rabies inoculation. There is no requirement in the state law for veterinarians to provide counties with rabies inoculation certificates. There is no requirement in the state law for veterinarians to issue licenses. The state Department of Human Services has responsibility to administer ORS 433.

In Multnomah County, approximately fifty (50) veterinary clinics voluntarily sell licenses for Multnomah County. Last year, nearly one-third of all dog and cat licenses sold in Multnomah County were sold by one of these authorized license vendors. Not all veterinarians sell licenses. We estimate that only 30% – 35% of the dogs of licensable age are currently licensed, based on estimating formulas published in a recent American Veterinary Medical Association study. The percentage of cats licensed is approximately 10 – 15%.

Increased license compliance means more dogs/cats are properly vaccinated, and also serves as a funding stream to counties to help offset the cost of providing animal services.

In the 2005 legislative session, SB 556 was introduced which would have required veterinarians to provide a copy of rabies certificates to counties. The bill was opposed by the Oregon Veterinary Medical Association—it did not pass. The veterinary community is an important partner in assisting us in public education and promotion of responsible pet ownership.

The Board directs the Animal Control director to bring back a proposal for the Board to consider requiring that veterinarians license animals. The goal is to reduce general fund support for animal services and move towards a more fee supported program.

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

None at this time.

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

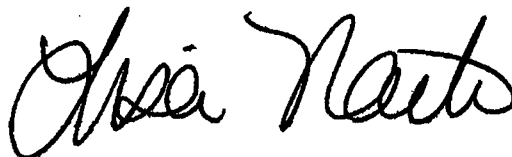
The Board has the opportunity to provide policy direction to Animal Services on how we implement our pet licensing fees.

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

Meetings have been held with representatives of Animal Services and the veterinary community.

Required Signature

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



Date: 02/07/07



Briefing on Pet License Fees

Budget Note Summary

The Board directs the Animal Control director to bring back a proposal for the Board to consider requiring that veterinarians license animals. The goal is to reduce general fund support for animal services and move towards a more fee supported program.

Background

1. Rabies inoculations required - Oregon state law requires all dogs over six months of age to be inoculated for rabies (ORS 433). Cats are not required by state law to be vaccinated for rabies. However, it is required in Multnomah County by County ordinance. Counties are required by state law to maintain rabies inoculation certificates and issue licenses. The state Department of Human Services has responsibility to administer ORS 433.
2. Pet licenses required – The County Code requires a current rabies inoculation for a dog or cat to be licensed. A valid license serves as proof that the dog's/cat's inoculation is current, and serves as life-saving identification to reunite pets and owners
3. Responsibilities of veterinarians – Only a licensed veterinarian can give a rabies inoculation. The state law does not require veterinarians to provide counties with rabies inoculation certificates. There is no requirement in the state law for veterinarians to issue licenses.
4. Pet License Compliance and Revenue – Animal Services estimates that approximately 30% to 35% of the dogs of licensable age are currently licensed, and approximately 10 – 15% of the licensable aged cats. Pet licensing generated \$720,000 in FY06
5. Current Veterinary Pet License Sales – There are approximately fifty veterinary clinics that voluntarily sell pet licenses for Multnomah County Animal Service. In FY05 nearly one-third of all dog and cat licenses sold in Multnomah County were sold by one of these authorized license vendors. Not all veterinarians sell licenses.
6. Pets Receiving regular veterinary care – Studies conducted by the veterinary profession have revealed that a significant number of pet owners do not take their pets to veterinarians. One reason cited is the rising costs of pet health care, especially those on fixed or low income.
7. Veterinary Partnerships – The veterinary community is an important partner assisting Animal Services in public education, promotion of responsible pet ownership, and providing emergency care for injured stray animals brought to them by MCAS officers.

Stakeholders

Discussions have been held with key stakeholders: Dr. Sherrie Morris, President of the Portland Veterinary Medical Association—and its members; Dr. Emilio Debess, State Heath Veterinarian and Chair of the Oregon Veterinary Medical Examining Board; and, Glenn Kolb, Executive Director of the Oregon Veterinary Medical Association.

Budget Note Goal: Increase License Compliance and Revenues

There are policy options available that can increase the number of licensed dogs and cats.

Option A – Require veterinarians to sell licenses.

- All veterinarians in Multnomah County would become pet licensing agents for the county.
- The County Code would need to be revised to require veterinarians to sell pet licenses.
- The County Attorney's office is researching legal issues regarding the County's authority to require veterinarians to sell licenses.
- The Code revision would need to include an enforcement mechanism to audit all veterinarians for compliance with the law.
- The local and state veterinary associations have been briefed on this Budget Note and expressed concerns about assuming this role. They are concerned that this could have a negative impact on their business, fearing the loss of customers to surrounding counties without a similar law. They are concerned that if they assume an enforcement role, the number of pet owners visiting veterinarians will decrease—leading to fewer animals in the community vaccinated for rabies.

Option B – Require Veterinarians to report all rabies inoculations

- In 2004, Lane County Commissioners passed an ordinance requiring veterinarians to transmit a copy of all rabies vaccination certificates to the Lane County Health administrator.
- License revenues in Lane County have nearly doubled in three years.
- The Lane County Veterinary Medical Association and the Oregon Veterinary Medical Association have voiced concern about confidentiality of client records, and loss of clients to surrounding counties.
- In the 2005 legislative session, SB 556 was introduced which would have required veterinarians to provide a copy of rabies certificates to counties. The bill was opposed by the Oregon Veterinary Medical Association—it did not pass.

Option C – Joint public education campaign involving the veterinary community and Multnomah County to promote rabies vaccinations and pet licensing

- The Portland Veterinary Medical Association and State Public Health Veterinarian have proposed Option C. This would be a one-year joint public education campaign to promote rabies vaccinations and pet licensing. This would be partnership between the local and state veterinary community and animal services with a focus on public education and awareness about the need for rabies vaccinations and pet licensing. All veterinarians would voluntarily sell pet licenses.
- The veterinary community strongly believes this cooperative approach would accomplish the goal of increasing compliance—and revenues, as well as build a strong collaborative relationship between the county and the veterinary business community.
- A joint public awareness and education approach can effectively reach the large percentage of pet owners that currently do not have rabies inoculations for their dogs and cats.



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 02/15/07
Agenda Item #: B-5
Est. Start Time: 11:00 AM
Date Submitted: 02/07/07

Agenda Title: School-Age Services Task Force Report

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

Requested Meeting Date: February 15, 2007 Amount of Time Needed: 45 minutes
Department: Non-Departmental Division: Office of the Chair
Contact(s): Lorenzo Poe
Phone: 503.988.3958 Ext. 83958 I/O Address: 503/600
Chair Ted Wheeler, Bill Scott, Krista Larson, Dr. Terry Kneisler, Lisa Turpel, Pam
Presenter(s): Curtis

General Information

1. What action are you requesting from the Board?

Briefing only.

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.

At the direction of the Multnomah County Board of County Commissioners, Chair Ted Wheeler convened a task force from October 2006 to June 2007 to address direct service provision to school-age youth. A report was written, which provides an overview of the work of the School-Age Services Task Force and its recommendations for how the County, with its partners, can strengthen and streamline services for children and families. Representatives of the Task Force will brief the Board of County Commissioners.

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

None

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

None (briefing)

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

Chair Wheeler led the School-Age Services Task Force. It included community organizations and local government, including Leaders Roundtable, Coalition of Communities of Color, Stand for Children, City of Portland, local school districts, Multnomah County Commission on Children and Families, and service providers. The Task Force met four times between October and January.

Required Signature

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

TED WHEELER

Date: 02/07/07

School-Age Services Task Force Report

February 2007

Multnomah County

Multnomah County Chair Ted Wheeler
501 SE Hawthorne Boulevard
Portland, Oregon 97214

At the direction of the Multnomah County Board of County Commissioners, then Chair-elect Ted Wheeler convened a task force in October 2006 to address direct service provision to school-age youth. This report provides an overview of the work of this School-Age Services Task Force and its recommendations for how the County, with its partners, can strengthen and streamline services for children and families.

I. Background

In its Fiscal Year 2007 Budget Notes, the Board of County Commissioners (BCC) described a process to engage key stakeholders and partners to create a set of recommendations on the delivery of services for school-age youth and families, particularly through the existing SUN Service System. The budget note included the following:

Direct Services to School-Age Youth

Multnomah County has strongly affirmed education as one of its priorities and remains committed to purchase programs and services that best contribute to this priority area...In order for our children to thrive academically, the Board recognizes that as a community we must support our children and provide them with the quality health and human services that are so vital to their educational success. The Board also recognizes that in order to provide this opportunity it is necessary to work closely with other jurisdictions and our community partners that have an interest in ensuring that all children have access to these programs.

Therefore, by September 1, 2006, the Board will appoint a Task Force staffed by the Commission on Children, Families and Community (CCFC) to address direct service provision to our school-aged youth...

In September, the BCC adopted a resolution to create the School-Age Services Task Force, further defined the composition of the group; and approved the charge for the group. This resolution (06-164) directed that the Task Force be led by then Chair-Elect Ted Wheeler and include representatives from community organizations and local government, including Multnomah County Commission on Children, Families and Community, Leaders Roundtable, Coalition of Communities of Color, Stand for Children, City of Portland, local school districts and service providers. The Task Force was to report its findings to the BCC in February 2007.

II. Task Force Charge

The charge for the Task Force delineated six specific areas of work and charged the Multnomah Commission on Children, Families and Community with staffing the effort. This charge provided the foundation upon which the Task Force engaged in its work over the months of October 2006 through January 2007:

1. SUN system.
 - a. Establish a shared understanding of the purpose of the SUN system in the context of the delivery of services to school-age youth.

- b. Clarify the County's specific role in integrating County services through the SUN system, including services through the departments of health, community justice, human services and the library.
 - c. Recommend ways in which County services could be better aligned or integrated.
 - d. Identify possible funding sources for continuation of SUN system through June 2007.
 - e. Identify additional alternative sources of funding for the SUN system.
2. Identify all County services for school-age youth and their alignment and/or integration as a system, costs for these services and outcomes.
 3. Recommend strategies for ensuring County funds are used to provide services to all Multnomah County children with a priority on the most vulnerable, as reflected in the County mission.
 4. Recommend strategies to increase access and information to County-funded programs for children and families, including services for preschool, school-age and at-risk youth.
 5. Review existing documents and make recommendations for roles on funding and service provision for school-age youth among the partnering jurisdictions.
 6. Recommend strategies for all jurisdictions and services providers to collaborate and coordinate to advance the goals of all children growing up to become productive, successful adults.

III. Process

In order to accomplish the goals of the Task Force in the short timeframe established, Chair-Elect Wheeler convened two separate groups of stakeholders. One group was composed of current and potential funders of the SUN Service System, and the second, the School-Age Services Task Force.

Funders Group

An immediate funding shortfall due to budget reductions to the SUN Service System in Fiscal Year 07 was used as a backdrop for meeting with current and potential funders of the SUN Service System. Chair-elect Wheeler used this opportunity to ask funding partners to help address this gap. An initial meeting was held in October with attendees representing leadership from six school districts in Multnomah County, the City of Portland, and the State of Oregon (Departments of Human Services and Education). A list of attendees and affiliation can be found in Attachment A.

Participants in this meeting expressed strong support for the individual SUN services as well as for the SUN Service System as an effective delivery model. All expressed their commitment to advancing the system and agreed to participate in discussions about long-term funding opportunities. Given the timeframe and the fact that Fiscal Year 07 budgets had been completed for the partner organizations, financial contributions to address the immediate shortfall were not possible at this time. The exception was the City of Portland, who contributed \$50,000 to the funding shortfall, and challenged other funding partners to contribute as they were able. All participants agreed to participate in future joint resource

development efforts, including sending a representative to an ongoing funding work group. This ongoing group met in January to provide additional input to the Task Force and plans to reconvene after the BCC is briefed on Task Force recommendations.

The funders group feedback and decisions were brought to the Task Force for inclusion in its deliberations and incorporated into the final recommendations.

School-Age Services Task Force

The Task Force met four times between October 2006 and January 2007. The 23 Task Force members represented community organizations and local government, including the Multnomah County Chair's Office and Commission on Children and Families, Leaders Roundtable, Coalition of Communities of Color, Stand for Children, City of Portland, local school districts and service providers. A list of Task Force participants and affiliation can be found in Attachment B.

The Task Force identified a need to focus its efforts in order to achieve meaningful outcomes within the timeframe. The Task Force prioritized the charge given them by the BCC and acknowledged the need for additional work beyond the Task Force itself to fully complete the charge of the BCC. The Task Force objectives were prioritized as:

Task Force Objectives

1. Define the role of Multnomah County in supporting the SUN Service System.
Particularly:
 - Services
 - Resources
 - Leadership
 - Evaluation
 - Other
2. Identify potential sources/models for stable long-term funding of the SUN Service System.
3. Specify how the SUN Service System fits in the framework of services for school-age youth in Multnomah County.

Staffing and Support

Staffing and development of meeting materials was a collaborative effort between the Multnomah Commission on Children, Families, and Community and the Department of School and Community Partnerships. Pam Curtis was engaged as an independent party to facilitate the Task Force discussion. Materials were made available to Task Force members in advance of the meetings and a website was established to ensure free flow of communication to the public about the work of the Task Force. A list of meeting materials is in Attachment C.

IV. Task Force Outcomes

The Task Force achieved three primary outcomes, described in this section.

- Shared understanding and responsibility for the SUN Service System
- A list of specific recommendations
- Delineation of roles and responsibilities

Outcome 1: Shared understanding and Shared Responsibility

Developing a shared understanding about the SUN Service System was the first focus of the Task Force. This shared understanding then provided the foundation upon which subsequent discussions were held. The vision statement developed by the Task Force describes the optimal SUN Service System as one that:

“realizes the potential of those served through inclusive access to an array of effective services delivered through a collaborative approach and integrated across agencies, jurisdictions, and funders.”

The Task Force also agreed that the partners should have joint responsibility for the SUN Service System and should use the System as the delivery mechanism for services to children and families.

Outcome 2: Recommendations

The Task Force arrived and ten specific recommendations to address the prioritized charge of the BCC. These recommendations, including the Task Force’s introduction, are presented in their entirety below.

Introduction

The following recommendations were developed by the School-Age Services Task Force. If these recommendations are implemented, the Task Force expects a SUN Service System that is universally available in all areas of the county, based on need. The system should be able to accommodate very different neighborhoods throughout the county, and provide a link between the services provided and the level of need in each neighborhood. While the Task Force agreed on most issues, members could not come to agreement on everything. Areas of divergence are noted.

The Task Force further envisions a change in “ownership” of the system. Whereas Multnomah County has been in the lead for the SUN Service System, the Task Force envisions more shared responsibility for the system. The Task Force recognizes that this shift will take extraordinary leadership from the County and the proposed

Coordinating Council to navigate the transition. As the transition to shared ownership happens, the Task Force recognizes that additional shifts in roles and responsibilities may occur.

Recommendations

1. County, and other public funds, should be focused on delivery of a set of core services to those at greatest risk of academic failure, and tied by research and best practice to academic achievement, self sufficiency and successful adulthood. Core services should be geared toward the following measurable outcomes, with each site addressing (at a minimum) educational achievement; student attendance, drop out rate and graduation rate; and self-sufficiency. (Note: Site coordination is a critical component in the delivery of core services. However, the definition of core services should not include coordination of the system or additional services of partner agencies. System coordination should be distinguished from core services.)
 - Educational achievement;
 - Student attendance, drop out rate and graduation rate;
 - Self-sufficiency;
 - Physical well-being;
 - Psychological and emotional wellbeing;
 - Life skills;
 - Healthy family and social relationships;
 - Civic engagement;
 - Youth assets;
 - Parent involvement; and
 - Site coordination.

The Coordinating Council (see #9) should look at available data and identify a set of specific services to be used as a platform (baseline level of services) based on research and best practice, and should establish performance measures, as reasonably as possible, for each of these outcome areas. The school community, with involvement of children and families, should prioritize outcome areas (beyond educational achievement; student attendance drop out rate and graduation rate; and self-sufficiency) with guidance from the Coordinating Council.

2. Direct the Coordinating Council (see #9) to develop a standard allocation formula and process to distribute county, and other public funds, beginning July 2008, within the SUN Service System. Allocation factors should be focused on those at greatest risk of academic failure and tied by research to academic achievement, self sufficiency, and successful adulthood. Allocation factors should include the following, based on available data:
 - School and neighborhood socio-economic status;
 - Affordable housing in the neighborhood;
 - Availability (or lack thereof) of social services in the school and neighborhood;
 - School commitment and readiness for SUN services (including financial and/or in-kind support by the school or school district);

- Number of students;
- Percent of students who:
 - a. are English-language learners
 - b. are living with a single parent;
 - c. have no parent employed full time/full year;
 - d. live with parents with a disability;
 - e. have no parent fluent in English; and
 - f. primary care-giver does not have a high school degree.

(Note: The Task Force was unable to reach agreement on how resources should be distributed in neighborhoods where there is not a concentration of need.)

3. The allocation criteria listed in recommendation #2 should also be used to expand or contract the SUN System when the opportunity/need arises.
4. Conduct a regular measurement of the SUN System to assess four levels, using an independent third-party resource (such as OHSU, PSU, NWREL, etc) when appropriate:
 - Contract accountability (performed by County, City and State Departments)
 - Progress in meeting outcomes and performance measures (listed in #1) (performed by County, City and State Departments)
 - System wide efficiency and effectiveness in attaining outcomes (listed in #1) (performed by independent third-party)
 - Longitudinal and experimental evaluation of the SUN Service System, as resources are available (performed by independent third party)

The Multnomah ESD should be asked to provide/extract the data it has relevant to the evaluation, as a contribution to the System, and each school-district should provide an analyst (as capacity allows) to assist with reviewing the data and analyzing results.

5. The Coordinating Council should develop an overall funding strategy for the SUN Service System, including a system development plan and rollout schedule that is based on need (as defined in #2). The funding strategy should include:
 - The systems represented on the Coordinating Council should align/re-align their services and systems as necessary to aggressively seek and utilize federal matching and billing funds;
 - The County and other funders (including cities, schools, and the state) should make an ongoing (3-5 year) commitment when a SUN site has the demonstrated support of the school, school district and community.

- The Coordinating Council should establish guidelines so that SUN Service System students and families who are able to pay for services do so.
- The Coordinating Council should include and implement billable services in the array of available services.
- The Coordinating Council should consider ease of coordination of efforts when broadening resources in these ways.
- Persistently seek additional public and private funds to support the system.

It is expected that individual partners will continue to seek outside resources to support their portion of the system, and that coordination of efforts will include attempts to ensure that the system and its partners are not competing for scarce resources.

6. Establish performance-based contracting, where allowed by the funder. Providers should be held accountable for providing services and also meeting the outcomes and performance measures established by the Coordinating Council and prioritized by the school community.
7. The Systems represented on the Coordinating Council should jointly provide technical assistance (TA) for the SUN Service System providers. TA should include: leading and coordinating funding opportunities across the system; better articulation of in-kind contributions & leverage; and making clear the return on investment leveraged by the SUN Service System.
8. Build on the existing Memorandum of Understanding (MOU) to create a mechanism for supporting the SUN Service System as a means of aligning, coordinating and delivering services to children and their families across multiple "systems" (including state, county, school district and non-profit services). Review the Agreement every two years in order to adjust as necessary and to reiterate commitment to SUN as a service delivery network. Add cities and the Housing Authority of Portland (HAP) to the MOU. Ensure the MOU is ratified by appropriate governing bodies.
9. Establish a "Coordinating Council" for the SUN Service System for the purpose of ensuring shared responsibility and coordination.
 - Members of the Coordinating Council should be comprised of representatives of three sites (schools, non-profit or community providers), five "systems" or funders (state, county, city, school-district and philanthropic funders) and three at-large representatives. At least one site representative should be a non-profit provider, selected by the providers. At least one member should be selected by the Coalition of Communities of Color. All members should contribute resources (cash or services) to the system.

- The Coordinating Council should establish sub-committees and task forces as appropriate. Participation on sub-committees and task forces should represent the diversity of the SUN Service System and be comprised of additional partners not already on the Coordinating Council, and parent/community participation.
- The Coordinating Council and its sub-committee structure should replace all existing meetings of partners of the SUN Service System, and create a “one-stop-shop” for meetings and system coordination.
- The County should provide staff support to the Coordinating Council, with all members contributing support as they are able.
- The County should serve as the initial chair of the Coordinating Council.
- The Council should consider and recommend the key functions of the SUN Service System, including but not limited to:
 - a. Sustainability of the SUN Service System (See #4)
 - b. Sustainable funding & allocation of resources (See #2 & 4)
 - c. Structure and purpose of the system
 - d. Evaluation and achievement of outcomes (See #1 & 4)
 - e. Service standards & best practices (See #1)
 - f. Guidance for percent of resources to be dedicated to direct services
 - g. Definition of roles and responsibilities for the SUN Service System
 - h. Further definition of core services (See #1)
 - i. System expansion/contraction (See #2 & 3)
 - j. Coordination of technical assistance (see #7)
 - k. Review and adjustment (as necessary) MOUs related to the System (see #8)

10. The County, City, State and School Districts should use the SUN Service System as a delivery mechanism for services to children and families.

Outcome 3: Roles and Responsibilities of System Partners

An important aspect of the Task Force work was to define and, in some cases, clarify the roles and responsibilities of each of the system partners. Such clarification provides opportunity to strengthen ownership and responsibility for the system as a whole, which was a stated desire of every member of the Task Force. Also, the roles and responsibilities provide the basis for implementation of the recommendations.

Each partner fills a unique niche, but at the same time, all partners work collaboratively to implement and support the SUN Service System. They deliver services. They create and participate in the Coordinating Council. The partners provide technical assistance to SUN Service System providers and staff in areas of expertise as part of a comprehensive plan of assistance developed by the Coordinating Council. They also provide funding.

In addition to those universal roles and responsibilities, the following is specific to the County's role, as recommended by the Task Force:

Administration & Coordination of the SUN Service System. The County acts initially as "managing partner" for the collaboration, playing the following roles:

- Working with leadership of the entities on the School-Age Service Task Force to identify the Coordinating Council membership
- Initially chairing and staffing the Coordinating Council with appropriate involvement and guidance from partners
- Designating a Department to lead system coordination and development; including coordinating an Operations/Management Team
- Developing policy related to the work of the SUN Service System
- Developing, managing and monitoring contracts and partnership agreements
- Providing program development support for the programs it delivers and/or contracts for
- Staffing program and system meetings for the programs it delivers and/or contracts for
- Providing avenues for the involvement of youth and community members in the decisions and policies of the SUN Service System

Services. The County provides social, health and support services in the SUN Service System directly and through contracts with community based organizations.

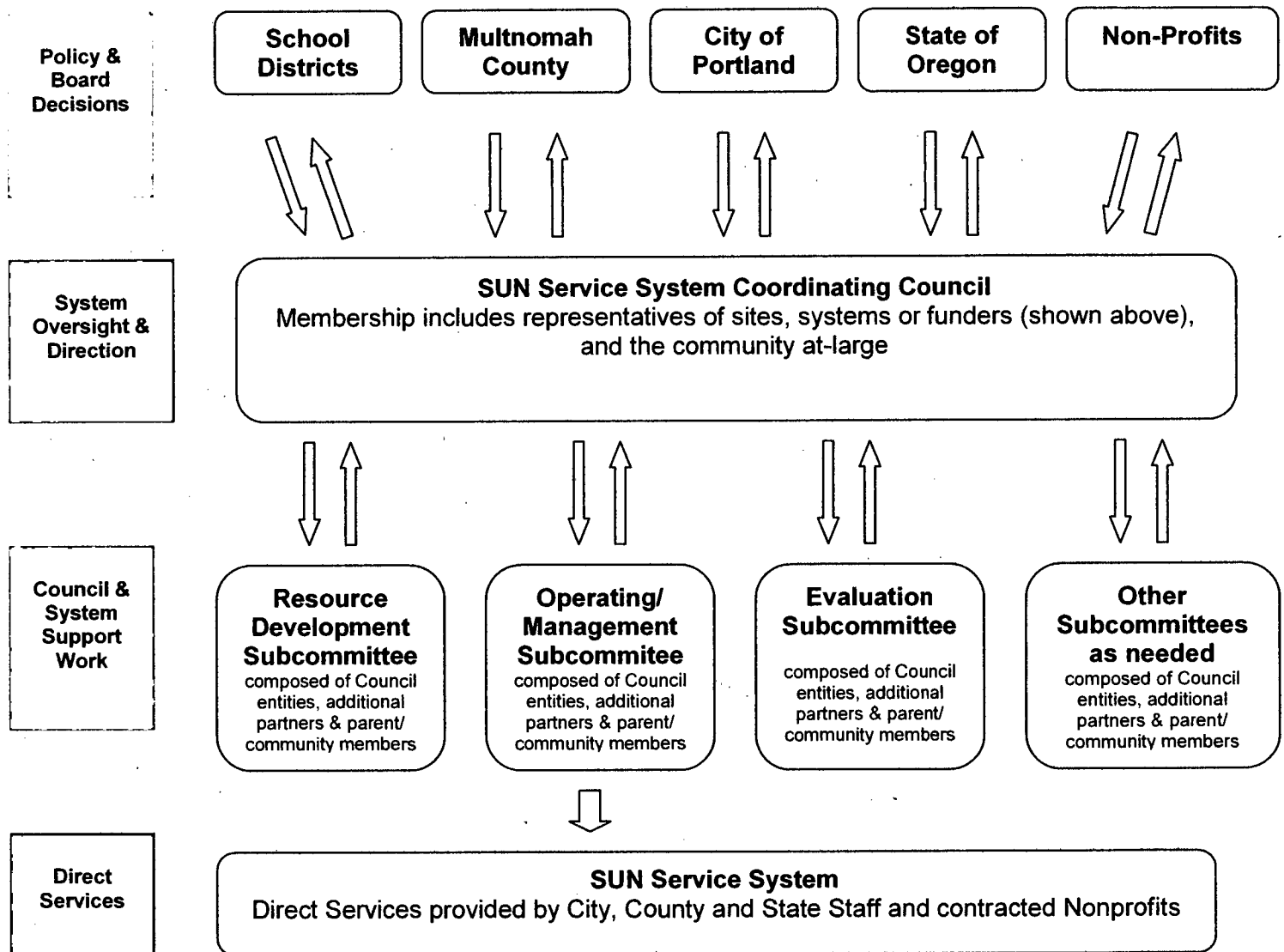
Funding. The County provides funding for social, health and support services within the SUN Service System and evaluation efforts. The County funds a wide array of services, including the site management of SUN Community Schools.

Evaluation. The County analyzes performance measures for the programs it funds as part of the SUN Service System and ensures contract accountability and progress in meeting outcomes. At least initially, the County will take the lead in coordinating SUN Service System evaluation activities among the partners, as they are defined and funding is identified by the Council.

A separate document was created describing the roles and responsibilities of all the entities including the City of Portland, school districts, Multnomah Educational Service District, non-profits, business and the State of Oregon. The full text of the Roles and Responsibilities document is in Attachment D.

The organization chart on the next page depicts a high level overview of the SUN Service System structure based on the Recommendations and also on the Roles and Responsibilities.

SUN Service System Coordinating Council Organizational Chart



Task Force Evaluation and Next Steps

Process Evaluation of the Task Force

Participants were provided the opportunity, both in writing and verbally, to evaluate the process, work and outcome of the Task Force. The evaluation results indicate that Task Force members understood the charge and that they felt they achieved the objectives outlined at the initial meeting. The process used for Task Force meetings, and the leadership provided by the County also received very high marks. In addition, every Task Force participant in the final expressed willingness to help implement the recommendations.

Next Steps

1. At the final meeting, the Task Force agreed to forward to the Board of County Commissioners this Report and to provide a briefing in February about the specific recommendations.
2. Formation of the Coordinating Council (recommendation #9) is the next immediate step in implementing the recommendations. The Task Force recommends that the County take the lead in launching and staffing the Coordinating Council, but it is anticipated that there will be shared ownership, leadership, and support for the SUN Service System from all the partners. The Coordinating Council will provide the overall direction for the subgroups that will form to discuss the specific recommendations.

School-Age Services Task Force Report

List of Attachments

1. List of attendees of Funders meeting
2. List of School-Age Services Task Force members
3. List of meeting materials
4. SUN Service System Roles and Responsibilities

Attachment A
List of attendees of Funders meeting

Ted Wheeler, Multnomah County Chair-elect
Dan Saltzman, City of Portland
Robert McKean, Centennial School District
Barbara Rommel, David Douglas School District
Ken Noah, Gresham-Barlow School District
Michael Taylor, Parkrose School District
Vicki Phillips, Portland Public Schools
Terry Kneisler, Reynolds School District
Edward Schmitt, Multnomah Educational Service District
Bruce Goldberg, Oregon Department of Human Services
Nancy Latini, Oregon Department of Education
Nancy Hamilton, Office of Mayor Potter, Portland

BOGSTAD Deborah L

From: EMLN Elana S
Sent: Monday, February 12, 2007 9:39 AM
To: BOGSTAD Deborah L
Cc: HALL Diana C; SAMOLINSKI Peggy L
Subject: RE: Revised Agenda Placement Form

Here it is. The missing name was Shannon Campion from Stand For Children (in Attachment B)



Task Force Report
2-9.doc (101...

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

From: BOGSTAD Deborah L
Sent: Monday, February 12, 2007 9:23 AM
To: EMLN Elana S
Subject: RE: Revised Agenda Placement Form

Get it to me and I'll post the corrected document on the web. The addition will need to be mentioned at the Board meeting since the other document was provided to the Board and posted since last Wednesday.

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>>

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

From: EMLN Elana S
Sent: Monday, February 12, 2007 9:03 AM
To: BOGSTAD Deborah L
Subject: RE: Revised Agenda Placement Form

Deb, I accidentally left out one name in the School-Age Services Task Force Report - the name of one of the Task Force members. Is there any way I can add that in at this time?

Attachment B
List of members of School-Age Services Task Force

Ted Wheeler, Multnomah County Chair
Barbara Rommel, David Douglas School District
Terry Kneisler, Reynolds School District
Willie Poinsette, Portland Public Schools
Lisa Turpel, Portland Parks and Recreation
Lisa Pellegrino, Portland Children's Investment Fund
Chuck Dimond, State of Oregon DHS
Nancy Anderson, Multnomah Education Service District (representing Early Childhood)
Lee Po Cha, Immigrant & Refugee Community Organization
Gloria Wiggins, Catholic Charities
Tony Hopson, Self-Enhancement, Inc.
Krista Larson, Metropolitan Family Services
Rick Nitti, Neighborhood House, Inc.
Susan Stoltenberg, Portland Impact
Rey España, NAYA Youth and Family Center
Lorenzo Poe, Department of School & Community Partnerships/Office of Chair Wheeler
Ken Thrasher, Compli (representing Business)
Bill Scott, Flexcar (representing Leaders Roundtable)
Shannon Campion, Stand For Children
Johnell Bell, representing Commission on Children, Families and Community School-Age Council
Lorena Campbell, representing Commission on Children, Families and Community School-Age Council
Emily Ryan, representing Commission on Children, Families and Community
Rick Aman, Portland Community College

Attachment B
List of members of School-Age Services Task Force

Ted Wheeler, Multnomah County Chair
Barbara Rommel, David Douglas School District
Terry Kneisler, Reynolds School District
Willie Poinsette, Portland Public Schools
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Lisa Pellegrino, Portland Children's Investment Fund
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Gloria Wiggins, Catholic Charities
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Krista Larson, Metropolitan Family Services
Rick Nitti, Neighborhood House, Inc.
Susan Stoltenberg, Portland Impact
Rey España, NAYA Youth and Family Center
Lorenzo Poe, Department of School & Community Partnerships/Office of Chair Wheeler
Ken Thrasher, Compli (representing Business)
Bill Scott, Flexcar (representing Leaders Roundtable)
Johnell Bell, representing Commission on Children, Families and Community School-Age Council
Lorena Campbell, representing Commission on Children, Families and Community School-Age Council
Emily Ryan, representing Commission on Children, Families and Community
Rick Aman, Portland Community College

Attachment C
List of Meeting Materials

The following materials were provided at meetings and posted on the Multnomah County website.

Board of County Commissioners Resolution 06-150

Budget Note, June 2006

Meeting notes:

Funders meeting, October 19, 2006

Task Force meetings:

October 26, 2006

November 15, 2006

December 13, 2006

January 10, 2007

Task Force Charge

School-Age Policy Framework

School-Age Policy Framework Development Summary

SUN Service System Locations (map)

SUN Service System 2004-05 Evaluation Report

SUN Service System website

SUN Service System Overview

Memorandum of Understanding

"Investing in Children", Bill and Melinda Gates Foundation

Collection of Task Force mission statements

Attachment D

Recommended System Roles SUN Service System Partners

ROLES & RESPONSIBILITIES

1. ALL PARTNERS

Collaboration & Coordination of Programs and Resources. The Partners work collaboratively to implement and support the SUN Service System. This includes utilizing the SUN Service System to deliver appropriate services through alignment and integration. Partners will coordinate their services and resources to strengthen the SUN Service System and ensure that it is as successful and cost-effective as possible. Partners will develop and implement policies to support their participation in and alignment with the SUN Service System.

Coordinating Council. The Partners create and participate on a Coordinating Council composed of high-level leadership from each partner organization. Representatives to the Coordinating Council should have organizational decision-making authority for their organization in order to implement the multi-jurisdictional decisions outlined in the Memorandum of Understanding (MOU). Partners also participate on subcommittees and task forces of the Council.

Technical Assistance. The Partners provide technical assistance to SUN Service System providers and staff in areas of expertise as part of a comprehensive plan of assistance developed by the Coordinating Council.

2. MULTNOMAH COUNTY

In addition to the Roles enumerated in Section 1:

Administration & Coordination of the SUN Service System. The County acts initially as “managing partner” for the collaboration, playing the following roles:

- Working with leadership of the entities on the School Age Service Task Force to identify the Coordinating Council membership
- Initially chairing and staffing the Coordinating Council with appropriate involvement and guidance from partners
- Designating a Department to lead system coordination and development; including coordinating an Operations/Management Team
- Developing policy related to the work of the SUN Service System
- Developing, managing and monitoring contracts and partnership agreements
- Providing program development support for the programs it delivers and/or contracts for

- Staffing program and system meetings for the programs it delivers and/or contracts for
- Providing avenues for the involvement of youth and community members in the decisions and policies of the SUN Service System

Services. The County provides social, health and support services in the SUN Service System directly and through contracts with community based organizations.

Funding. The County provides funding for social, health and support services within the SUN Service System and evaluation efforts. The County funds a wide array of services, including the site management of SUN Community Schools.

Evaluation. The County analyzes performance measures for the programs it funds as part of the SUN Service System and ensures contract accountability and progress in meeting outcomes. At least initially, the County will take the lead in coordinating SUN Service System evaluation activities among the partners, as they are defined and funding is identified by the Council.

3. CITY OF PORTLAND

In addition to the Roles enumerated in Section 1:

Administration & Coordination of the SUN Service System.

- The City develops policy related to the work of the SUN Service System
- Parks and Recreation partners with the County to provide program development support for SUN Community Schools
- Children's Investment Fund (CHIF) aligns its current after school and mentoring programs with the SUN Service System. Future funding decisions integrate all CHIF-funded services with other partners as part of the SUN Service System, utilizing the allocation and siting criteria developed for the SUN Service System

Services. The City provides and/or coordinates social and support services directly at SUN Community Schools and through contracts with other community providers.

Funding. Within the SUN Service System, the City provides General Fund dollars for SUN Community School and community education services; CHIF funding for after school and mentoring services (including several SUN Community Schools); and resources for administration and evaluation efforts.

Evaluation. The City aligns outcomes and evaluation of its directly provided SUN Community School services and the CHIF programs with the SUN Service System.

4. DISTRICTS

In addition to the Roles enumerated in Section 1:

Administration & Coordination of the SUN Service System.

- Districts that administer grant-funded SUN Community Schools themselves partner with the County and City to provide program development support and technical assistance for SUN CS.
- Participate in the management and implementation of the current SUN Service System programs as set forth in the 3-way Intergovernmental Agreement between the districts, City and County.

Funding. Districts provide in-kind and cash contributions to the SUN Service System including: building use, staff, nutrition services, Title 1 funds/programs and transportation.

Evaluation. Districts provide demographic, academic and attendance data for use in SUN Service System evaluation efforts. As possible, Districts contribute evaluation/data staff time to analyze data as part of the overall evaluation effort led by the County. Districts that administer grant-funded SUN Community School will take the lead in evaluation efforts as required by the funding source and will include the data from these sites in the overall evaluation of the SUN Service System.

5. MULTNOMAH EDUCATION SERVICE DISTRICT

In addition to the Roles enumerated in Section 1:

Services. MESD provides special education, health services and alternative education services that are part of the SUN Service System.

Evaluation. MESD provides demographic, academic and attendance data for use in SUN Service System evaluation efforts. As possible, MESD contributes evaluation/data staff time to analyze data as part of the overall evaluation effort led by the County.

6. NON-PROFITS

In addition to the Roles enumerated in Section 1:

Administration & Coordination of the SUN Service System. Nonprofits are active in efforts that support coordination of the SUN Service System.

Services. Through contracts with funders, nonprofits provide social and support services within the SUN Service System, including in-school coordination and site management. They also bring expertise and linkage to vital services outside of the SUN Service System.

Funding. Nonprofits contribute funding to the SUN Service System through required match and other fundraising and partnership efforts.

Evaluation. Nonprofits collect numerous data elements and submit reports that provide information that supports the evaluation efforts.

7. BUSINESSES

In addition to the Roles enumerated in Section 1:

Administration & Coordination of the SUN Service System. Businesses share expertise in strategic planning, measuring results, accountability and other businesses practices.

Services. Businesses supplement public, social and other services as needed and provide strategic planning consultants and resources. They also provide best practice management techniques and independent data collection, evaluation and technical assistance as required.

Funding. Businesses help fill gaps in services and funding through cash contributions, community service grants, supporting resource development with other funders, in-kind and volunteer support.

Evaluation. Provide resources for independent evaluation of efficiency and effectiveness measures on a pro-bono or reduced fee basis.

8. STATE OF OREGON

In addition to the Roles enumerated in Section 1:

Administration & Coordination of the SUN Service System. The State aligns its statewide Community Schools efforts through the Oregon Commission on Children and Families (OCCF). The OCCF incorporates the local SUN Service System in its own planning and development efforts.

Services.

Department of Human Services (DHS): DHS provides a wide array of human services that are part of the SUN Service System, including but not limited to child welfare, behavioral health for children and families, welfare (including TANF, food stamps, etc.), health, and prevention services. Some of these services are delivered through contracts with Multnomah County and some are provided by State staff.

Funding.

Department of Human Services (DHS): DHS provides flexible funding to the SUN System through service integration efforts, access to federal matching and billable services and grant opportunities as available.

Department of Education (ODE): ODE provides grant funding to SUN Community Schools through 21CCLC competitive grants. ODE contributes funding for technical assistance on community schools.

Housing and Community Services (OHCS): OHCS provides funding for self-sufficiency services that support families housing, economic, and educational stability. It also provides access to Community Services Block Grant opportunities that support the infrastructure of SUN core services.

Oregon Commission on Children and Families (OCCF): OCCF provides funding for services, planning and community mobilization to local commissions, including the Multnomah Commission on Children, Families and Community. The local commissions are responsible for community based planning and allocation of funds to implement the funds.

Evaluation. The State aligns outcomes and evaluation of its directly provided services and programs with the SUN Service System.

School Age Services Task Force

**Briefing and Report to the
Board of County Commissioners**

February 15, 2007

Presenters

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Chair, Multnomah County

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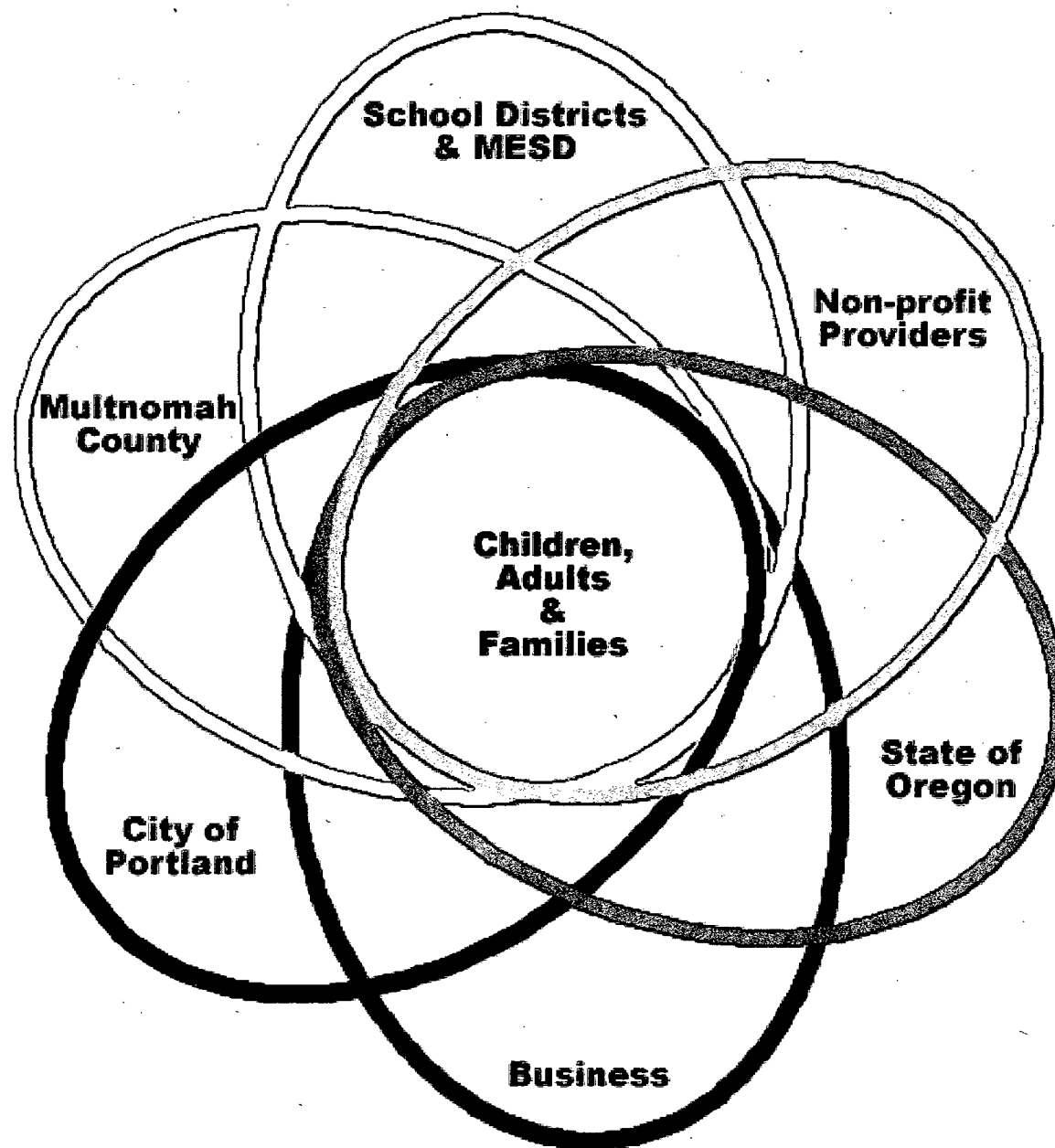
Consultant

Task Force Objectives

- Define the role of Multnomah County in supporting the SUN Service System
- Identify potential sources/models for stable long-term funding
- Specify how the SUN Service System fits in the framework of services for school-age youth in Multnomah County

SUN Service System Vision

The SUN Service System realizes the potential of those served through inclusive access to an array of effective services delivered through a collaborative approach and integrated across agencies, jurisdictions, and funders



Recommendation 1

County, and other public funds, should be focused on delivery of a set of core services to those at greatest risk of academic failure, and tied by research and best practice to academic achievement, self sufficiency and successful adulthood.

Core services should be geared toward measurable outcomes, with each site addressing (at a minimum) educational achievement; student attendance, drop out rate and graduation rate; and self-sufficiency.

Recommendation 2

The Coordinating Council shall develop a standard allocation formula and process to distribute county, and other public funds, beginning July 2008, within the SUN Service System.

Allocation factors should be focused on those at greatest risk of academic failure and tied by research to academic achievement, self sufficiency, and successful adulthood.

Recommendation 3

The allocation criteria listed in Recommendation #2 should be used to expand or contract the SUN System when the opportunity/need arises.

Recommendation 4

Conduct a regular measurement of the SUN System to assess four levels, using an independent third-party resource when appropriate.

- **Contract Accountability**
 - **Outcomes & Performance Measures**
 - **Systemwide Efficiency & Effectiveness**
 - **Longitudinal & Experimental Evaluation**

Recommendation 5

The Coordinating Council should develop an overall funding strategy for the SUN Service System, including a system development plan and rollout schedule that is based on need.

Recommendation 6

Establish performance-based contracting, where allowed by the funder.

Recommendation 7

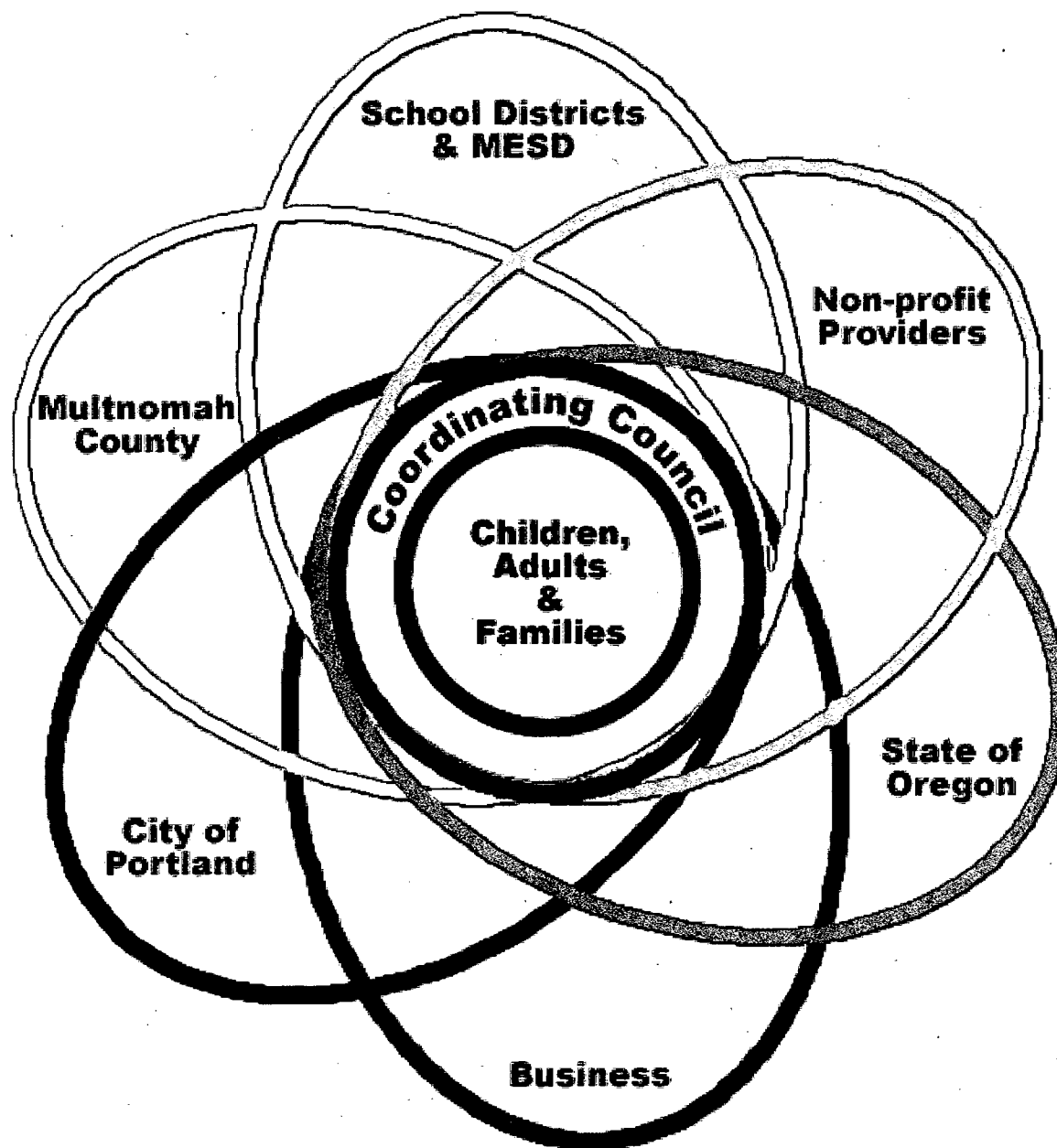
The Systems represented on the Coordinating Council should jointly provide technical assistance for the SUN Service System providers.

Recommendation 8

Build on the existing Memorandum of Understanding to create a mechanism for supporting the SUN Service System as a means of aligning, coordinating and delivering services to children and their families across multiple “systems.”

Recommendation 9

Establish a “Coordinating Council” for the SUN Service System for the purpose of ensuring shared responsibility and coordination.



Recommendation 10

The County, City, State and School Districts should use the SUN Service System as a delivery mechanism for services to children and families.

Universal Partner Roles & Responsibilities

- Work collaboratively to implement and support the SUN Service System
- Deliver services
- Create and participate in a Coordinating Council
- Provide technical assistance
- Provide funding

Multnomah County Role

○ **Administration & Coordination**

Act initially as the “managing partner”

Chair & staff Coordinating Council

Develop policy related to SUN Service System

Develop & manage contracts & partnership agreements

Provide avenues for involvement of you & community in decisions & policies of the SUN Service System

Multnomah County Role

- **Services**

Provide social, health and support services in the SUN System directly and through contracts.

- **Funding**

Provide funding for social, health and support services in the SUN System and evaluation efforts. The County funds a wide array of services, including site management of SUN Community Schools.

Multnomah County Role

○ Evaluation

Analyze performance measures for the programs it funds and ensure contract accountability and progress in meeting outcomes.

At least initially, take the lead in coordinating SUN SS evaluation activities among the partners.

Thank You, Task Force Members!

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Rick Nitti, Neighborhood House

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