

ANNOTATED MINUTES

Tuesday, August 27, 1996 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

LAND USE PLANNING MEETING

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

P-1 CU 7-95/HV 17-95 DE NOVO HEARING, TESTIMONY LIMITED TO 20 MINUTES PER SIDE, Regarding an Appeal of the Hearings Officer Decision DENYING a Conditional Use Permit for a Single Family Dwelling Not Related to Forest Management and a Variance to Side and Rear Yard Setbacks for Property in the Commercial Forest Use Zoning District Located at 13913 NW SKYLINE BLVD., PORTLAND

CHAIR STEIN EXPLAINED QUASI-JUDICIAL PROCESS. AT CHAIR STEIN'S REQUEST FOR DISCLOSURE, NO EX PARTE CONTACTS WERE REPORTED. AT CHAIR STEIN'S REQUEST FOR CHALLENGES AND/OR OBJECTIONS, NONE WERE OFFERED. PLANNER SUSAN MUIR CONDUCTED A SLIDE PRESENTATION OF THE SUBJECT PROPERTY AND EXPLAINED THE CASE HISTORY AND STAFF RECOMMENDATIONS TO AFFIRM HEARINGS OFFICER DECISION TO DENY CONDITIONAL USE PERMIT FOR DWELLING, OVERTURN HEARINGS OFFICER FINDINGS RELATING TO VARIOUS CODE SECTIONS, AND AFFIRM HEARINGS OFFICER FINDINGS RELATING TO VARIOUS CODE SECTIONS. HEARINGS OFFICER PHIL GRILLO PRESENTED CONDITIONS, FINDINGS OF FACT AND CRITERIA USED IN DETERMINATION TO DENY APPLICATION, ADVISING CERTAIN TESTIMONY IN APPEAL WAS NOT BEFORE HIM AT THE TIME OF HIS DECISION. MR. GRILLO RESPONSE TO BOARD QUESTIONS. APPLICANT'S ATTORNEY WILLIAM COX REQUESTED MORE THAN THE 20 MINUTES ALLOTTED TIME, ADVISING HE WAS

NOT PREPARED TO RESPOND TO THE ADDITIONAL APPEAL ISSUES. IN RESPONSE TO A REQUEST OF CHAIR STEIN, COUNTY COUNSEL SANDRA DUFFY EXPLAINED THE CODE ALLOWS THE BOARD TO DIRECT THAT A DECISION BE REVIEWED AND THAT WAS DONE PER ORDER 96-128 APPROVED BY THE BOARD JULY 25, 1996. IN RESPONSE TO MR. COX RAISING DUE PROCESS AND STANDING ISSUES, ADVISING HE DID NOT RECEIVE NOTIFICATION OF THE ADDITIONAL SCOPE OF REVIEW, MS. MUIR REPORTED APPROPRIATE NOTIFICATION WAS SENT WHICH INCLUDED THE BOARD'S NOTICE OF REVIEW. CHAIR STEIN ALLOWED MR. COX AN ADDITIONAL 5 MINUTES OF TESTIMONY. MR. COX CONDUCTED A VIDEO AND AREA MAP PRESENTATION OF THE SUBJECT PROPERTY, TESTIFIED IN SUPPORT OF REVERSING THE HEARINGS OFFICER DECISION. MR. COX SUBMITTED LETTERS FROM A GEOLOGIST AND THE FIRE DISTRICT INTO THE RECORD. IN RESPONSE TO QUESTIONS OF COMMISSIONER COLLIER, MR. COX EXPLAINED HIS CLIENT'S APPEAL IS BASED ON EXCEPTIONS TO THE HEARINGS OFFICER DECISION AND FINDINGS REGARDING LEGAL STANDARDS, ZONING REQUIREMENTS RELATED TO SITE IMPACT AND RESTRICTIVE SETBACKS. IN RESPONSE TO QUESTIONS OF COMMISSIONER SALTZMAN, MR. COX EXPLAINED HIS CLIENT AGREES WITH THE HEARINGS OFFICER DECISION TO USE THE FIVE TEMPLATE TEST, ADVISING THE PROPERTY MEETS THE THREE TEMPLATE TEST, BUT CAN ALSO BE INTERPRETED TO MEET THE FIVE. CHRIS FOSTER EXPLAINED HIS STANDING TO APPEAR IN THIS CASE AND TESTIFIED IN OPPOSITION TO APPLICANT'S REQUEST AND IN SUPPORT OF AFFIRMING THE HEARINGS OFFICER DECISION TO DENY THE PERMIT. MR. FOSTER FURTHER TESTIFIED IN SUPPORT OF OVERTURNING THE HEARINGS OFFICER FINDINGS AND ADOPTING THE PLANNING STAFF RECOMMENDATIONS. IN RESPONSE TO A QUESTION OF CHAIR STEIN, MR. FOSTER

EXPLAINED THE STATE LAW READS "MAY ALLOW" NOT "HAVE TO ALLOW" AND ADDED HE FEELS THE BOARD ACTED PROPERLY IN TAKING THESE ISSUES UP. ARNOLD ROCHLIN RAISED A PROCEDURAL MATTER, ADVISING ON JULY 25, 1996, IN OPEN SESSION, THE BOARD BROUGHT THE APPEAL ON ITS OWN MOTION AND DIRECTED PLANNING STAFF TO PROVIDE RECOMMENDATIONS. MR. ROCHLIN SUBMITTED A HANDOUT OUTLINING THE BASIS OF HIS ENTITLEMENT TO STATUS AS A PARTY, AND PRESENTED REBUTTAL IN RESPONSE TO TESTIMONY OF MR. COX, EXPLAINING THAT WASHINGTON COUNTY CODE REQUIREMENTS DO NOT APPLY IN THIS CASE; THE CODE ADDRESSES FARM USE ISSUES IN ADDITION TO FOREST USE IN RESPECT TO FIRE SAFETY REQUIREMENTS; AND ADVISING THAT THE 200 FOOT SETBACK WILL ALSO PROTECT THE DWELLING FROM CHEMICAL SPRAY. MR. ROCHLIN TESTIFIED HE SUPPORTS THE HEARINGS OFFICER DECISION DENYING THE CONDITIONAL USE PERMIT, AND SUPPORTS ADOPTING PLANNING STAFF RECOMMENDED FINDINGS, ADVISING HE FEELS THERE WAS SIMPLY A MISINTERPRETATION OF THE LAW, AND THAT THE STATE TEMPLATE RULE WOULD APPLY IF THE COUNTY HAD NOT ADOPTED STRICTER STANDARDS. MR. ROCHLIN DISCUSSED THE COMPREHENSIVE PLAN ISSUE, SUBMITTING A COPY OF THE APRIL 30, 1996 DLCD LETTER AND ADVISING ACKNOWLEDGEMENT OCCURRED. MICHAEL CARLSON ADVISED HE HAS STANDING AS HE ATTENDED THE PRIOR HEARING. MR. CARLSON PRESENTED ORAL AND WRITTEN TESTIMONY IN SUPPORT OF AFFIRMING THE HEARINGS OFFICER DECISION DENYING CONDITIONAL USE PERMIT, ADVISING APPLICANT CAN ONLY SHOW THREE OF THE FIVE TEMPLATE TEST, AND DISCUSSING THE IMPACT ON FARM AND FOREST ISSUES. MR. CARLSON EXPLAINED THE PROPERTY TO THE EAST IS A 15 ACRE GRASS FARM AND THE AREA SOILS ARE OF HIGH VALUE AND EXCELLENT

FOR FARM AND FOREST USE. MR. COX PRESENTED REBUTTAL TESTIMONY, EXPLAINING HIS CLIENT LIVES ON THE BOUNDARY OF MULTNOMAH AND WASHINGTON COUNTIES AND HER EAST NEIGHBOR'S PROPERTY USE IS NOT APPLICABLE, AND THAT THE TEMPLATE ISSUE IS DIRECTLY APPLICABLE. CHAIR STEIN SUGGESTED THAT THE PARTIES PREPARE WRITTEN RESPONSE ON THE LEGAL ISSUES PRIOR TO THE BOARD MAKING A DECISION IN THIS CASE. IN RESPONSE TO A QUESTION OF COMMISSIONER COLLIER, MS. MUIR EXPLAINED THAT PLANNING STAFF IS NOT IN AGREEMENT WITH THE HEARINGS OFFICER FINDINGS, AND WHEN THEY RECEIVED THE DECISION, STAFF RECOMMENDED THAT THE BOARD RAISE THE ISSUES ON ITS OWN MOTION AT THE TIME THE MATTER WAS SET FOR HEARING PER APPLICANT'S APPEAL. IN RESPONSE TO A QUESTION OF COMMISSIONER COLLIER, MS. DUFFY EXPLAINED THAT STATE LAW APPLIES UNLESS THE COUNTY APPLIES STRICTER ZONING. MS. DUFFY ADDED MR. COX CONTENDS THAT EVERY TIME THE COMPREHENSIVE PLAN IS AMENDED, THE COUNTY CODE IS WIPED OFF THE BOOKS UNTIL STATE ACKNOWLEDGEMENT, WHICH IS NOT FEASIBLE. IN RESPONSE TO BOARD QUESTIONS CONCERNING THE ROCK QUARRY NOISE ISSUE, MS. DUFFY AND MS. MUIR EXPLAINED THE WASHINGTON COUNTY OVERLAY HAS NO EFFECT ON THE MULTNOMAH COUNTY ZONING CODE. MS. DUFFY RESPONDED TO QUESTIONS OF COMMISSIONER SALTZMAN BY EXPLAINING APPLICANT HAS THE BURDEN TO PROVE THE FIVE DWELLING TEMPLATE TEST AND THAT THE EVIDENCE IN THE RECORD SO FAR DOES NOT SHOW THAT. IN RESPONSE TO A QUESTION OF COMMISSIONER SALTZMAN, MS. MUIR EXPLAINED THE USGS MAP USED DOES NOT SHOW GRADING DONE IN THE SLOPE HAZARD AREA, BUT THE BURDEN OF PROOF IS ON THE APPLICANT TO PROVIDE THE CORRECT INFORMATION. MR. COX EXPRESSED

FRUSTRATION WITH THE COMMENTS OF MS. MUIR AND MS. DUFFY, SUGGESTING THEY ARE NOT BEING FAIR AND IMPARTIAL. MR. COX REPORTED THAT HIS CLIENT MEETS THE CRITERIA OF STATE LAW CONCERNING THE FIVE DWELLING TEMPLATE TEST THAT "ANY OF 11 PARCELS THAT FALL WITHIN" WITH THE EXCEPTION OF ONE MISSING DWELLING, ADDING THAT THE FOUNDATION STILL REMAINS. MR. ROCHLIN PRESENTED REBUTTAL COMMENTS. CHAIR STEIN CLOSED THE HEARING BUT CONTINUED THE PROCEEDING TO ALLOW THE PARTIES TO SUBMIT WRITTEN RESPONSES TO THE LEGAL ISSUES. MS. MUIR ADVISED APPLICANT HAS WAIVED THE 120 DAY CLOCK ON THIS APPLICATION. FOLLOWING DISCUSSION, CHAIR STEIN ADVISED THAT SEPTEMBER 24, 1996 WILL BE THE CONTINUED DATE. FOLLOWING DISCUSSION WITH ALL PARTIES, IT WAS DETERMINED THAT THE PARTIES WILL PREPARE WRITTEN BRIEFS CONCERNING LEGAL INTERPRETATIONS AND FACTUAL ISSUES RAISED TODAY AND SUBMIT TO ALL PARTIES VIA THE LAND USE PLANNING OFFICE BY 4:30 PM, FRIDAY, SEPTEMBER 13, 1996; WITH WRITTEN REBUTTAL SUBMITTED TO ALL PARTIES VIA THE LAND USE PLANNING OFFICE BY 4:30 PM, WEDNESDAY, SEPTEMBER 18, 1996; AND THAT A DECISION ON THE DE NOVO HEARING BE CONTINUED TO 10:30 AM, TUESDAY, SEPTEMBER 24, 1996. IN RESPONSE TO A QUESTION OF MR. GRILLO, CHAIR STEIN ADVISED THE HEARING IS CLOSED AND HIS PRESENCE IS NOT NECESSARY ON THE 24TH. IN RESPONSE TO COMMISSIONER COLLIER EXPRESSING CONCERN WITH TESTIMONY HEARD TODAY WHICH WAS SUBMITTED OUTSIDE THE RECORD THE BOARD IS RULING ON, CHAIR STEIN EXPLAINED THE DE NOVO HEARING PROCESS ALLOWS NEW EVIDENCE.

There being no further business, the meeting was adjourned at 12:04

p.m.

Thursday, August 29, 1996 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

REGULAR MEETING

Chair Beverly Stein convened the meeting at 9:35 a.m., with Vice-Chair Dan Saltzman, Commissioners Gary Hansen and Tanya Collier present, and Commissioner Sharron Kelley excused.

CONSENT CALENDAR

**UPON MOTION OF COMMISSIONER HANSEN,
SECONDED BY COMMISSIONER COLLIER, THE
CONSENT CALENDAR (ITEMS C-1 THROUGH C-13)
WAS UNANIMOUSLY APPROVED.**

SHERIFF'S OFFICE

- C-1 ORDER Acknowledging Found/Unclaimed Property (List 96-2) and Authorizing Transfer for Sale or Disposal

ORDER 96-139.

DEPARTMENT OF COMMUNITY CORRECTIONS

- C-2 Budget Modification DCC 1 Deleting 1 FTE Fiscal Specialist II, 1 FTE Fiscal Assistant, 2 FTE Office Assistant, and Adding 1 FTE Fiscal Specialist Senior, 1 FTE Fiscal Assistant Senior, and 2 FTE Office Assistant Senior Positions within the Business Services Unit
- C-3 Budget Modification DCC 2 Reclassifying 8 FTE Office Assistant II Positions to 8 FTE Office Assistant Senior Positions within 5 District Offices and 3 Community Corrections Program Units

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

- C-4 Budget Modification CFS 3 Increasing Personnel Services by \$15,067 within the Office of Community Action and Development, Anti-Poverty/Housing Stabilization Budget to Reflect the Reclassification of a Program Development Specialist to CFS Supervisor and a Technical Budget Correction

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-5 ORDER Authorizing Sale by Public Auction and Quitclaim of Surplus Multnomah County Property Described as Lots 12, 13, 14 and 15, Block 2, Whitwood Court, Portland, Oregon

ORDER 96-140.

- C-6 ORDER Granting a Sewer Easement to the City of Portland for Construction of the Darlington Sanitary Sewer Project

ORDER 96-141.

- C-7 ORDER Authorizing Execution of Deed D971340 Upon Complete Performance of a Contract to Weldon C. West and Cynthia D. West

ORDER 96-142.

- C-8 ORDER Authorizing Execution of Replacement Deed D971341 for Certain Tax Acquired Property to Richard Renton and Roxanne Renton

ORDER 96-143.

- C-9 ORDER Authorizing Execution of Replacement Deed D971342 for Certain Tax Acquired Property to John Andrews

ORDER 96-144.

- C-10 ORDER Authorizing Execution of Deed D971343 Upon Complete Performance of a Contract to Allen M. Sorensen

ORDER 96-145.

- C-11 ORDER Authorizing Execution of Deed D971344 Upon Complete Performance of a Contract to Larry Burright

ORDER 96-146.

- C-12 ORDER Authorizing Execution of Deed D971346 Upon Complete Performance of a Contract to Allen B. Strecker and Ken A. Hoadley

ORDER 96-147.

DEPARTMENT OF SUPPORT SERVICES

- C-13 Renewal of Intergovernmental Agreement 5000157 with the Pacific Northwest Wildfire Coordinating Group for Participation in the Regional Incident Command System Shadow Team Program

REGULAR AGENDA

PUBLIC COMMENT

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

DIANNE IVERSON INTRODUCED JASON FRANKLIN. MR. FRANKLIN SUBMITTED YOUTH ADVISORY BOARD AND COMMENTED IN SUPPORT OF THE PROJECT. CHAIR STEIN PRESENTED MR. FRANKLIN WITH A CERTIFICATE OF APPRECIATION FOR HIS CONTRIBUTIONS. JEFF McMAHON COMMENTED REGARDING BEING CONTACTED BY A MR. McDONALD WHO ADVISED COMMISSIONER HANSEN HAD REFERRED HIM, AND EXPRESSED CONCERN WITH MISREPRESENTATION. COMMISSIONER HANSEN ASSURED MR. McMAHON HE WAS MADE AWARE OF THE INCIDENT AND THAT STATEMENTS MADE OVER THE PHONE WERE MADE WITHOUT HIS CONTACT. DIANNA ROBERTS REQUESTED COPIES OF THE MULTNOMAH COUNTY HOME RULE CHARTER AND THE COMMISSIONERS' OATH OF OFFICE DOCUMENTS. BOARD CLERK FURNISHED SAME.

SHERIFF'S OFFICE

- R-2 RESOLUTION Creating a Siting Advisory Committee to Recommend a Site for a New Jail and Secure Residential Treatment Center

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-2. DAN OLDHAM EXPLANATION AND REQUEST THAT THE RESOLUTION BE AMENDED TO EXTEND THE DATE BY WHICH THE

COMMITTEE RECOMMENDATIONS ARE DUE FROM DECEMBER 31, 1996 TO JANUARY 31, 1997. HARRIETT HEISEY TESTIMONY IN OPPOSITION TO RESOLUTION, ADVISING IT CONTRADICTS STATEMENTS MADE BY COMMISSIONER KELLEY AND SHERIFF NOELLE CONCERNING THE COMMITTEE COMPOSITION, AND RESPONSE TO QUESTION OF CHAIR STEIN. MARCUS DOBSON TESTIMONY IN OPPOSITION TO RESOLUTION, ADVISING HE WOULD LIKE TO BE ON THE COMMITTEE AND HAS CONCERNS WITH ONE OF THE PROPOSED SITES. MONICA CORY, SANDY LEAPTROTT, ED COUGHLIN, SHERY DAHLEN AND PAUL MILLER TESTIMONY IN OPPOSITION TO PROPOSED SITING AND COMMITTEE REPRESENTATION. IN RESPONSE TO CONCERNS OF MR. COUGHLIN, CHAIR STEIN ADVISED COMMISSIONER KELLEY HAS BEEN RECOVERING FROM SERIOUS SURGERY THE LAST TWO WEEKS. MR. OLDHAM RESPONDED TO TESTIMONY, ADVISING THEY ARE TRYING TO HONOR COMMITMENT, WANT CITIZEN REPRESENTATION FROM EACH PROPOSED SITE, AND ADVISED THERE WILL BE MANY OPPORTUNITIES FOR CITIZEN INPUT AND INVOLVEMENT IN THE SITING AND SUBSEQUENT LAND USE PROCESSES. COMMISSIONER SALTZMAN MOVED, SECONDED BY COMMISSIONER COLLIER, APPROVAL OF AN AMENDMENT TO THE RESOLUTION CHANGING THE NUMBER OF CITIZEN COMMITTEE MEMBERS FROM 7 TO 8, AND THE NUMBER OF AT LARGE COMMITTEE MEMBERS FROM 8 TO 7. MOTION UNANIMOUSLY APPROVED. COMMISSIONER COLLIER MOVED, SECONDED BY COMMISSIONER SALTZMAN, APPROVAL OF AN AMENDMENT TO THE RESOLUTION, CHANGING THE COMMITTEE RECOMMENDATION DEADLINE FROM DECEMBER 31, 1996 TO JANUARY 31, 1997. AMENDMENT UNANIMOUSLY APPROVED. IN RESPONSE TO A QUESTION OF COMMISSIONER HANSEN, MR. OLDHAM EXPLAINED THEY INITIALLY LOOKED AT JUST THREE SITES, BUT AFTER GOING TO THE

NEIGHBORHOOD ASSOCIATION AND GETTING UNFAVORABLE INPUT, THEY CHANGED THEIR MINDS AND ARE NOW LOOKING FOR SITES COUNTY-WIDE. CHAIR STEIN COMMENDED THE EFFORTS OF THE WILKES COMMUNITY AND ADVISED SHE WILL SUPPORT THE RESOLUTION AS AMENDED BECAUSE SHE FEELS THERE WILL NOW BE ADEQUATE CITIZEN REPRESENTATION. COMMISSIONER KELLEY'S STAFF ASSISTANT CAROLYN MARKS BAX APOLOGIZED TO CITIZENS FOR NOT GETTING BACK TO THE CITIZENS ATTENDING THE WILKES MEETING YET, ADVISING THAT ALICE BLATT HAS PROVIDED THEM WITH THE NAMES AND ADDRESSES OF THOSE ATTENDING THE MEETING AND RESPONSES WILL BE SENT IN THE NEAR FUTURE. RESOLUTION 96-148 UNANIMOUSLY APPROVED, AS AMENDED.

- R-3 First Reading and Possible Adoption of an ORDINANCE to Amend Multnomah County Code Chapter 7.40, to Provide for Enforcement Measures Taken In and Approaching Emergency Areas, and Declaring an Emergency

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER SALTZMAN MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF FIRST READING AND ADOPTION. KEVIN FERMENICK EXPLANATION AND RECOMMENDATIONS IN SUPPORT. NO ONE WISHED TO TESTIFY. ORDINANCE 866 UNANIMOUSLY APPROVED. COMMISSIONER SALTZMAN COMMENDED KEVIN AND THE SHERIFF FOR THEIR WORK WITH THE SAUVIE ISLAND RESIDENTS AND SAFETY ACTION TEAM.

NON-DEPARTMENTAL

- R-4 PROCLAMATION Proclaiming September 2-8, 1996 as UNION LABEL WEEK in Multnomah County, Oregon

COMMISSIONER COLLIER MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-4 CHAIR STEIN EXPLANATION.

**PROCLAMATION READ. PROCLAMATION 96-149
UNANIMOUSLY APPROVED.**

R-5 RESOLUTION Adopting a Rural Action Plan and Recommending the Plan be Submitted to the Oregon Economic Development Commission for Consideration Under the Rural Investment Fund Program

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-5. JOHN HALL OF PORTLAND DEVELOPMENT COMMISSION EXPLANATION. COMMISSIONER SALTZMAN COMMENTS IN SUPPORT. RESOLUTION 96-150 UNANIMOUSLY APPROVED.

R-6 RESOLUTION Supporting Portland State University and Urging that the Metropolitan Region be Active Participants in any Restructuring Planning Process that Affects Portland State University's Comprehensive Programs and its Capacity to Serve the Metropolitan Region and the State

COMMISSIONER COLLIER MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF R-6. RESOLUTION READ. COMMISSIONER COLLIER EXPLANATION AND COMMENTS IN SUPPORT. JOAN JOHNSON, MAIDA KELLEY FOR DON WILLNER, JOE ZELAYETA, LINDA MACPHERSON, TOM OWEN AND DAVID WEDGE TESTIMONY IN SUPPORT. COMMISSIONER SALTZMAN COMMENDED COMMISSIONER COLLIER FOR BRINGING RESOLUTION FORWARD, CAUTIONED AGAINST TURF WARS AND URGED FRESH THINKING FOR MUTUALLY ACCEPTABLE SOLUTIONS. CHAIR STEIN, COMMISSIONER HANSEN AND COMMISSIONER COLLIER COMMENTS IN SUPPORT OF RESOLUTION, PSU PARTNERSHIPS AND COOPERATIVE EFFORTS. RESOLUTION 96-151 UNANIMOUSLY APPROVED.

R-7 RESOLUTION Delineating Goals and Composition of School Service Alignment Task Force

COMMISSIONER HANSEN MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL

OF R-7. DIANNE IVERSON AND CHAIR STEIN EXPLANATION. CHAIR STEIN SUGGESTED WAITING TO CONVENE THE TASK FORCE UNTIL AFTER THE NOVEMBER ELECTION CONCERNING MEASURE 47, AND THAT SHE AND COMMISSIONER SALTZMAN PARTICIPATE ON THE TASK FORCE. BOARD DISCUSSION IN RESPONSE TO COMMISSIONER SALTZMAN ADVISING HE WANTS THE TASK FORCE IMPLEMENTED AND STAFFED USING ONLY EXISTING BUDGET FUNDS AND IN HOUSE STAFFING. RESOLUTION 96-152 UNANIMOUSLY APPROVED.

DEPARTMENT OF SUPPORT SERVICES

R-8 RESOLUTION Supporting Multnomah County Commitment to Purchase Products Made from Post-Consumer Recycled Material

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-8. FRANNA HATHAWAY EXPLANATION. LAURA ETHELTON OF OSPIRG TESTIMONY IN SUPPORT OF RESOLUTION AND RECYCLING EFFORTS. IN RESPONSE TO A QUESTION OF COMMISSIONER SALTZMAN, MS. ETHELTON EXPLAINED DEFINITION OF POST-CONSUMER WASTE. RESOLUTION 96-153 UNANIMOUSLY APPROVED.

DEPARTMENT OF ENVIRONMENTAL SERVICES

R-9 RESOLUTION in the Matter of County Acquisition of Certain Property for Construction of the North Portland Health Clinic

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-9. BOB OBERST EXPLANATION. LARRY ANDERSON AND JESSICA ANDERSON TESTIMONY IN OPPOSITION TO COUNTY PURCHASING THEIR PROPERTY AT THE COUNTER OFFER PRICE, EXPRESSING CONCERN WITH COUNTY'S ABILITY TO RELOCATE THEM, THEIR TENANT, AND THEIR BUSINESS TO AN ACCEPTABLE

COMPARABLE SITE. IN RESPONSE TO QUESTIONS OF CHAIR STEIN, MR. OBERST EXPLAINED THE CONDEMNATION PROCEDURE, ADVISING IF OWNERS DISAGREED WITH AN INDEPENDENT APPRAISAL AS TO THE FAIR MARKET VALUE, THE COURT WOULD DETERMINE SAME, AND THE COUNTY WOULD RELOCATE OWNERS AT COUNTY EXPENSE. MR. OBERST RESPONSE TO BOARD QUESTIONS AND DISCUSSION CONCERNING ACCESS TO THE PROPERTY FOR INDEPENDENT APPRAISAL, AND COUNTY'S INABILITY TO CONDUCT A LEVEL 1 ENVIRONMENTAL STUDY WITHOUT ACCESS TO THE PROPERTY. COMMISSIONER HANSEN COMMENTS IN SUPPORT OF A MUTUALLY EQUITABLE SOLUTION TO THE MATTER. RESOLUTION 96-154 UNANIMOUSLY APPROVED.

R-10 ORDER Authorizing Execution of Purchase and Sale Agreement with Carol A. Hawk for County Acquisition of Real Property for Construction of the North Portland Health Clinic

COMMISSIONER HANSEN MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF R-10. ORDER 96-155 UNANIMOUSLY APPROVED.

R-11 ORDER Authorizing Execution of Purchase and Sale Agreement with Charles W. Edwards for County Acquisition of Real Property for Construction of the North Portland Health Clinic

COMMISSIONER HANSEN MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF R-11. ORDER 96-156 UNANIMOUSLY APPROVED.

R-12 ORDER Authorizing Execution of Purchase and Sale Agreement with RKW Investments (Rod Fisher, Ken Fisher and Wayne Plaster) for County Acquisition of Real Property for Construction of the North Portland Health Clinic

COMMISSIONER HANSEN MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF R-12. ORDER 96-157

UNANIMOUSLY APPROVED. COMMISSIONER HANSEN COMMENTS IN SUPPORT OF R-9 THROUGH R-12, ADVISING ACQUISITION OF THE PROPERTIES WILL SERVE THE GREATER COMMON GOOD.

DEPARTMENT OF AGING SERVICES

R-13 PUBLIC HEARING and Consideration of an ORDER Regarding the Multnomah County Aging Services Department, Adult Care Home Program Administrative Rules for Licensure of Adult Care Homes Filed June 28, 1996

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-13. JEAN DeMASTER EXPLANATION AND COMMENTS IN SUPPORT OF MORE STRINGENT STANDARDS FOR THE PROTECTION OF FRAIL AND ELDERLY ADULT CARE HOME RESIDENTS. FRANCES JOHNSON TESTIMONY IN SUPPORT ON BEHALF OF PMCoA. LAURIE SITTON TESTIMONY IN SUPPORT ON BEHALF OF MHRC. PROVIDERS JOSEPHINE HOLMES, DARLEAN MATHEWS AND DIANNE ROBERTS TESTIMONY IN OPPOSITION. FORMER PROVIDER DAN SURINA TESTIMONY IN SUPPORT. JOAN SCHNELL OF OREGON FAIR SHARE TESTIMONY IN SUPPORT AND REQUEST FOR FIVE RATHER THAN ONE YEAR REVOCATION PERIOD. JEAN MITCHELL, NARCISA PIMENTEL, JIM DUNCAN AND VIRGINIA SEITZ TESTIMONY IN SUPPORT. MS. DeMASTER RESPONSE TO BOARD QUESTIONS AND DISCUSSION CONCERNING REVOCATION PERIOD, REMEDIES TO FRIVOLOUS OR UNSUBSTANTIATED CHARGES, NEED FOR LEGISLATIVE CHANGES AND EFFECTIVENESS OF CRIMINAL RECORD BACKGROUND CHECKS. MS. DeMASTER TO CONDUCT AND REPORT BACK TO THE BOARD THE RESULTS OF A SIX MONTH AND ONE YEAR ASSESSMENT ON APPEALS TO THE COURT AND A ONE YEAR REVOCATION STUDY. COMMISSIONER SALTZMAN COMMENTS IN APPRECIATION OF STAFF, PMCoA AND

**PROVIDERS. ORDER 96-158 UNANIMOUSLY
APPROVED.**

*There being no further business, the meeting was adjourned at 12:10
p.m.*

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

Deborah L. Bogstad

Deborah L. Bogstad



MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 SW FIFTH AVENUE
PORTLAND, OREGON 97204
CLERK'S OFFICE • 248-3277 • 248-5222
FAX • (503) 248-5262

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN ▪ CHAIR ▪ 248-3308
DAN SALTZMAN ▪ DISTRICT 1 ▪ 248-5220
GARY HANSEN ▪ DISTRICT 2 ▪ 248-5219
TANYA COLLIER ▪ DISTRICT 3 ▪ 248-5217
SHARRON KELLEY ▪ DISTRICT 4 ▪ 248-5213

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

AUGUST 26, 1996 - AUGUST 30, 1996

Tuesday, August 27, 1996 - 9:30 AM - Land Use PlanningPage 2

Thursday, August 29, 1996 - 9:30 AM - Regular Meeting.....Page 2

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

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

Friday, 10:00 PM, Channel 30

Sunday, 1:00 PM, Channel 30

Produced through Multnomah Community Television

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

AN EQUAL OPPORTUNITY EMPLOYER

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- P-1 *CU 7-95/HV 17-95 DE NOVO HEARING, TESTIMONY LIMITED TO 20 MINUTES PER SIDE, Regarding an Appeal of the Hearings Officer Decision DENYING a Conditional Use Permit for a Single Family Dwelling Not Related to Forest Management and a Variance to Side and Rear Yard Setbacks for Property in the Commercial Forest Use Zoning District Located at 13913 NW SKYLINE BLVD., PORTLAND*
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REGULAR MEETING

CONSENT CALENDAR

SHERIFF'S OFFICE

- C-1 *ORDER Acknowledging Found/Unclaimed Property (List 96-2) and Authorizing Transfer for Sale or Disposal*

DEPARTMENT OF COMMUNITY CORRECTIONS

- C-2 *Budget Modification DCC 1 Deleting 1 FTE Fiscal Specialist II, 1 FTE Fiscal Assistant, 2 FTE Office Assistant, and Adding 1 FTE Fiscal Specialist Senior, 1 FTE Fiscal Assistant Senior, and 2 FTE Office Assistant Senior Positions within the Business Services Unit*
- C-3 *Budget Modification DCC 2 Reclassifying 8 FTE Office Assistant II Positions to 8 FTE Office Assistant Senior Positions within 5 District Offices and 3 Community Corrections Program Units*

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

- C-4 *Budget Modification CFS 3 Increasing Personnel Services by \$15,067 within the Office of Community Action and Development, Anti-Poverty/Housing Stabilization Budget to Reflect the Reclassification of a*

Program Development Specialist to CFS Supervisor and a Technical Budget Correction

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-5 *ORDER Authorizing Sale by Public Auction and Quitclaim of Surplus Multnomah County Property Described as Lots 12, 13, 14 and 15, Block 2, Whitwood Court, Portland, Oregon*
- C-6 *ORDER Granting a Sewer Easement to the City of Portland for Construction of the Darlington Sanitary Sewer Project*
- C-7 *ORDER Authorizing Execution of Deed D971340 Upon Complete Performance of a Contract to Weldon C. West and Cynthia D. West*
- C-8 *ORDER Authorizing Execution of Replacement Deed D971341 for Certain Tax Acquired Property to Richard Renton and Roxanne Renton*
- C-9 *ORDER Authorizing Execution of Replacement Deed D971342 for Certain Tax Acquired Property to John Andrews*
- C-10 *ORDER Authorizing Execution of Deed D971343 Upon Complete Performance of a Contract to Allen M. Sorensen*
- C-11 *ORDER Authorizing Execution of Deed D971344 Upon Complete Performance of a Contract to Larry Burrigh*
- C-12 *ORDER Authorizing Execution of Deed D971346 Upon Complete Performance of a Contract to Allen B. Strecker and Ken A. Hoadley*

DEPARTMENT OF SUPPORT SERVICES

- C-13 *Renewal of Intergovernmental Agreement 5000157 with the Pacific Northwest Wildfire Coordinating Group for Participation in the Regional Incident Command System Shadow Team Program*

REGULAR AGENDA

PUBLIC COMMENT

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

SHERIFF'S OFFICE

- R-2 *RESOLUTION Creating a Siting Advisory Committee to Recommend a Site for a New Jail and Secure Residential Treatment Center*
- R-3 *First Reading and Possible Adoption of an ORDINANCE to Amend Multnomah County Code Chapter 7.40, to Provide for Enforcement Measures Taken In and Approaching Emergency Areas, and Declaring an Emergency*

NON-DEPARTMENTAL

- R-4 *PROCLAMATION Proclaiming September 2-8, 1996 as UNION LABEL WEEK in Multnomah County, Oregon*
- R-5 *RESOLUTION Adopting a Rural Action Plan and Recommending the Plan be Submitted to the Oregon Economic Development Commission for Consideration Under the Rural Investment Fund Program*
- R-6 *RESOLUTION Supporting Portland State University and Urging that the Metropolitan Region be Active Participants in any Restructuring Planning Process that Affects Portland State University's Comprehensive Programs and its Capacity to Serve the Metropolitan Region and the State*
- R-7 *RESOLUTION Delineating Goals and Composition of School Service Alignment Task Force*

DEPARTMENT OF SUPPORT SERVICES

- R-8 *RESOLUTION Supporting Multnomah County Commitment to Purchase Products Made from Post-Consumer Recycled Material*

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-9 *RESOLUTION in the Matter of County Acquisition of Certain Property for Construction of the North Portland Health Clinic*
- R-10 *ORDER Authorizing Execution of Purchase and Sale Agreement with Carol A. Hawk for County Acquisition of Real Property for Construction of the North Portland Health Clinic*

R-11 *ORDER Authorizing Execution of Purchase and Sale Agreement with Charles W. Edwards for County Acquisition of Real Property for Construction of the North Portland Health Clinic*

R-12 *ORDER Authorizing Execution of Purchase and Sale Agreement with RKW Investments (Rod Fisher, Ken Fisher and Wayne Plaster) for County Acquisition of Real Property for Construction of the North Portland Health Clinic*

DEPARTMENT OF AGING SERVICES

R-13 *PUBLIC HEARING and Consideration of an ORDER Regarding the Multnomah County Aging Services Department, Adult Care Home Program Administrative Rules for Licensure of Adult Care Homes Filed June 28, 1996*

SHARRON KELLEY
Multnomah County Commissioner
District 4



Portland Building
1120 S.W. Fifth Avenue, Suite 1500
Portland, Oregon 97204
(503) 248-5213
E-Mail: sharron.e.KELLEY@co.multnomah.or.us

MEMORANDUM

TO: Clerk of the Board
Board of County Commissioners

FROM: Andrew Mooney, Commissioner Kelley's Office

RE: Time off for Commissioner Kelley

DATE: August 1, 1996

This memorandum is to inform you that Commissioner Kelley will be out starting August 14th, for approximately 1-2 weeks.

SEK/atm

BOARD OF
COUNTY COMMISSIONERS
96 AUG - 1 PM 2:42
MULTNOMAH COUNTY
OREGON

MEETING DATE: AUG 29 1996

AGENDA NO: C-1

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: FOUND/UNCLAIMED PROPERTY - 96-2

BOARD BRIEFING: Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: AUGUST 29, 1996

Amount of Time Needed: 5 MINUTES

DEPARTMENT: Sheriff's Office DIVISION: _____

CONTACT: Larry Aab TELEPHONE #: 251-2489

BLDG/ROOM #: 313/231

FAX
251-2439

PERSON(S) MAKING PRESENTATION: NO ONE - CONSENT ITEM

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUMMARY (Statement of rationale for action requested, personnel, and fiscal/budgetary impacts, if applicable):

TO COMPLY WITH MULTNOMAH COUNTY CODE 7.70, REQUESTING A TRANSFER OF THESE ITEMS TO THE DEPARTMENT OF ENVIRONMENTAL SERVICES FOR SALE OR DISPOSAL AS PROVIDED FOR WITHIN THE LISTED ORDINANCE.

9/6/96 ^{COPIES TO} RICK GUSTAFSON 313/116 & LARRY AAB

CONSENT

SIGNATURE REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: *McKelvey*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/5222
0516C/63 6/93

96 AUG 16 PM 4:27
MULTNOMAH COUNTY
OREGON
BOARD OF
COUNTY COMMISSIONERS



Multnomah County Sheriff's Office

12240 N.E. GLISAN ST., PORTLAND, OREGON 97230

DAN NOELLE
SHERIFF

(503) 255-3600

MEMORANDUM

TO: Clerk of the Board *Deborah Boqstad*

FROM: DAN NOELLE *Dan Noelle*
Sheriff

DATE: July 22, 1996

SUBJECT: FOUND/UNCLAIMED PROPERTY - 96-2

Attached is a listing of found/unclaimed or unidentified property. This property has been in the Sheriff's possession for over 30 days. All attempts to establish the rightful owner(s) of the listed property have proven negative.

To comply with Multnomah County Code 7.70, I am requesting that this listing of property be placed on the Board of County Commissioners' agenda for approval of the transfer of these items to the Department of Environmental Services for sale or disposal as provided for within the listed ordinance.

Attachment

RG/elc/14947.01

Rick Gustafson
251-2486



Multnomah County Sheriff's Office

12240 N.E. GLISAN ST., PORTLAND, OREGON 97230

DAN NOELLE
SHERIFF

(503) 286-3600

FAX REQUEST/RECEIPT AND TRANSMITTAL SHEET

Date 8/26/96 Hours _____

TO: Deb Bogstad

FAX NUMBER ADDRESSED TO: 5262

FROM: Heidi Jentsch

SENDING FAX NUMBER: 251-2439

ATTENTION AND/OR SPECIAL INSTRUCTIONS: Revised memo, as we've discussed.

NUMBER OF PAGES INCLUDING TRANSMITTAL SHEET: 2

CONFIDENTIALITY STATEMENT

The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the addressee listed on this coversheet. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this telecopy is strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone at the number listed below. Thank you.

CONTACT NUMBER: _____

BOARD OF COUNTY COMMISSIONERS
96 AUG 26 PM 2:32
MULTNOMAH COUNTY OREGON



Multnomah County Sheriff's Office

12240 N.E. GLISAN ST., PORTLAND, OREGON 97230

DAN NOELLE
SHERIFF(503) 255-3600
TTY (503) 251-2484**MEMORANDUM**

TO: DEBORAH BOGSTAD
Clerk of the Board

FROM: DAN NOELLE 
Sheriff

DATE: August 20, 1996

SUBJECT: FOUND/UNCLAIMED PROPERTY - 96-2

Attached is a listing of found/unclaimed or unidentified property. This property has been in the Sheriff's possession for over 30 days. All attempts to establish the rightful owner(s) of the listed property have proven negative.

To comply with Multnomah County Code 7.70, I am requesting that this listing of property be placed on the Board of County Commissioners' agenda for approval of the transfer of these items to the Department of Environmental Services for sale or disposal as provided for within the listed ordinance.

Attachment

RG/elc/14947.01

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Acknowledgement of Unclaimed)
Property and Authorization of) ORDER
Transfer for Sale or Disposal) 96- 139

WHEREAS, the Multnomah County Sheriff's Office has certain property, including money, in its possession, the ownership of which is unknown and which has been unclaimed for thirty days after the property came into its possession; and

WHEREAS, Multnomah County Code Chapter 7.70.100 directs the Sheriff's Office to report the unclaimed property to the Board of Commissioners and to request authorization to dispose of it as provided in the Code; and

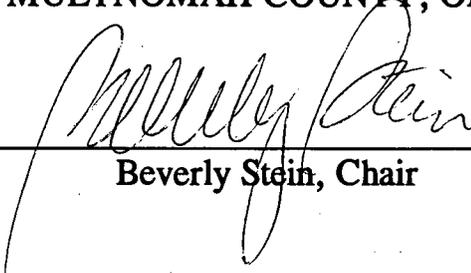
WHEREAS, in lieu of a sale of the property under Multnomah County Code Chapter 7.70.150 to 7.70.300, the Multnomah County Sheriff's Office, with the approval of the Board of Commissioners, may transfer any portion of the unclaimed property to the County for use by the County; now therefore

IT IS HEREBY ORDERED that the Multnomah County Board of Commissioners acknowledges the unclaimed property and authorizes the transfer of the items listed on the attached **Multnomah County Sheriff's Office Found/Unclaimed Property For Disposal, List 96-2**, to the Multnomah County Treasury Office for deposit to the County General Fund.

DATED this 29th day of August, 1996.

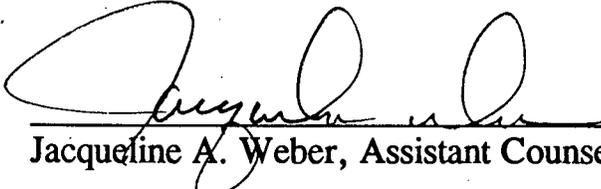


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:

LAURENCE KRESSEL, COUNTY COUNSEL
MULTNOMAH COUNTY, OREGON


Jacqueline A. Weber, Assistant Counsel

MULTNOMAH COUNTY
SHERIFF'S OFFICE
FOUND/UNCLAIMED PROPERTY FOR DISPOSAL
LIST - 96-2

FILE NUMBER	PROPERTY DESCRIPTION	DISPOSITION
85-11837	\$15.27	General Fund
87-270	\$600.00	General Fund
87-9256	.50	General Fund
88-6795	\$1.21	General Fund
89-2339	\$235.00	General Fund
89-491	\$706.00	General Fund
89-5985	\$367.00	General Fund
89-3391	\$322.00	General Fund
89-2802	\$170.00	General Fund
89-1020	\$1.00	General Fund
89-5253	\$1.00	General Fund
89-6643	\$2.00	General Fund
89-6780	\$400.00	General Fund
89-10604	\$1.70	General Fund
90-10042	\$88.00	General Fund
90-7454	\$4,920.00	General Fund
90-8775	\$5.00	General Fund
90-1616	\$1.00	General Fund
91-6570	\$135.00	General Fund
91-6844	\$222.00	General Fund
91-10725	\$347.00	General Fund
91-8672	\$100.00	General Fund
91-10773	\$235.00	General Fund
91-8876	\$235.00	General Fund
91-8076	\$267.00	General Fund

91-6923	\$21.00	General Fund
91-10346	\$59.00	General Fund
91-9574	\$10.00	General Fund
91-9689	\$20.00	General Fund
91-6964	\$53.00	General Fund
91-9507	\$52.00	General Fund
91-7701	\$7.67	General Fund
91-9330	\$20.00	General Fund
91-11336	\$2.00	General Fund
91-10686	\$61.00	General Fund
91-1887	\$440.00	General Fund
91-5170	\$430.00	General Fund
91-8598	\$2.00	General Fund
91-3102	\$214.00	General Fund
91-6423	\$20.00	General Fund
91-5061	\$130.00	General Fund
92-2502	\$80.00	General Fund
92-9305	\$1,100.00	General Fund
92-6530	\$355.00	General Fund
92-11133	\$40.00	General Fund
92-7958	\$40.00	General Fund
92-4494	\$776.00	General Fund
92-10967	\$115.00	General Fund
92-9761	\$30.75	General Fund
92-6525	\$57.50	General Fund
92-2088	\$59.00	General Fund
92-5446	\$6.00	General Fund
92-9127	\$230.00	General Fund
92-5122	\$73.00	General Fund
92-3976	\$182.00	General Fund

92-6097	\$5.00	General Fund
92-4903	\$27.84	General Fund
92-5595	\$9.53	General Fund
92-5459	\$100.00	General Fund
92-6556	\$27.00	General Fund
92-2586	\$17.00	General Fund
92-3473	\$1.00	General Fund
92-5884	\$1.00	General Fund
92-1876	\$5.00	General Fund
92-6075	\$20.00	General Fund
92-5563	\$40.00	General Fund
92-1518	.50	General Fund
92-1059	\$2.35	General Fund
93-6723	\$120.00	General Fund
93-5781	\$188.00	General Fund
93-111	\$77.00	General Fund
93-6947	\$75.00	General Fund
93-4760	\$437.00	General Fund
93-5611	\$40.00	General Fund
93-7223	\$30.00	General Fund
93-9610	\$280.00	General Fund
93-1440	\$220.00	General Fund
93-5633	\$120.00	General Fund
93-7171	\$25.00	General Fund
93-5393	\$20.00	General Fund
93-4919	\$26.00	General Fund
93-9483	\$47.00	General Fund
93-9284	\$44.80	General Fund
93-8926	\$90.00	General Fund
93-9117	\$7.00	General Fund

93-8672	\$2.00	General Fund
93-9471	\$85.00	General Fund
93-4939	\$60.00	General Fund
93-4891	\$2.00	General Fund
93-7869	\$15.00	General Fund
93-5091	\$9.65	General Fund
93-1725	\$5.30	General Fund
93-2179	\$10.00	General Fund
93-1929	\$60.00	General Fund
93-1928	\$15.00	General Fund
93-5995	\$10.00	General Fund
93-25	\$6.72	General Fund
94-4018	\$237.27	General Fund
94-2052	\$155.00	General Fund
94-4451	\$102.00	General Fund
94-5266	\$99.00	General Fund
94-3661	\$406.00	General Fund
94-184	\$55.66	General Fund
94-1096	\$122.00	General Fund
94-1639	\$81.00	General Fund
94-2566	\$35.00	General Fund
94-468	\$40.00	General Fund
94-3696	\$8.00	General Fund
94-1556	\$80.00	General Fund
94-4675	\$119.15	General Fund
94-1752	\$51.00	General Fund
94-1094	\$2.60	General Fund
94-336	\$3.00	General Fund
94-3845	\$19.45	General Fund
94-1107	\$1.00	General Fund

94-3426	\$100.00	General Fund
95-2194	\$11.00	General Fund
95-139	\$30.00	General Fund
95-6693	\$10.00	General Fund
95-3638	\$69.26	General Fund
95-1655	\$2.72	General Fund
95-2547	\$3.00	General Fund
95-4860	\$15.81	General Fund
95-955	\$40.00	General Fund
96-1941	\$12.00	General Fund
96-1613	\$9.61	General Fund

TOTAL \$18,367.82

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR _____

(Date)

DEPARTMENT Community Corrections
CONTACT Patrick Brun

DIVISION Business Services
TELEPHO 248-3701 ext. 3438

* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD

SUGGESTED

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

A budget modification to delete 1 FTE Fiscal Specialist II, 1 FTE Fiscal Assistant, 2 FTE Office Assistant, and add 1 FTE Fiscal Specialist Senior, 1 FTE Fiscal Assistant Senior, and 2 FTE Office Assistant Senior positions in the Business Services unit of the Department of Community Corrections.

(ESTIMATED TIME NEEDED ON THE AGENDA)

2. DESCRIPTION OF MODIFICATION

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

Personnel changes are shown in detail on the attached sheet

This modification will delete 1 FTE Fiscal Specialist II, 1 FTE Fiscal Assistant, 2 FTE Office Assistant and add 1 FTE Fiscal Specialist Senior, 1 FTE Fiscal Assistant Senior, and 2 FTE Office Assistant Senior positions as a result of job reclassifications. The increase in Personal Services costs will be offset by savings from 1 FTE position being filled temporarily at .8 FTE, resulting in a zero net effect in expenditures in the DCC, Business Services budget.

3. REVENUE IMPACT

(Explain revenues being changed and reason for the change)

None. This modification results in a zero net effect in budgeted expenditures, therefore, the Department's revenue appropriation will not change.

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
96 AUG 21 AM 10:31

4. CONTINGENCY STATUS

(to be completed by Budget & Planning)

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

Originated By <u>Patrick Brun</u>	Date <u>8/15/96</u>	Department Director <u>M Tamara Holder</u>	Date <u>8/15/96</u>
Plan/Budget Analyst <u>Kimberly Dawson</u>	Date <u>8/19/96</u>	Employee Services <u>C. Reimer</u>	Date <u>8/16/96</u>
Board Approval <u>Deborah L. Boast</u>	Date <u>8/29/96</u>		

PERSONNEL DETAIL FOR BUDGET MODIFICATION NO.

DCCI

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

FTE Increase (Decrease)	POSITION TITLE		ANNUALIZED			TOTAL Increase (Decrease)
			BASE PAY Increase (Decrease)	Increase/(Decrease)		
				Fringe	Ins.	
		JCN				
(2.00)	Office Assistant	6001	(47,592)	(8,332)	(7,472)	(63,396)
2.00	Office Assistant Senior	6002	54,479	9,539	7,577	71,595
(1.00)	Fiscal Assistant	6028	(24,402)	(4,272)	(3,012)	(31,686)
1.00	Fiscal Assistant Senior	6027	27,186	4,760	3,055	35,001
(1.00)	Fiscal Specialist II	6030	(42,595)	(7,457)	(7,370)	(57,422)
1.00	Fiscal Specialist Senior	9340	43,744	7,660	7,766	59,169
0.00	TOTAL CHANGE (ANNUALIZED)		10,820	1,898	543	13,261

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

Permanent Positions, Temporary, Overtime, or Premium	Explanation of Change		CURRENT FY			TOTAL Increase (Decrease)
			BASE PAY Increase (Decrease)	Increase/(Decrease)		
				Fringe	Ins.	
		JCN				
Perm	156-021-2170 Add 2 FTE Office Assistant Senior for 12 mos	6002	54,479	9,539	7,577	71,595
	Delete 2 FTE Office Assistant	6001	(47,592)	(8,332)	(7,472)	(63,396)
Perm	Add 1 FTE Fiscal Assistant Senior for 12 mos	6027	27,186	4,760	3,055	35,001
	Delete 2 FTE Fiscal Assistant	6028	(24,402)	(4,272)	(3,012)	(31,686)
Perm	Add 1 FTE Fiscal Specialist Senior for 12 mos	9340	43,744	7,660	7,766	59,169
	Delete 1 FTE Fiscal Specialist II	6030	(42,595)	(7,457)	(7,370)	(57,422)
Perm	1 FTE Training Coordinator (PPO) reduced hours worked to .8 FTE		(10,820)	(1,898)	(543)	(13,261)
TOTAL CURRENT FISCAL YEAR CHANGES			(0)	0	0	0



**MULTNOMAH COUNTY DEPARTMENT OF
COMMUNITY CORRECTIONS**

TO: *Board of County Commissioners*

FROM: *Patrick Brun* 

DATE: *August 15, 1996*

REQUESTED PLACEMENT DATE: *August 29, 1996*

SUBJECT: *Budget Modification - DCC 1*

I. Recommendation/Action Requested

Approval to reclassify four positions in DCC Administration as the result of a job audit performed by the Employee Services Division.

II. Background/Analysis

Several members of the DCC Administrative office recently requested a job audit as they felt they were performing the duties of a higher classification. Employee Services was contacted, and by mutual agreement, authorized a job audit on seven positions in the administrative office. Six employees filled out the forms, and the seventh employee felt he was appropriately classified.

Employee Services recommended reclassifying four of the six positions. Details of these positions are outlined in the attached memo's from Colette Umbras.

III. Financial Impact

The cost for reclassifying these positions in FY 96/97 is \$13,261. This will be an ongoing expense in future years, plus inflation.

In FY 96-97, DCC anticipates paying for the salary increases through salary savings. No planned positions or purchases will be delayed to fund these

reclassification's. DCC anticipates paying for these salary increases in future years within our constraint.

IV. Legal Issues

None. This reclassification is the result of a job audit by Employee Services and they recommend these positions be reclassified.

V. Controversial Issues

None.

VI. Link to County Polices

This reclassification is the result of a job audit by Employee Services and they recommend these positions be reclassified.

VII. Citizen Participation

None.

VIII. Other Government Participation

This reclassification is consistent with other Departmental organizations.



MULTNOMAH COUNTY OREGON

BEVERLY STEIN
COUNTY CHAIR

EMPLOYEE SERVICES
FINANCE
LABOR RELATIONS
PLANNING & BUDGET
RISK MANAGEMENT

(503) 248-5015
(503) 248-3312
(503) 248-5135
(503) 248-3883
(503) 248-3797

(503) 248-5170 TDD

PORTLAND BUILDING
1120 S.W. FIFTH, 14TH FLOOR
P.O. BOX 14700
PORTLAND, OREGON 97214

PURCHASING, CONTRACTS
& CENTRAL STORES

(503) 248-5111

2505 S.E. 11TH, 1ST FLOOR
PORTLAND, OREGON 97202

MEMORANDUM

TO: Patrick Brun
DCC

FROM: Colette Umbras *CU*
ESD

DATE: July 17, 1996

SUBJECT: JOB AUDITS (CONTINUED): SMITH, KAHN, RHEIN

Based on the information provided by their job analysis questionnaires, and through desk audits with all three employees, it is recommended that:

Diane Smith be reclassified to Sr. Fiscal Specialist

Christina Kahn be reclassified to Sr. Office Assistant

Karen Rhein remain classified as Administrative Secretary

Diane's responsibility for developing and monitoring the entire DCC budget, for fiscal and budget analysis and projections, and her responsibility for expenditure authorization for payments, purchases, payroll, etc. are all duties most appropriately described/classified at the Sr. Fiscal Specialist level (advanced fiscal management, maintaining fiscal controls, projecting short and long term revenues, contract management, and supervision). This is certainly consistent with comparable positions in other County departments.

MEMO TO PATRICK BRUN

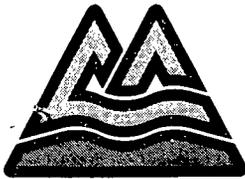
July 17, 1996

Page 2

Christina's duties include maintenance of the Department personnel, position control, and applicant data bases; monitoring, tracking and scheduling the applicant hiring process; providing policy and procedure information to employees and managers; and coordinating all processes for new employees for the Department. These duties require the exercise of independent judgment in scheduling and accomplishing her work, handling difficult situations, maintaining complex systems, and originating reports and correspondence. This level of work is best classified at the Sr. Office Assistant level. This is consistent with other comparable positions elsewhere in the County.

Karen's duties involve a variety of highly responsible and complex secretarial and administrative duties in providing support to the Director, Deputy Director and other management staff in DCC Administration. In addition to keeping the Director's schedule and coordinating it with the Deputy's, she coordinates a variety of meetings, panels, conferences including scheduling, agendas, and minutes; develops and/or maintains a variety of resource information, including the policy and procedures manuals, and distributes as needed; develops forms, schedules and agendas for the senior management team as needed; participates in executive management team meetings; coordinates all phone, pager and cell phone activities, including repair, billings, directories, and analysis of upgrades; and coordinates administration support staff coverage for vacation, meetings, trainings, and illness. These duties are most appropriately classified at the Administrative Secretary level, consistent with other comparable County positions.

Thanks to you and your staff for your patience and cooperation during this auditing process. Again, if you or your staff have any questions regarding the above recommendations, please don't hesitate to call me.



MULTNOMAH COUNTY OREGON

BEVERLY STEIN
COUNTY CHAIR

EMPLOYEE SERVICES
FINANCE
LABOR RELATIONS
PLANNING & BUDGET
RISK MANAGEMENT

(503) 248-5015
(503) 248-3312
(503) 248-5135
(503) 248-3883
(503) 248-3797

(503) 248-5170 TDD

PORTLAND BUILDING
1120 S.W. FIFTH, 14TH FLOOR
P.O. BOX 14700
PORTLAND, OREGON 97214

PURCHASING, CONTRACTS
& CENTRAL STORES

(503) 248-5111

2505 S.E. 11TH, 1ST FLOOR
PORTLAND, OREGON 97202

MEMORANDUM

TO: Patrick Brun
DCC Administration

FROM: Colette Umbras *Cu*
Employee Services

DATE: June 17, 1996

SUBJECT: JOB AUDITS: Cooper-Murphy, Nolte, Taylor

Based on the information provided by their job analysis questionnaires, and through desk audits with all three employees, it is recommended that:

Sherine Cooper-Murphy be reclassified to Sr. Office Assistant;

Heather Nolte be reclassified to Sr. Fiscal Assistant;

Tammy Taylor remain classified as an Office Assistant 2.

Sherine's variety of duties, primarily Travel and Training, Purchasing, and Contracts involve independence, analysis, application of policies and procedures, and responsibility at a level higher than her current classification of Office Assistant 2. Although there is a certain amount of fiscal work, the majority of the duties fall within the Office Assistant duties series, as opposed to the fiscal series. This is consistent with other employees elsewhere in the County with similar duties.

Heather's duties are better described at the Sr. Fiscal Assistant level, as the majority of her work involves accounts payable, payroll, budget and expenditures. The duty requirements for auditing records and correcting errors, resolving conflicts with staff and vendors, assisting with the budget and performing other fiscal duties indicate a higher level of responsibility than Office Assistant 2.

MEMO TO PATRICK BRUN

June 17, 1996

Page 2

Tammy's duties involve a variety of general clerical duties, most of which fall within the Office Assistant 2 classification description. Examples of her duties include typing memos, fliers, letters; reception, including phones and look-up on the computer data base (AS400); checking and tabulating data, such as survey returns; and copying. These are typical Office Assistant 2 duties.

Before actually implementing these reclassification recommendations you may wish to wait until I've completed the rest of the support staff audits. You will need to process a budget modification to reclassify budgeted positions (at least for these two), and establish effective dates of reclassification. I'd be happy to discuss implementation with you after completing the rest of the audits.

If you or any of the above mentioned staff have questions regarding this recommendation, please call me at x2200. Thank you for your patience during this process.

N:\DATA\EMPSER\WPDATA\CU217

C: Sherine C
Heather N
Tammy T
Cary H
Tamara H

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR _____

(Date)

DEPARTMENT Community Corrections

DIVISION Business Services

CONTACT Patrick Brun

TELEPHONE 248-3701 ext. 3438

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

SUGGESTED

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

A budget modification to reclassify 8 FTE Office Assistant II positions to 8 FTE Office Assistant Senior positions.

(ESTIMATED TIME NEEDED ON THE AGENDA)

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

Personnel changes are shown in detail on the attached sheet

This modification will delete 8 FTE OA II positions and add 8 FTE OA Senior positions to 5 District Offices and 3 Community Corrections programs as follows: N.E. District, S.E. District, West District, Mid-County District, Diagnostic, Day Reporting Center/Learning Center, Intensive Case Management, and Volunteer Unit. Due to increased staffing and workload growth as a result of new legislation, there is a need to provide additional support and continuity of technical and workflow oversight responsibilities to each office. These responsibilities are consistent with the Office Assistant Senior duties. The increase in personnel costs will be offset by a reduction in budgeted expenditures for materials and services. Total Department Budget will not be affected.

3. REVENUE IMPACT (Explain revenues being changed and reason for the change)

None. This modification results in a zero net effect in budgeted expenditures, therefore, the Department's revenue appropriation will not change.

4. CONTINGENCY STATUS (to be completed by Budget & Planning)

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

Originated By <i>Patrick Brun</i>	Date <i>8/15/96</i>	Department Director <i>M Tamaris Holden</i>	Date <i>8/15/96</i>
Plan/Budget Analyst <i>Kaupre Hagen</i>	Date	Employee Services <i>C. Williams</i>	Date <i>8/16/96</i>
Board Approval <i>DEBORAH BOUSTAD</i>	Date <i>8/29/96</i>		

MULTI-COUNTY
CLERK OF
COUNTY COMMISSIONERS
OREGON
96 AUG 21 AM 10:32

PERSONNEL DETAIL FOR BUDGET MODIFICATION NO.

DCC2

5. ANNUALIZED PERSONNEL CHANGES

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

FTE Increase (Decrease)	POSITION TITLE	BASE PAY Increase (Decrease)	ANNUALIZED		TOTAL Increase (Decrease)
			Increase/(Decrease)		
			Fringe	Ins.	
(8.00)	Office Assistant II	(195,659)	(34,255)	(39,964)	(269,878)
8.00	Office Assistant Senior	213,480	37,376	41,112	291,968
0.00	TOTAL CHANGE (ANNUALIZED)	17,821	3,121	1,148	22,090

6. CURRENT YEAR PERSONNEL DOLLAR CHANGES

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

Permanent Positions, Temporary, Overtime, or Premium	Explanation of Change	BASE PAY Increase (Decrease)	CURRENT FY		TOTAL Increase (Decrease)
			Increase/(Decrease)		
			Fringe	Ins.	
Perm	Delete 8 FTE Office Assistant II 0.75 6001	(146,744)	(25,691)	(29,973)	(202,409)
Perm	Add 8 FTE Office Assistant Se 0.75 6002	160,110	28,032	30,834	218,976
TOTAL CURRENT FISCAL YEAR CHANGES		13,366	2,341	861	16,568

BUDGET MODIFICATION NO. DCC2

EXPENDITURE

TRANSACTION EB GM []

TRANSACTION DATE _____

ACCOUNTING PERIOD _____

BUDGET FY _____

Document Number	Action	Fund	Agency	Organization	Activity	Reporting Category	Object	Current Amount	Revised Amount	Change Increase (Decrease)	Subtotal	Description
		100	021	2210			5100			2,929		
		100	021	2210			5500			513		Permanent
		100	021	2210			5550			1,643	5,085	Fringe
		156	021	2801			5100			1,979		Insurance
		156	021	2801			5500			347		
		156	021	2801			5550			1,606	3,932	
		156	021	2804			5100			1,410		Permanent
		156	021	2804			5500			247		Fringe
		156	021	2804			5550			(381)	1,276	Insurance
		156	021	2821			5100			564		
		156	021	2821			5500			99		
		156	021	2821			5550			130	793	
		156	021	2826			5100			517		
		156	021	2826			5500			91		
		156	021	2826			5550			(1,667)	(1,059)	
		156	021	2832			5100			2,585		
		156	021	2832			5500			452		
		156	021	2832			5550			(1,209)	1,828	
		100	021	2835			5100			423		
		100	021	2835			5500			74		
		100	021	2835			5550			(1,179)	(682)	
		156	021	2844			5100			2,960		
		156	021	2844			5500			518		
		156	021	2844			5550			1,918	5,396	
		100	021	2210			6230			(5,085)	(5,085)	
		156	021	2801			6230			(3,932)	(3,932)	
		156	021	2804			6230			(1,276)	(1,276)	
		156	021	2821			6230			(793)	(793)	
		156	021	2826			6230			1,059	1,059	
		156	021	2831			6230			(1,828)	(1,828)	
		100	021	2835			6230			682	682	
		156	021	2844			6230			(5,396)	(5,396)	
TOTAL EXPENDITURE CHANGE										0	0	



**MULTNOMAH COUNTY DEPARTMENT OF
COMMUNITY CORRECTIONS**

TO: *Board of County Commissioners*

FROM: *Patrick Brun* 

DATE: *August 15, 1996*

REQUESTED PLACEMENT DATE: *August 29, 1996*

SUBJECT: *Budget Modification - DCC 2*

I. Recommendation/Action Requested

Approval to reclassify eight Office Assistant 2 (OA2) positions to Office Assistant/Senior (OA SR) positions.

II. Background/Analysis

The Department of Community Corrections (DCC) recently examined it's organizational structure across the department. The Operations Supervisors for each District examined work flow and consistency within each office, and discovered the office structure was not consistent. Some offices had an OA2 performing the same functions that an OA SR was performing in another. They examined the functions that were being performed in each office and then compared those functions to the position descriptions from Employee Services. Their examination recommends that DCC change eight OA2 positions to OA SR positions. The attached memo from the Operations Supervisors to Tamara Holden outline their recommendations.

Employee Services has reviewed the memo about these positions, and agrees with their recommendations. Please see the attached memo from Colette Umbras from Employee Services.

III. Financial Impact

The cost for reclassifying these positions in FY 96/97 is \$16,568. This will be an ongoing expense in future years, plus inflation.

In FY 96-97, DCC anticipates paying for the salary increases through budget savings. No planned positions will be delayed to fund these reclassification's. DCC anticipates paying for these salary increases in future years within our constraint.

IV. Legal Issues

None. This reclassification was reviewed by Employee Services and they recommend these positions be reclassified.

V. Controversial Issues

None.

VI. Link to County Polices

This reclassification has been reviewed by Employee Services and they recommend these positions be reclassified.

VII. Citizen Participation

None.

VIII. Other Government Participation

This reclassification is consistent with other Departmental organizations.



MULTNOMAH COUNTY OREGON

BEVERLY STEIN
COUNTY CHAIR

EMPLOYEE SERVICES
FINANCE
LABOR RELATIONS
PLANNING & BUDGET
RISK MANAGEMENT

(503) 248-5015
(503) 248-3312
(503) 248-5135
(503) 248-3883
(503) 248-3797

(503) 248-5170 TDD

PORTLAND BUILDING
1120 S.W. FIFTH, 14TH FLOOR
P.O. BOX 14700
PORTLAND, OREGON 97293

PURCHASING, CONTRACTS
& CENTRAL STORES

(503) 248-5111

2505 S.E. 11TH, 1ST FLOOR
PORTLAND, OREGON 97202

MEMORANDUM

TO: Patrick Brun
Department of Community Corrections

FROM: Colette Umbras *Cu*
Employee Services Division

DATE: August 16, 1996

SUBJECT: Reorganization/Reclassification Within Support Staff

Based on the information you provided, plus discussions with you regarding the Department's plans and needs for increased support to the various districts and programs within the Department, it is recommended that the Department create several Sr. Office Assistant positions.

These Sr. Office Assistants would be responsible for staff training; coordinating and directing work assignments; reviewing work for accuracy; assisting staff and the public in interpreting and applying policies, procedures, and rules; special projects and reports; and in smaller, isolated offices providing general office management support. These positions will report to the exempt Operations Supervisor assigned to their District. At this time there appears to be a need for eight new Sr. Office Assistants in the various programs and districts throughout the Department.

This is consistent with organizational structure and classification level for other Departments throughout the County. If you have any questions regarding this recommendation, please don't hesitate to contact me.

c: Classification File
Curtis Smith

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR:

(Date)

DEPARTMENT: COMMUNITY AND FAMILY SERVICES

DIVISION: N/A

CONTACT: KATHY TINKLE

PHONE: 3691

* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD: SUSAN CLARK / KATHY TINKLE

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

Budget Modification CFS#3 increases personnel services by \$15,067 within the Office of Community Action and Development, Anti-Poverty/Housing Stabilization, budget to reflect the reclassification of a Program Development Specialist to CFS Supervisor and a technical budget correction.

2. DESCRIPTION OF MODIFICATION: [Explain the changes being made: What budget does it increase / decrease? What do the changes accomplish? Where does the money come from?

[X] PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET

This modification transfers budgeted funds from pass through to personnel to reflect: 1) the reclassification of Program Development Supervisor to CFS Supervisor; and 2) to correct the salary amounts that were understated in the adopted budget.

1) The Program Development Specialist was reclassified after Employee Services performed a job audit. The total cost of this reclassification is \$8,734 for FY96/97.

2) The total cost to correct the salary amount is \$6,333.

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
96 AUG 19 PM 4:05

3. REVENUE IMPACT (Explain revenues being changed and reason for the change)

County General Fund Indirect Support	\$684
Svs Reim F/S General Fund	\$684
Svs Reim F/S Insurance Fund	\$2,934
TOTAL	\$4,302

4. CONTINGENCY STATUS [to be completed by Budget & Planning]

Fund Contingency BEFORE THIS MODIFICATION (as of _____): \$ _____
AFTER THIS MODIFICATION: \$ _____

Originated By: <i>[Signature]</i>	Date: <u>8/19/96</u>	Department Director: <i>[Signature]</i>	Date: <u>8/19/96</u>
Plan / Budget Analyst: <u>David C. Warren</u>	Date: <u>8/19/96</u>	Employee Services: <u>S Ayers</u>	Date: <u>8-19-96</u>
Board Approval: <u>DEBORAH C. BOGASTER</u>	Date: <u>8/29/96</u>		

BUDGET MODIFICATION NO. CFS#3

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

FTE	POSITION TITLE	ANNUALIZED			
		BASE PAY	FRINGE	INSUR	TOTAL
(1.00)	Program Development Specialist (6021/1260)	(\$37,008)	(\$6,479)	(\$3,924)	(\$47,411)
1.00	CFS Supervisor (9008/1260)	\$49,345	\$8,640	\$8,068	\$66,053
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
0.00	TOTAL ANNUALIZED CHANGES	\$12,337	\$2,161	\$4,144	\$18,642

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

FTE	POSITION TITLE	EXPLANATION	CURRENT YEAR			
			BASE PAY	FRINGE	INSUR	TOTAL
(1.00)	Prog Dev Spec	Reclassified to CFS Supervisor	(\$37,008)	(\$6,479)	(\$3,924)	(\$47,411)
1.00	CFS Supervisor	Hire date effective 08/26/96	\$41,943	\$7,344	\$6,858	\$56,145
n/a	CFS Supervisor	to correct salary error in budget	\$5,388	\$945	\$0	\$6,333
						\$0
						\$0
						\$0
						\$0
						\$0
						\$0
0.00	TOTAL CURRENT FISCAL YEAR CHANGES		\$10,323	\$1,810	\$2,934	\$15,067

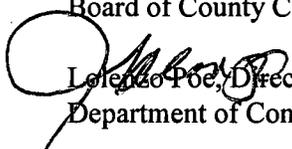


MULTNOMAH COUNTY OREGON

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES
421 SW SIXTH AVENUE, SUITE 700
PORTLAND, OREGON 97204
PHONE (503) 248-3691
FAX (503) 248-3379
TDD (503) 248-3598

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

MEMORANDUM

TO: Board of County Commissioners
FROM:  Lorenzo Poe, Director
Department of Community and Family Services
DATE: August 19, 1996
SUBJECT: Budget Modification CFSD #3

I. RECOMMENDATION/ACTION REQUESTED: The Department of Community and Family Services recommends the approval of Budget Modification CFSD #3. This modification requests a transfer of \$15,067 from pass through to personnel services.

II. BACKGROUND ANALYSIS: This Budget Modification is the result of a reclassification of a Program Development Specialist to a CFS Supervisor after Employee Services performed a job audit. The major reason for the reclassification is this position has responsibility for supervising the 13.0 FTE of the Singles Homeless Assessment Center (SHAC) staff.

In addition, this modification is also corrects the salary amounts that were understated in the adopted budget.

III. FINANCIAL IMPACT: Budget Modification CFSD # 3 increases the Office of Community Action and Development budget by \$684 for CGF Indirect Support. The total cost of the reclassification is \$8,734. The total cost for the salary correction is \$6,333. The service reimbursement to County General Fund is \$684. Services reimbursement for insurance is increased by \$2,934.

IV. LEGAL ISSUES: N/A

V. CONTROVERSIAL ISSUES: N/A

VI. LINK TO CURRENT COUNTY POLICY: N/A

VII. CITIZEN PARTICIPATIONS: N/A

VIII. OTHER GOVERNMENT PARTICIPATION: N/A

MEETING DATE: AUG 29 1996

AGENDA #: C-5

ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Sale by Auction and Quitclaim of County's Interest in Lots 12, 13, 14, and 15, Block 2, Whitwood Court, Portland, Oregon

BOARD BRIEFING:

DATE REQUESTED: _____

REQUESTED BY: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING:

DATE REQUESTED: August 29, 1996

AMOUNT OF TIME NEEDED: 5 minutes

DEPARTMENT: Environmental Services

DIVISION: Facilities & Property Management

CONTACT: Bob Oberst

TELEPHONE #: 248-3851

BLDG/ROOM #: 421/3rd

PERSON(S) MAKING PRESENTATION: Bob Oberst

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Sale by Auction and Quitclaim of County's Interest in Lots 12, 13, 14 and 15, Block 2, Whitwood Court, Portland, Oregon.

976/90 copies to Bob Oberst

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

(OR)

DEPARTMENT MANAGER: _____

Bob Oberst *Lawrence Nicholas*

96 AUG - 6 AM 8 35
MULTNOMAH COUNTY
OREGON
BOARD OF
COUNTY COMMISSIONERS

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Robert Oberst, Facilities & Property Management

TODAY'S DATE: July 29, 1996

REQUESTED PLACEMENT: August 29, 1996

RE: Sale by Auction and Quitclaim of County's Interest in Lots 12, 13, 14 and 15, Block 2, Whitwood Court, Portland, Oregon.

I. Recommendation/Action Requested: Order by Board of Commissioners declaring said property to be surplus and authorizing sale by public auction and quitclaim of Multnomah County's interest in Lots 12, 13, 14 and 15, Whitwood Court, Portland, Oregon.

II. Background/Analysis: The lots involved here are four irregularly shaped lots totaling about 10,000 square feet in area located within the boundaries of real property originally acquired by Multnomah County in connection with the Germantown Road connection with the St. John's Bridge, although not used in the construction of said road. The Actual Germantown Road connection, as constructed, is now under the jurisdiction of the City of Portland. Multnomah County has no present or foreseeable use for said lots.

The lots are on a very steep hillside and do not contain buildable land of sufficient area for construction of improvements consistent with applicable zoning code requirements or construction constraints, in the opinion of Property Management. Adjacent unimproved or unbuildable lots have been valued by County appraisers at \$0.185 to \$0.28 per square foot. The lots involved here have not been valued by County appraisers. The minimum bid at which it is proposed that the lots be sold at public auction and quitclaimed is \$0.28 per square foot, a total minimum bid of \$2,800.00.

The owner of lots 11, 16 and 21 located near to the lots to be auctioned proposes to construct a septic system for residential structures located on the owner's lots and would use the lots to be auctioned as a portion of the drain field for the septic system. She has petitioned the City of Portland for vacation of the portion of the Germantown Road right of way located over said Lots 12 through 15 and a representative of the City's Transportation Bureau has indicated that it is willing to do so if she becomes the holder of said lots.

III. Financial Impact: The minimum consideration for the proposed auction and quitclaim is \$2,800.00. This reflects the low value of the property involved and would have little financial impact on Multnomah County. The consideration would be deposited to the appropriate road fund.

IV. Legal Issues: None, to Facilities & Property Management (FM) knowledge.

V. Controversial Issues: None, to FM knowledge.

VI. Link to Current County Policies: None, to FM knowledge.

VII. Citizen Participation: None involved or expected in this transaction. Citizen participation in the City of Portland's potential vacation procedure and the approval process for construction of a septic system is unknown to FM.

VIII. Other Government Participation: The anticipated vacation of the portion of the Germantown Road connection to the St. John's Bridge right of way which contains the lots to be sold at public auction and quitclaimed is within the jurisdiction of the City. No other governmental involvement, to FM knowledge.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the Matter of the Sale by Public Auction)
and Quitclaim of Multnomah County's) ORDER
Interest in Lots 12, 13, 14 and 15, Block 2,) 96-140
Whitwood Court, Portland, Oregon)

It appearing that the real property consisting of approximately 10,000 square feet of land described as follows:

Lots 12, 13, 14 and 15, Block 2, Whitwood Court, Portland, Oregon
is surplus to the need of Multnomah County and that it is in the best interest of
Multnomah County to sell said real property; and

It appearing that the value of said real property is \$2,800.00 according to Multnomah
County's valuations of adjacent like properties and that the minimum price for which it
should be offered for sale is \$2,800.00; and

It appearing that a sale of said land must be made by public sale as provided in ORS
275.110 through 275.160 or may be made by a direct negotiated sale if there is no
purchaser at such public sale; and

It appearing that the Board is fully advised in this matter:

It is ORDERED that said land be sold, that the Multnomah County Sheriff make sale
thereof, that the minimum price thereof shall be \$2,800.00, that the terms of sale shall be
cash on closing and the County Chair be, and she is hereby, authorized to execute any
instruments required to complete the sale of said real property.

Dated this 29th day of August, 1996.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By: _____

Beverly Stein
Beverly Stein, County Chair

REVIEWED:

LARRY KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By: _____

Sandra N. Duffy
Sandra N. Duffy, Chief Assistant

MEETING DATE: AUG 29 1996

AGENDA NO: C-6

ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Request approval of a Sewer Easement to the City of Portland

BOARD BRIEFING: Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: 5 minutes

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Kathy Tuneberg TELEPHONE #: 248-3590
BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION:

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

The City of Portland, Office of Transportation, Right of Way needs to acquire a permanent sewer easement and a temporary sewer construction easement over real property owned by Multnomah County for the Darlington Sanitary Sewer Project Easement.

Sewer Easement attached.

9/10/96 copies & ORIGINAL EASEMENT
to KATHY TUNEBERG

BOARD OF
COUNTY COMMISSIONERS
96 AUG 19 AM 8:29
MULTNOMAH COUNTY
OREGON

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR
DEPARTMENT MANAGER: John Riley B.L. Nicholas

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

Granting a Sewer Easement to the) ORDER
City of Portland for Construction of) 96- 141
the Darlington Sanitary Sewer Project)

WHEREAS, the City of Portland, Office of Transportation, Right of Way, has requested a permanent sewer easement and a temporary sewer construction easement over real property owned by Multnomah County for the Darlington Sanitary Sewer Project Easement; and

WHEREAS, the grant of an easement upon the parcel of land as described in the attached Sewer Easement, dedicated to the public for the purpose of constructing, inspecting and maintaining a sewer or sewers through, under, and along said parcel, will benefit the public; and

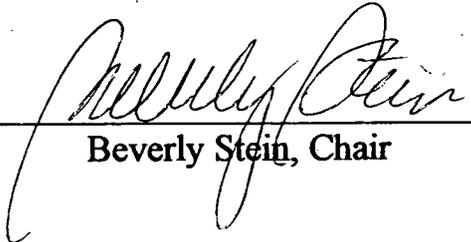
WHEREAS, consideration of \$1.00 offered by the City for the Easement is sufficient and the Board being fully advised in the matter; now therefore

IT IS HEREBY ORDERED that Multnomah County approves the attached Sewer Easement and that the County Chair be and hereby is authorized to execute the same on behalf of Multnomah County.

DATED this 29th day of August, 1996.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:
LAURENCE KRESSEL, COUNTY COUNSEL
MULTNOMAH COUNTY, OREGON


Matthew O. Ryan, Assistant Counsel

SEWER EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS, that Multnomah County, a political subdivision, a municipal corporation duly organized and incorporated under the laws of the State of Oregon, in consideration of the sum of one (\$1.00) Dollar, and other good and valuable consideration, to it paid by the City of Portland, a municipal corporation of the State of Oregon, does hereby grant unto said City of Portland, the right to lay down, construct, operate, and perpetually maintain a sewer or sewers through, under, and along the following described parcel:

R/W #5009-4

A parcel of land in Section 20, T1S, R2E, W.M., in the County of Multnomah and State of Oregon, described as follows:

Beginning at a point 1,000 feet south of the west quarter corner of said Section 20; running thence east 199.25 feet; thence south 31 feet; thence west 199.25 feet; thence north 31 feet to the Point of Beginning, EXCEPT the west 30 feet which lies in SE 62nd Avenue.

IT IS UNDERSTOOD and agreed that all sewer easements dedicated to the public are exclusive easements. No other utilities, facilities, or easements are to be located within the boundaries of public sewer easements without prior written consent of the Director of the Bureau of Environmental Services.

IT IS UNDERSTOOD and agreed that public sewer easements include the right of access for construction, inspection, maintenance, or other sewerage system activities.

IT IS UNDERSTOOD and agreed that no building construction, material storage, grade reduction, or tree planting shall be permitted within public sewer easements, without the prior written consent of the Director of the Bureau of Environmental Services. Landscaping which by its nature is shallow rooted and may be easily removed to permit access to the sewer lines, shall not require consent.

THIS INSTRUMENT does not grant or convey to the City of Portland any right or title to the surface of the soil along the route of said sewer except for the purpose of laying down, inspecting, restoring, and replacing the same.

Section 20, T1S, R2E, W.M.
(#5050)
R99220-2240

After Recording Return to: _____

106/802/Gregory Allen _____

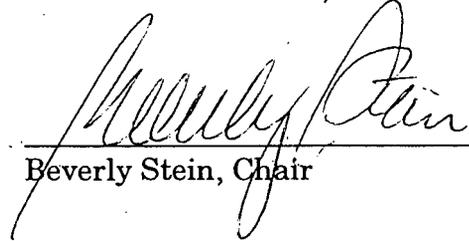
Tax Statement shall be sent to: _____

_____ No Change _____

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners this _____ 29th _____ day of August _____, 1996, by authority of an Order of the Board of County Commissioners heretofore entered of record.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

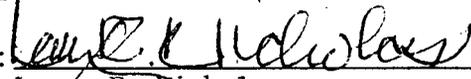

Beverly Stein, Chair

REVIEWED:

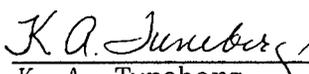
Laurence Kressel, County Counsel
for Multnomah County, Oregon

By: 
Matthew O. Ryan, Assistant Counsel

SEWER EASEMENT APPROVED:
Larry F. Nicholas, Director
Department of Environmental Services

By: 
Larry F. Nicholas

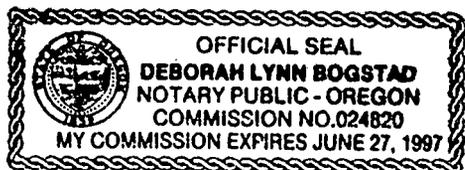
SEWER EASEMENT APPROVED:
Janice Druian, Director
Assessment & Taxation

By: 
K. A. Tuneberg

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

On this 29th day of August, 1996, before me, a Notary Public in and for the County of Multnomah and State of Oregon, personally appeared Beverly Stein, Chair, Multnomah County Board of Commissioners, to me personally known, who being duly sworn did say that the attached instrument was signed and sealed on behalf of the County by authority of the Multnomah County Board of Commissioners, and that said instrument is the free act and deed of Multnomah County.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first in this, my certificate, written.



Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/97

APPROVED AS TO FORM:

City Attorney

APPROVED:

City Engineer

MEETING DATE: AUG 29 1996

AGENDA NO: C-7

ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Request Approval of Deed to Contract Purchasers for Completion of Contract.

BOARD BRIEFING: Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: 5 minutes

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Kathy Tuneberg TELEPHONE #: 248-3590
BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Kathy Tuneberg

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Request approval of Deed to contract purchaser for completion of Contract #15665
(Property purchased at Auction).

Deed D971340 and Board Order attached.

*9/6/96 ORIGINAL DEED AND COPIES OF ALL
TO TAX TITLE*

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
96 AUG 21 PM 4:10

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

(OR)

DEPARTMENT MANAGER: *James M. Duce* *Larry F. Nicholas*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the matter of the Execution of
Deed D971340 Upon Complete
Performance of a Contract to

WELDON C. WEST
AND CYNTHIA D. WEST

)
) ORDER
) 96-142
)
)
)

It appearing that heretofore, on February 25, 1992, Multnomah County entered into a contract with WELDON C. WEST and CYNTHIA D. WEST for the sale of the real property hereinafter described; and

That the above contract purchasers have fully performed the terms and conditions of said contract and are now entitled to a deed conveying said property to said purchasers;

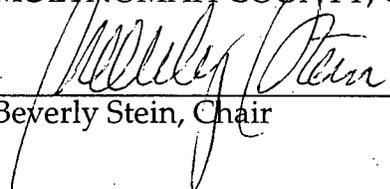
NOW THEREFORE, it is hereby ORDERED that the Chair of the Multnomah County Board of County Commissioners execute a deed conveying to the contract purchasers the following described real property, situated in the County of Multnomah, State of Oregon:

LOT 32, BLOCK 21 ERROL HEIGHTS, a recorded subdivision in Multnomah County, State of Oregon.

Dated at Portland, Oregon this 29th day of August, 1996.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON



Beverly Stein, Chair

REVIEWED:
Laurence Kressel, County Counsel
for Multnomah County, Oregon

By 

Matthew O. Ryan, Assistant Counsel

DEED D971340

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to WELDON C. WEST and CYNTHIA D. WEST, Grantees, the following described real property, situated in the County of Multnomah, State of Oregon:

LOT 32, BLOCK 21 ERROL HEIGHTS, a recorded subdivision in Multnomah County, State of Oregon.

The true and actual consideration paid for this transfer, stated in terms of dollars is \$3,350.00.

THIS INSTRUMENT WILL 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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

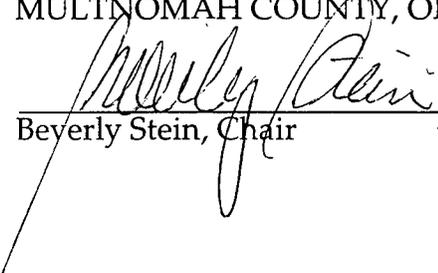
Until a change is requested, all tax statements shall be sent to the following address:

WELDON C. WEST & CYNTHIA D. WEST
4819 SE MALDEN DR
PORTLAND, OR 97206

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of County Commissioners this 29th day of August, 1996, by authority of an Order of the Board of County Commissioners heretofore entered of record.

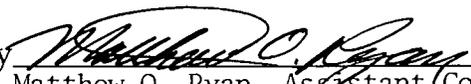


BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:
Laurence Kressel, County Counsel
for Multnomah County, Oregon

DEED APPROVED:
Janice Druian, Director
Assessment & Taxation

By 
Matthew O. Ryan, Assistant Counsel

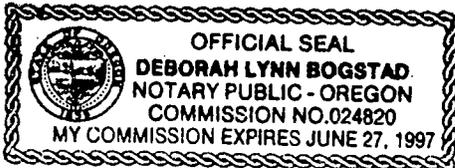
By 
K. A. Tuneberg

After recording, return to Multnomah County Tax Title (166/300)

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

On this 29th day of August, 1996, before me, a Notary Public in and for the County of Multnomah and State of Oregon, personally appeared Beverly Stein, Chair, Multnomah County Board of Commissioners, to me personally known, who being duly sworn did say that the attached instrument was signed and sealed on behalf of the County by authority of the Multnomah County Board of Commissioners, and that said instrument is the free act and deed of Multnomah County.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first in this, my certificate, written.



Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/97

MEETING DATE: AUG 29 1996

AGENDA NO: C-8

ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: **Request Approval of Replacement Deed to Replace D951205
Which is lost and unlocateable**

BOARD BRIEFING: Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: 5 minutes

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Kathy Tuneberg TELEPHONE #: 248-3590
BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Kathy Tuneberg

ACTION REQUESTED:

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

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Request Approval of Replacement Deed D971341 to Replace D951205, which is lost and unlocateable

Deed D971341 and Board Order attached.

9/6/96 ORIGINAL DEED & COPIES TO TAX TITLE

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
OR
DEPARTMENT MANAGER: John Peter Lou E. Nicholas

96 AUG 19 AM 8:29
MULTNOMAH COUNTY
OREGON
BOARD OF
COUNTY COMMISSIONERS

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

EXHIBIT A

(99121-2360)

A tract of land in Section 21, Township 1 south, Range 1 East of Willamette Meridian in the City of Portland, County of Multnomah and State of Oregon described as follows:

Beginning at a point in the South line of SW Custer St (30 feet wide), which point is 30 feet South and 491 feet West of the Southwest corner of Block 66, Fulton Park; thence South 150 feet; thence West 70 feet; thence North 150 feet to the South line of SW Custer St; thence East 70 feet to the point of beginning.

REPLACEMENT DEED

THIS DEED IS EXECUTED TO REPLACE DEED D971341, DUE TO DEED IS LOST AND UNLOCATEABLE.

DEED D971341

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to RICHARD RENTON and ROXANNE RENTON, Grantees, the following described real property, situated in the County of Multnomah, State of Oregon:

AS DESCRIBED ON ATTACHED EXHIBIT A

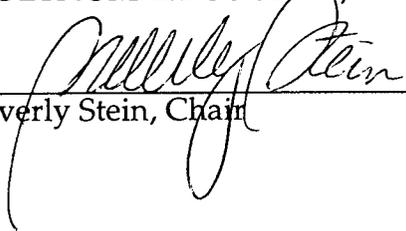
The true and actual consideration paid for this transfer, stated in terms of dollars is \$7,500.00.

THIS INSTRUMENT WILL 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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of County Commissioners this 29th day of August, 1996, by authority of an Order of the Board of County Commissioners heretofore entered of record.



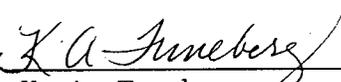
BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:
Laurence Kressel, County Counsel
for Multnomah County, Oregon

DEED APPROVED:
Janice Druian, Director
Assessment & Taxation

By 
Matthew O. Ryan, Assistant Counsel

By 
K. A. Tuneberg

After recording, return to Multnomah County Tax Title, 166/300

EXHIBIT A

(99121-2360)

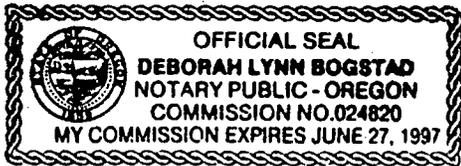
A tract of land in Section 21, Township 1 south, Range 1 East of Willamette Meridian in the City of Portland, County of Multnomah and State of Oregon described as follows:

Beginning at a point in the South line of SW Custer St (30 feet wide), which point is 30 feet South and 491 feet West of the Southwest corner of Block 66, Fulton Park; thence South 150 feet; thence West 70 feet; thence North 150 feet to the South line of SW Custer St; thence East 70 feet to the point of beginning.

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

On this 29th day of August, 1996, before me, a Notary Public in and for the County of Multnomah and State of Oregon, personally appeared Beverly Stein, Chair, Multnomah County Board of Commissioners, to me personally known, who being duly sworn did say that the attached instrument was signed and sealed on behalf of the County by authority of the Multnomah County Board of Commissioners, and that said instrument is the free act and deed of Multnomah County.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first in this, my certificate, written.



Deborah Lynn Bogstad
Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/97

MEETING DATE: AUG 29 1996

AGENDA NO: C-9

ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: **Request Approval of Replacement Deed to Replace D961212
Which is lost and unlocateable**

BOARD BRIEFING: Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: 5 minutes

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Kathy Tuneberg TELEPHONE #: 248-3590
BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Kathy Tuneberg

ACTION REQUESTED:

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

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Request Approval of Replacement Deed D971342 to Replace D961212, which is lost and unlocateable

Deed D971342 and Board Order attached.

9/6/96 ORIGINAL DEED & COPIES TO TAX TITLE

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
OR
DEPARTMENT MANAGER: John Riley Lawrence L. Nicholas

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
96 AUG 19 AM 8:29

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the Matter of the Execution of
Replacement Deed D971342
for Certain Tax Acquired Property to

JOHN ANDREWS

)
) ORDER
) 96- 144
)
)
)

It appearing that heretofore Multnomah County executed a deed conveying the real property hereinafter described to JOHN ANDREWS and that a replacement deed is needed, due to deed D961212 is lost and unlocateable; and

That the above contract purchaser has fully performed the terms and donitions of said contract and are now entitled to a deed conveying said property to said purchaser;

NOW THEREFORE, it is hereby ORDERED that the Chair of the Multnomah County Board of County Commissioners execute a deed conveying to the contract purchasers the following described real property, situated in the County of Multnomah, State of Oregon:

, LOT 17, BLOCK 1, COLLINS VIEW TRACT, a recorded subdivision in County of Multnomah, State of Oregon.

Dated at Portland, Oregon this 29 day of August, 1996.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON



Beverly Stein, Chair

REVIEWED:
Laurence Kressel, County Counsel
for Multnomah County, Oregon

By 
Matthew O. Ryan, Assistant Counsel

REPLACEMENT DEED

THIS DEED IS EXECUTED TO REPLACE DEED D971342, DUE TO DEED IS LOST AND UNLOCATEABLE.

DEED D971342

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to JOHN ANDREWS, Grantee, the following described real property, situated in the County of Multnomah, State of Oregon:

, LOT 17, BLOCK 1, COLLINS VIEW TRACT, a recorded subdivision in County of Multnomah, State of Oregon.

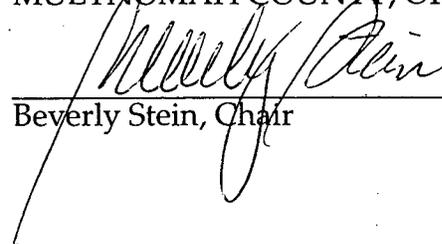
The true and actual consideration paid for this transfer, stated in terms of dollars is \$8,100.00.

THIS INSTRUMENT WILL 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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of County Commissioners this 29th day of August, 1996, by authority of an Order of the Board of County Commissioners heretofore entered of record.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:
Laurence Kressel, County Counsel
for Multnomah County, Oregon

By 
Matthew O. Ryan, Assistant Counsel

DEED APPROVED:
Janice Druian, Director
Assessment & Taxation

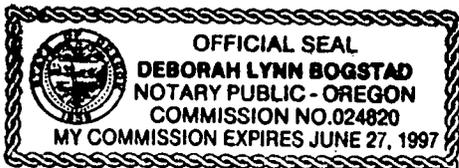
By 
K. A. Tuneberg

After recording, return to Multnomah County Tax Title, 166/300

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

On this 29th day of August, 1996, before me, a Notary Public in and for the County of Multnomah and State of Oregon, personally appeared Beverly Stein, Chair, Multnomah County Board of Commissioners, to me personally known, who being duly sworn did say that the attached instrument was signed and sealed on behalf of the County by authority of the Multnomah County Board of Commissioners, and that said instrument is the free act and deed of Multnomah County.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first in this, my certificate, written.



Deborah Lynn Bogstad

Notary Public for Oregon
My Commission expires: 6/27/97

MEETING DATE: AUG 29 1996

AGENDA NO: C-10

ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Request Approval of Deed to Contract Purchaser for Completion of Contract.

BOARD BRIEFING: Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: Consent

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Kathy Tuneberg TELEPHONE #: 248-3590

BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Kathy Tuneberg

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Request approval of deed to contract purchaser, ALLEN M. SORENSEN, for completion of Contract #15396 (Property purchased by former owner).

Deed D971343 and Board Order attached.

9/6/96 ORIGINAL DEED & COPIES of ALL to TAX TITLE

SIGNATURES REQUIRED:

~~ELECTED OFFICIAL:~~ *Larry E. Wickham*

(OR)

DEPARTMENT MANAGER: *John Riley*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
96 AUG 19 AM 8:29

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the matter of the Execution of)
Deed D971343 Upon Complete Performance of) ORDER
a Contract to) 96- 145
)
)
ALLEN M. SORENSEN)

It appearing that heretofore, on May 6, 1987, Multnomah County entered into a contract with ALLEN M. SORENSEN for the sale of the real property hereinafter described; and

That the above contract purchaser have fully performed the terms and conditions of said contract and are now entitled to a deed conveying said property to said purchaser;

NOW THEREFORE, it is hereby ORDERED that the Chair of the Multnomah County Board of County Commissioners execute a deed conveying to the contract purchaser the following described real property, situated in the County of Multnomah, State of Oregon:

LOT 5, BLOCK 8, BONADAIR, a recorded subdivision in Multnomah County, State of Oregon.

Dated at Portland, Oregon this 29th day of August, 1996.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

Beverly Stein

Beverly Stein, Chair

REVIEWED:
Laurence Kressel, County Counsel
for Multnomah County, Oregon

By *Matthew O. Ryan*

Matthew O. Ryan, Assistant Counsel

DEED D971343

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to ALLEN M. SORENSEN, Grantee, the following described real property, situated in the County of Multnomah, State of Oregon:

LOT 5, BLOCK 8, BONADAIR, a record subdivision in Multnomah County, State of Oregon.

The true and actual consideration paid for this transfer, stated in terms of dollars is \$6,915.04.

THIS INSTRUMENT WILL 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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

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

ALLEN M. SORENSEN, 2846 SE 64TH AVE, PORTLAND, OR 97206

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of County Commissioners this 29th day of August, 1996, by authority of an Order of the Board of County Commissioners heretofore entered of record.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

Beverly Stein
Beverly Stein, Chair

REVIEWED:
Laurence Kressel, County Counsel
for Multnomah County, Oregon

DEED APPROVED:
Janice Druiian, Director
Assessment & Taxation

By *Matthew O. Ryan*
Matthew O. Ryan, Assistant Counsel

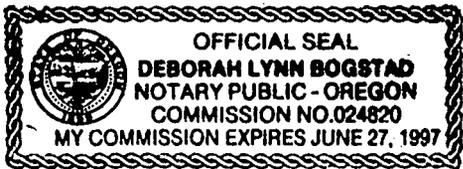
By *K. A. Tuneberg*
K. A. Tuneberg

After recording, return to Multnomah County Tax Title/166/300

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

On this 29th day of August, 1996, before me, a Notary Public in and for the County of Multnomah and State of Oregon, personally appeared Beverly Stein, Chair, Multnomah County Board of Commissioners, to me personally known, who being duly sworn did say that the attached instrument was signed and sealed on behalf of the County by authority of the Multnomah County Board of Commissioners, and that said instrument is the free act and deed of Multnomah County.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first in this, my certificate, written.



Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/97

MEETING DATE: AUG 29 1996

AGENDA NO: C-11

ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Request Approval of Deed to Contract Purchaser for Completion of Contract.

BOARD BRIEFING: Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: Consent

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Kathy Tuneberg TELEPHONE #: 248-3590

BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Kathy Tuneberg

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Request approval of deed to contract purchaser, LARRY BURRIGHT, for completion of Contract #15335B (Property purchased by former owner).

Deed D971344 and Board Order attached.

9/6/96 ORIGINAL DEED & COPIES OF ALL TO TAX TITLE

SIGNATURES REQUIRED:

~~ELECTED OFFICIAL:~~ *Larry E. Nicholas*

(OR)

DEPARTMENT MANAGER: *John Riley*

BOARD OF
COUNTY COMMISSIONERS
96 AUG 19 AM 8:29
MULTNOMAH COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the matter of the Execution of)
Deed D971344 Upon Complete Performance of) ORDER
a Contract to) 96-146
)
)
LARRY BURRIGHT)

It appearing that heretofore, on March 7, 1986, Multnomah County entered into a contract with LARRY BURRIGHT for the sale of the real property hereinafter described; and

That the above contract purchaser have fully performed the terms and conditions of said contract and are now entitled to a deed conveying said property to said purchaser;

NOW THEREFORE, it is hereby ORDERED that the Chair of the Multnomah County Board of County Commissioners execute a deed conveying to the contract purchaser the following described real property, situated in the County of Multnomah, State of Oregon:

LOT 15, JOHNSON CREEK PARK, a recorded subdivision in Multnomah County, State of Oregon.

Dated at Portland, Oregon this 29th day of August, 1996.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

Beverly Stein
Beverly Stein, Chair

REVIEWED:
Laurence Kressel, County Counsel
for Multnomah County, Oregon

By *Matthew O. Ryan*
Matthew O. Ryan, Assistant Counsel

DEED D971344

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to LARRY BURRIGHT, Grantee, the following described real property, situated in the County of Multnomah, State of Oregon:

LOT 15, JOHNSON CREEK PARK, a record subdivision in Multnomah County, State of Oregon.

The true and actual consideration paid for this transfer, stated in terms of dollars is \$34,091.04.

THIS INSTRUMENT WILL 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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

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

LARRY BURRIGHT, 8740 SE 155TH AVE, PORTLAND, OR 97236

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of County Commissioners this 29th day of August, 1996, by authority of an Order of the Board of County Commissioners heretofore entered of record.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

Beverly Stein

Beverly Stein, Chair

REVIEWED:
Laurence Kressel, County Counsel
for Multnomah County, Oregon

DEED APPROVED:
Janice Druian, Director
Assessment & Taxation

By *Matthew O. Ryan*

Matthew O. Ryan, Assistant Counsel

By *K. A. Tuneberg*

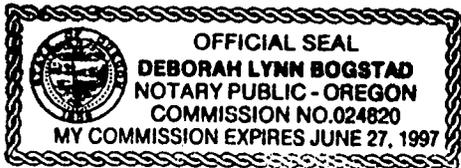
K. A. Tuneberg

After recording, return to Multnomah County Tax Title/166/300

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

On this 29th day of August, 1996, before me, a Notary Public in and for the County of Multnomah and State of Oregon, personally appeared Beverly Stein, Chair, Multnomah County Board of Commissioners, to me personally known, who being duly sworn did say that the attached instrument was signed and sealed on behalf of the County by authority of the Multnomah County Board of Commissioners, and that said instrument is the free act and deed of Multnomah County.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first in this, my certificate, written.



Deborah Lynn Bogstad

Notary Public for Oregon
My Commission expires: 6/27/97

MEETING DATE: AUG 29 1996

AGENDA NO: C-12

ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Request Approval of Deed to Contract Purchasers for Completion of Contract.

BOARD BRIEFING: Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: 5 minutes

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Kathy Tuneberg TELEPHONE #: 248-3590
BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Kathy Tuneberg

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Request approval of Deed to contract purchaser for completion of Contract #15809
(Property purchased at Auction).

Deed D971346 and Board Order attached.

*9/6/96 ORIGINAL DEED & COPIES OF
ALL TO TAX TITLE*

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
96 AUG 19 AM 8:29

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

(OR)
DEPARTMENT MANAGER: *John Riley Low E. Dickerson*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the matter of the Execution of
Deed D971346 Upon Complete
Performance of a Contract to

ALLEN B. STRECKER
AND KEN A. HOADLEY

)
) ORDER
) 96-147
)
)
)

It appearing that heretofore, on March 21, 1996, Multnomah County entered into a contract with ALLEN B. STRECKER and KEN A. HOADLEY for the sale of the real property hereinafter described; and

That the above contract purchasers have fully performed the terms and conditions of said contract and are now entitled to a deed conveying said property to said purchasers;

NOW THEREFORE, it is hereby ORDERED that the Chair of the Multnomah County Board of County Commissioners execute a deed conveying to the contract purchasers the following described real property, situated in the County of Multnomah, State of Oregon:

LOTS 1-4, BLOCK 3 EASTOVER, a recorded subdivision in Multnomah County, State of Oregon.

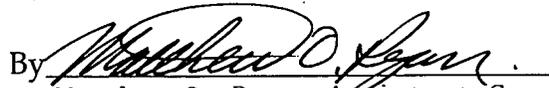
Dated at Portland, Oregon this 29th day of August, 1996.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:
Laurence Kressel, County Counsel
for Multnomah County, Oregon

By 
Matthew O. Ryan, Assistant Counsel

DEED D971346

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to ALLEN B. STRECKER and KEN A. HOADLEY, Grantees, the following described real property, situated in the County of Multnomah, State of Oregon:

LOTS 1-4, BLOCK 3 EASTOVER, a recorded subdivision in Multnomah County, State of Oregon.

The true and actual consideration paid for this transfer, stated in terms of dollars is \$11,000.00.

THIS INSTRUMENT WILL 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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

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

ALLEN B. STRECKER & KEN A. HOADLEY
4850 SW SCHOLLS FERRY RD STE 102
PORTLAND OR 97225

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of County Commissioners this 29th day of August, 1996, by authority of an Order of the Board of County Commissioners heretofore entered of record.

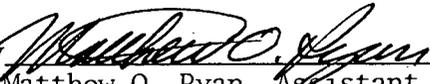


BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:
Laurence Kressel, County Counsel
for Multnomah County, Oregon

DEED APPROVED:
Janice Druian, Director
Assessment & Taxation

By 
Matthew O. Ryan, Assistant Counsel

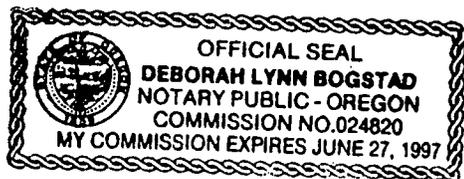
By 
K. A. Tuneberg

After recording, return to Multnomah County Tax Title (166/300)

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

On this 29th day of August, 1996, before me, a Notary Public in and for the County of Multnomah and State of Oregon, personally appeared Beverly Stein, Chair, Multnomah County Board of Commissioners, to me personally known, who being duly sworn did say that the attached instrument was signed and sealed on behalf of the County by authority of the Multnomah County Board of Commissioners, and that said instrument is the free act and deed of Multnomah County.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first in this, my certificate, written.



Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/97.

MEETING DATE: AUG 29 1996
AGENDA NO.: C-13

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Regional ICS "Shadow Team" Agreement-1995

BOARD BRIEFING Date Requested:

Amount of Time Needed:

REGULAR MEETING Date Requested: 8-29-96

Amount of Time Needed: 2 min

DEPARTMENT: Management Support Services DIVISION: Emergency Management

CONTACT: Michael Gilsdorf TELEPHONE #: 251-2466

BLDG/ROOM#: 313-204

PERSON(S) MAKING PRESENTATION: Consent Calendar

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Regional ICS Shadow Team Agreement

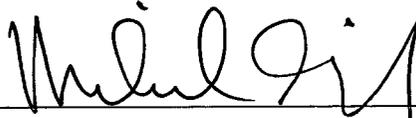
8/30/96 ORIGINALS TO MICHAEL GILSDORF

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: _____



ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

96 AUG 22 PM 2:24
MULTNOMAH COUNTY
OREGON
BOARD OF
COUNTY COMMISSIONERS

BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM BRIEFING
STAFF REPORT SUPPLEMENT

TO: BOARD OF COUNTY COMMISSIONERS

FROM: MIKE GILSDORF
MULTNOMAH COUNTY EMERGENCY MANAGEMENT

TODAY'S DATE: August 16, 1996

REQUESTED PLACEMENT DATE: August 29, 1996

RE: Regional ICS Shadow Team Agreement

I. Recommendation/Action Requested:

Approval of the Regional ICS Shadow Team Agreement.

II. Background/Analysis:

This agreement is between the Pacific Northwest Wildfire Coordinating Group and Multnomah County. The agreement allows county employees to participate in the Incident Command System Shadow Team Program. This agreement allows County personnel to attain training and experience in the use of the Incident Command System that is unavailable through other means. This is the fifth year this agreement has been brought before the Multnomah County Board of Commissioners for approval.

III. Financial Impact:

Participation in the Shadow Team Program is voluntary. The Office of Emergency Management upon approval by the Board of County Commissioners sends out participation invitations to county employees who have completed the Introduction to the Incident Command System (ICS) Training. The invitation states that participation is voluntary and must be approval by department/division managers through normal approval channels.

The Pacific Northwest Wildfire Coordinating Group through this agreement limits the on-site visits to 24 to 48 hours. The financial impact to departments depends on the location of the fire, there is a potential impact to departmental budgets for the following items:

1. Personnel cost- County departments are asked to pick up the normal personnel cost for the employee while participating on the Shadow Team. The agreement limits the on- site visit to 24 to 48 hours, this combined with travel time has the potential to have an employee away from the county for three to four days.

2. Overtime Cost-The Forest Service runs two twelve hour shifts to support fire operations. County personnel would be shadowing during these twelve hour shifts. There is the potential that county personnel could be asked to shadow during the full twelve hours causing an overtime cost to county departments. Per agreement county personnel are limited to an on-site visit of 24 to 48 hour, the potential here is for two twelve hour shifts.
3. Travel Cost- There is a potential cost to county departments for mileage incurred while traveling to and from the fire camp location. County employee's sent under this agreement are asked to car pool with other members of the Shadow Team being dispatched. Shadow Teams are usually composed of personnel from several jurisdiction and car pool together.

IV. Legal Issues:

The County has participated in this agreement in the past four years, at this time the Office of Emergency Management is unaware of any legal issues pertaining to this agreement.

V. Controversial Issues:

At this time the Office of Emergency Management is unaware of any controversial issues pertaining to this agreement.

VI. Link to Current County Policies:

Resolution # 91-8 is a resolution adopting the Incident Command System portion of the National Interagency Incident Management System for development of emergency response plans and an Emergency Management and Operations Plan for the County. Resolution #91-8 requires the County to integrate the Incident Command System into all response plans. To effectively implement response plans during emergency events County personnel must be trained in the use of the system to effectively carry out assigned responsibilities.

This agreement also parallels with City/County Benchmark entitled "Emergency Services Preparedness". It allows County employees the opportunity to be trained in procedures that will be implemented during emergency events and to effectively carry out their responsibilities as list under response and recovery plans.

VII. Citizen Participation:

None

VIII. Other Government Participation:

Multnomah, Clackamas, Washington and Columbia counties and the cities and special districts within those counties have also been offered this agreement for participation. In the past four years jurisdictions within this County who have sent employees to take advantage of this training opportunity are Troutdale, Fairview, Gresham, Portland, Fire District 14 and Multnomah County.



CONTRACT APPROVAL FORM

(See Administrative Procedure #2106)

Contract # 5000157

MULTNOMAH COUNTY OREGON

Amendment # _____

<p style="text-align: center;">CLASS I</p> <input type="checkbox"/> Professional Services under \$25,000	<p style="text-align: center;">CLASS II</p> <input type="checkbox"/> Professional Services over \$25,000 (RFP, Exemption) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue	<p style="text-align: center;">CLASS III</p> <input checked="" type="checkbox"/> Intergovernmental Agreement <p style="text-align: center;">APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</p> <p style="text-align: center;">AGENDA # <u>C-13</u> DATE <u>8/29/96</u> <u>DEB BOGSTAD</u> BOARD CLERK</p>
--	--	--

Department MANAGEMENT SUPPORT SERVICES Division EMERGENCY MNGMT. Date AUGUST 16, 1996

Contract Originator MICHAEL J. GILSDORF Phone 251-2466 Bldg/Room 313/203

Administrative Contact _____ Phone _____ Bldg/Room _____

Description of Contract Agreement between the Pacific Northwest Wildfire Coordinating Group and Multnomah County to participate in the Regional ICS Shadow Team Program.

RFP/BID # _____ Date of RFP/BID _____ Exemption Exp. Date _____

ORS/AR # _____ Contractor is MBE WBE ORF

Contractor Name _____
 Mailing Address _____
 Phone _____
 Employer ID# or SS# _____
 Effective Date _____
 Termination Date July 29, 2000
 Original Contract Amount \$ _____
 Total Amount of Previous Amendments \$ _____
 Amount of Amendment \$ _____
 Total Amount of Agreement \$ _____

Remittance Address _____
 (If Different) _____
 Payment Schedule _____ Terms _____

Lump Sum \$ _____ Due on receipt
 Monthly \$ _____ Net 30
 Other \$ _____ Other _____
 Requirements contract - Requisition required.
 Purchase Order No. _____
 Requirements Not to Exceed \$ _____

REQUIRED SIGNATURES:

Department Manager [Signature]
 Purchasing Director (Class II Contracts Only) _____
 County Counsel [Signature]
 County Chair / Sheriff [Signature]
 Contract Administration (Class I, Class II Contracts Only) _____

Encumber: Yes No
 Date August 16, 1996
 Date _____
 Date August 22, 1996
 Date August 29, 1996
 Date _____

VENDOR CODE			VENDOR NAME						TOTAL AMOUNT \$		
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/REV SRC	SUB OBJ	REPT CATEG	LGFS DESCRIPTION	AMOUNT	INC/DEC IND
01.											
02.											
03.											

* If additional space is needed, attach separate page. Write contract # on top of page.

INSTRUCTIONS ON REVERSE SIDE

RECEIVED

JUL 29 1996

REGIONAL ICS "SHADOW TEAM" AGREEMENT-1995

MULTNOMAH COUNTY
EMERGENCY MANAGEMENT
MK

During the past eight fire seasons, the Pacific Northwest Wildfire Coordinating Group (PNWCG) has entered into a training agreement with local governments and agencies participating in the Regional ICS Steering Committee. Under this agreement, representatives from participating local governments who have received training in the Incident Command System, visit "project" wildfires and "shadow" their counterparts. The exposure to the fully expanded ICS and the opportunity to question and work with experienced personnel has been of great value to local efforts to implement NIIMS-ICS.

Under this agreement, participating local governments/agencies agree to:

- 1) Absorb all costs and liability associated with participation of their personnel.
- 2) Ensure that all participating personnel meet the minimum qualifications, as defined in the attached "Guidelines for the 'Shadow Team Agreement.'"
- 3) Provide their own logistical coordination and transportation to and from the incident.
- 4) Limit visiting personnel to one per each Command and General Staff and approved Unit Leader positions, and visits to 24-48 hours. Additional personnel and longer visits may be negotiated on a case-by-case basis.
- 5) Abide by all rules, regulations, and restrictions imposed by the host agency or overhead team.

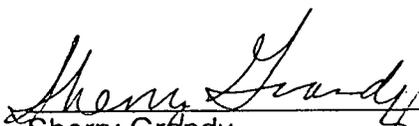
In return, the PNWCG and its overhead teams agree to:

- 1) Host, by invitation, ICS teams from participating local governments/agencies.
- 2) Allow visiting teams to observe planning and shift meetings and briefings.
- 3) Allow visiting team members to observe their counterparts during the duration of the visit.

Additional participation and hands-on experience may be granted at the discretion of the host organization, and commensurate with the skills, training and abilities of the visitors. In addition, visiting teams agree to make available to their host organization any specialized skills in liaison, law enforcement, or structural fire suppression which may be of value to the incident.

This program is voluntary. Neither party is under obligation to participate on any given incident.

Wildfire overhead management teams at the State and Federal level represent the state of the art in the application of NIIMS ICS. The Regional ICS Steering Committee appreciates the willingness of wildfire agencies to assist in ICS implementation at the local level.



Sherry Grandy
Regional ICS Training Committee



Charles E. Forber 7/29/95
Chair, Pacific Northwest Wildfire
Coordinating Group

As per Rich Wards, this agreement is good until the year 2000. Policy is that unless otherwise specified, agreements are good for 5 years.
5-29-96.

Margaret Dimmitt

Guidelines for 1995 "Shadow Team" Agreement

1. The PNWCG has requested the Regional ICS Training Committee (RISCTC) designate one point of contact for the "shadow team" program. The "shadow team" coordinator for 1995 is Sherry Grandy. The "shadow team" coordinator will be the only point of contact for the program. Individual RISCTC agencies will not contact the PNWCG, local dispatch offices, or Incident Commanders on their own.
2. Participating agencies of RISCTC are responsible for developing a list of qualified potential participants, and their contact numbers. In addition, each RISCTC agency must provide the coordinator with a point of contact for their agency.

Qualified participants are defined as those meeting the minimum requirements established by RISCTC.

Completion of "Introduction to Incident Command" (2-day class).

A full understanding of the position they are shadowing; RISCTC strongly encourages participants to complete the ICS course for their Command or General staff position prior to participation.

Identification as part of their agency's ICS staffing pattern for incident management.

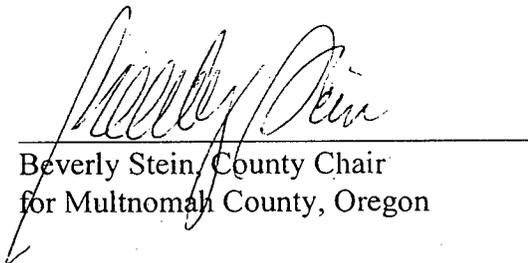
3. Each participating RISCTC agency contact person is responsible for contacting their personnel in the event of a "shadow team" invitation.
4. When the "shadow team" coordinator receives an invitation, all participating agencies will be contacted. Positions will be filled on a first-come, first-served basis.

Multnomah County through its Board of County Commissioners and its Office of Emergency Management acknowledges, and will abide by the guidelines and agreements outlined in this 1995 Regional ICS "Shadow Team Agreement".

Reviewed:



For Lawrence Kressel, County Counsel
for Multnomah County, Oregon



Beverly Stein, County Chair
for Multnomah County, Oregon



Michael J. Gilsdorf
Multnomah County Emergency
Management

Date: August 29, 1996

Date: August 16, 1996

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-13 DATE 8/29/96
DEB BOGSTAD
BOARD CLERK

#1

PLEASE PRINT LEGIBLY!

MEETING DATE Aug 29th

NAME Jason Franklin

ADDRESS 421 SW 6th

STREET Portland OR 97

CITY **ZIP**

I WISH TO SPEAK ON AGENDA ITEM NO. R1

SUPPORT _____ **OPPOSE** _____

SUBMIT TO BOARD CLERK

Youth Advisory Board

2

PLEASE PRINT LEGIBLY!

MEETING DATE 29 August 96

NAME
ADDRESS

Jeff McMahon

STREET

7327 W. Kellogg St.

CITY

Portland OR **ZIP** 97202

I WISH TO SPEAK ON AGENDA ITEM NO. R-1

SUPPORT

OPPOSE

SUBMIT TO BOARD CLERK

3 minutes

Non Agenda.

#3

PLEASE PRINT LEGIBLY!

MEETING DATE 8-29-96

NAME Dianna Roberts

ADDRESS 19390 NE Mult Ct

STREET

P/L 97230

CITY **ZIP**

I WISH TO SPEAK ON AGENDA ITEM NO. R-I

SUPPORT _____ **OPPOSE** _____

SUBMIT TO BOARD CLERK

MULTNOMAH COUNTY YOUTH ADVISORY BOARD

Developed by Jason Franklin
Multnomah County Commission on Children and Families
421 SW 6th Ave Suite 400
Portland, OR 97204-1620
Phone: (503)306-5859
Fax:: (503) 306-5538
Updated: August 29, 1996

TABLE OF CONTENTS

Youth Advisory Board	3
Description	3
Charge	3
Membership	3
Governance	3
Staffing	3
Executive Committee	4
Description	4
Charge	4
Membership	4
Governance	4
Staffing	4
Organizational Relationships	5
Composition	6
Requirements for Participation	6
Organizational Timeline	6
Proposed Budget	7
Proposed Revenues	7
Proposed Expenditures	7

Youth Advisory Board

DESCRIPTION:

The Youth Advisory Board is a committee of the Commission on Children and Families. It will be composed of a maximum of thirty youth from across Multnomah County, from public high schools, private high schools, alternative schools, emancipated youth programs and other youth programs in Multnomah County. The Youth Advisory Board's goal is the addition of a youth perspective to plans, programs, policies and projects involving or affecting youth in Multnomah County. To achieve this end the Youth Advisory Board will counsel the Multnomah Libraries, the Regional Arts and Cultural Council, the Multnomah Health Department, the Local Public Safety Coordinating Council, the Leaders Roundtable, the Multnomah County Youth Development Zone, United Way of the Columbia-Willamette, and the Multnomah County Commission on Children and Families.

All committees of the Multnomah Commission on Children and Families will work to advance the vision and values of the Commission.

CHARGE:

- To review, consider and make recommendations on plans, programs, policies and projects brought before them.
- To facilitate the creation of systems and programs promoting wellness through thoughtful advice and the addition of a youth perspective. Wellness is defined as preserving each child's potential for physical, social, emotional, cognitive, and cultural development.
- To draw upon the opinions and ideas of other youth to provide opinions and recommendations based upon the feelings of the youth in Multnomah County.

MEMBERSHIP:

The Chair of the Youth Advisory Board will be a Multnomah County youth appointed by the Chair of the County Board of Commissioners and will count as a member of the Youth Advisory Board. The Executive Officer and Member at Large will be selected from the Youth Advisory Board itself, and will also serve as members. The Youth Advisory Board will consist of a maximum of twenty-seven other youth from public schools, private schools, alternative schools, emancipated programs and other programs across Multnomah County selected by the Youth Advisory Board Chair and a selection committee.

GOVERNANCE:

The Youth Advisory Board has reporting responsibility to the Commission on Children and Families. All major decisions and reviews of the Youth Advisory Board will be subject to review and comment by the Coordinating Committee of the Commission on Children and Families before they are set in motion or forwarded to the appropriate board.

STAFFING:

The Youth Advisory Board will be staffed by a part-time staff person.

EXECUTIVE COMMITTEE

DESCRIPTION:

The Executive Committee will meet once a month before each meeting of the Youth Advisory Board to plan the agenda for the meeting. REQUEST FOR REVIEW forms will be brought to the Executive Committee by the liaisons for processing. The liaisons will coordinate the presentations of information on the item to be reviewed by the Youth Advisory Board and any site tours of projects that will be helpful in their consideration of said item.

CHARGE:

- To facilitate communication between the Youth Advisory Board and the advised organizations
- To set agendas of the meetings of and coordinate presentations to the Youth Advisory Board
- To organize any site tours required or desirable to the Youth Advisory Board

MEMBERSHIP:

The Executive Committee will be chaired by the Executive Officer. The Youth Advisory Board Chair and Member at Large will also sit on the Executive Committee. Two Multnomah Commission on Children and Families members will act as advisors to the Executive Committee. The liaisons from other organizations will attend meetings of the Executive Committee when they have a plan, program, policy or project to be brought before the Youth Advisory Board.

GOVERNANCE:

The Executive Committee has reporting responsibility to the Multnomah Commission on Children and Families. All final decisions of the Executive Committee are subject to approval of the Youth Advisory Board and the Coordinating Committee of the Commission on Children and Families. The agendas developed by the Executive Committee may be changed at the discretion of the Youth Advisory Board.

STAFFING:

The Executive Committee will be staffed by the part-time staff person who will staff the Youth Advisory Board.

ORGANIZATIONAL RELATIONSHIPS

There are multiple ties between the Youth Advisory Board and the organizations which it advises.

- A liaison between each organization and the Youth Advisory Board will be designated and that liaison will be the vehicle through which topics are presented to the Youth Advisory Board. The liaison will be a staff person from the advised organization and will need to attend the Executive Committee meetings when they have a plan, program, policy or project to present to the Youth Advisory Board. If their topic is chosen for review by the Youth Advisory Board, the liaison will also present the information about the topic to the Youth Advisory Board.
- Secondly, each organization has been asked to contribute financially to the Youth Advisory Board. While not required in order to be advised, the contributions will provide a sense of ownership and will prompt the advised organizations to work with the Youth Advisory Board.
- A formal agreement of cooperation between the Youth Advisory Board and the advised organizations will be drafted at the retreat at the same time the operating procedures are created. The agreement will then be signed by all participants.



COMPOSITION

There may be up to thirty members of the Youth Advisory Board. After reviewing various options of composition, the following structure appears to be the most representative of the diversity of the youth in Multnomah County. The seats on the Youth Advisory Board are broken up into minimum seats for different categories as listed below:

- 1 Youth Advisory Board Chair (a Multnomah County Youth)
- 10 Public High School Students
- 10 Non-Public School Youth *

* Includes students from Public alternative schools, private schools, private alternative schools, emancipated programs and other programs in Multnomah County

Nine other seats will be available to other Multnomah County youth if the selection committee chooses to appoint more youth to the Youth Advisory Board.

REQUIREMENTS FOR PARTICIPATION

Qualifications for membership:

1. The participant must be between the ages of 14 and 19.
2. The youth must be a legal resident of Multnomah County,
or
Attend school or similar program in Multnomah County.

ORGANIZATIONAL TIMELINE

- August 21- Commission on Children and Families approved the structure and budget of the Youth Advisory Board
- September 3- Most students back in school
Begin advertising Youth Advisory Board positions
- September 27- Applications due for Youth Advisory Board positions
- Mid October - Interviews
- October 21- Youth Advisory Board Members are appointed
- October 26- All day retreat
- October 28- First meeting of the Youth Advisory Board

PROPOSED BUDGET

PROPOSED REVENUES

Multnomah County Commission on Children and Families.....	\$10000
United Way of the Columbia-Willamette.....	\$1000
Regional Arts and Cultural Council.....	\$1000
Multnomah Libraries.....	\$2000
Multnomah Health Department.....	\$1000
Local Public Safety Coordinating Council.....	\$2000
Portland Parks and Recreation.....	\$1000
Confirmed Total.....	\$15000
TOTAL.....	\$18000

PROPOSED EXPENDITURES

Staff	
12 hours/week (fifth year college student) ¹	\$584/month
5 hours/week (high school student) ²	\$150/month
Supplies ³	\$2000
Food.....	\$500
Stipends	
Youth Advisory Board Chair ⁴	\$200/month
Youth Advisory Board Executive Officer ⁵	\$200/month
Youth Advisory Board Member at Large ⁶	\$100/month
Travel Expenses.....	\$1000
(Includes mileage, meals, parking, etc.)	
Computer Costs (maintenance and fee).....	\$2300/year
Retreat.....	\$900
TOTAL.....	\$18000

¹ Starts in September

² Starts in October

³ 500 for supplies already approved

⁴ Starts in September

⁵ Starts in October

⁶ Start in October

1
PLEASE PRINT LEGIBLY!

MEETING DATE 8-29-96

NAME

Harriett Neisen

ADDRESS

14636 N.E. Ashmeyer
STREET

Portland
CITY

97230
ZIP

I WISH TO SPEAK ON AGENDA ITEM NO. R-2

SUPPORT _____

OPPOSE ✓

SUBMIT TO BOARD CLERK

#3

PLEASE PRINT LEGIBLY!

MEETING DATE 8-29-96

NAME

Monica Cony

ADDRESS

3706 NE 155th

STREET

Portland

97230

CITY

ZIP

I WISH TO SPEAK ON AGENDA ITEM NO.

R-2

SUPPORT

OPPOSE

X

SUBMIT TO BOARD CLERK

sitting

#4

PLEASE PRINT LEGIBLY!

MEETING DATE 8/29/96

NAME Sandy Leaptrott

ADDRESS 3309 NE 157th Place

STREET
Portland

CITY 97230
ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # _____

SUPPORT Resolution RZ
OPPOSE _____

SUBMIT TO BOARD CLERK

#5

PLEASE PRINT LEGIBLY!

MEETING DATE 8/29/96

NAME Ed Coughlin

ADDRESS 3300 NE 157th place

STREET
Portland OR 97230

CITY **ZIP CODE**

I WISH TO SPEAK ON AGENDA ITEM # R2

SUPPORT _____ **OPPOSE** ~~_____~~ ✓
SUBMIT TO BOARD CLERK

#6

PLEASE PRINT LEGIBLY!

MEETING DATE 8-29-96

NAME

Sherry Dahlman

ADDRESS

4902 N. Syracuse

STREET

Part

97203

CITY

ZIP

I WISH TO SPEAK ON AGENDA ITEM NO.

R-2

SUPPORT

OPPOSE

?

SUBMIT TO BOARD CLERK

1

#7

PLEASE PRINT LEGIBLY!

MEETING DATE 8/29/96

NAME PAUL J MILLER

ADDRESS 3555 NE 133 AVE

STREET
PORTLAND OR 97230

CITY ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # R-2

SUPPORT _____ OPPOSE _____
SUBMIT TO BOARD CLERK

MEETING DATE: AUG 29 1996
AGENDA NO: R-2

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: New Jail and Drug/Alcohol Treatment Center - Siting

BOARD BRIEFING: Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: August 29, 1996

Amount of Time Needed: 30 minutes

DEPARTMENT: Sheriff's Office DIVISION: _____

CONTACT: Dan Oldham TELEPHONE #: 251-2519
Barbara Simon BLDG/ROOM #: 313/103

PERSON(S) MAKING PRESENTATION: Dan Oldham and Tamara Holden

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

RESOLUTION Creating a Siting Advisory Committee to Recommend a Site for a New Jail and Secure Residential Treatment Center.

*10/19/96 copies to DAN OLDHAM
& TAMARA HOLDEN & BARBARA
SIMON*

SIGNATURE REQUIRED:

ELECTED OFFICIAL: _____
OR

DEPARTMENT MANAGER: Jacqueline L. Jamieson
ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/5222
0516C/63

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
96 AUG 22 AM 8:14

BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM BRIEFING
STAFF REPORT SUPPLEMENT

To: Board of County Commissioners
From: Sheriff Dan Noelle
Date: August 21, 1996

REQUESTED PLACEMENT DATE: AUGUST 29, 1996

Re: *Resolution Creating a Siting Advisory Committee (SAC) to Recommend a Site for a New Jail and Secure Residential Treatment Center.*

I. Recommendation/Action Requested: Board approval of the resolution which creates the Siting Advisory Committee (SAC).

II. Background Analysis: Please review accompanying Siting Advisory Committee (SAC) documents.

III. Financial Impact: Financial impact has been apportioned to construction projects by Department of Environmental Services as part of the cost of construction.

IV. Legal Issues: The Resolution has been approved by County Counsel.

V. Controversial Issues: Public Safety facilities are often viewed as undesirable by some community interest groups. In the interest of fairness, the Sheriff's Office and the Department of Community Corrections is recommending the formation of the SAC to provide citizen input into the siting process. The powers and responsibilities of the SAC are clearly outlined in the resolution.

VI. Link to Current County Policies: Multnomah County has no siting policy/procedures but is committed to meaningful citizen involvement.

VII. Citizen Participation: The SAC will involved a cross-section of citizens in recommending a site for the new jail and the secure residential treatment center.

VIII. Other Government Participation: Each construction project must meet zoning and land use applications as set forth by State, County and Municipal Codes. Normal conditional-Use permits must be secured. In addition, local jurisdictions where potential sites are located have been briefed about the process.

Fact Sheet:

New Multnomah County Corrections Facility

What Are We Building?

Multnomah County needs to build two new corrections facilities in the next 18 months.

- 1. A new jail housing 210 inmates.** Prisoners will be serving sentences less than one year, or be awaiting adjudication.
- 2. A drug & alcohol and mental health treatment center for 150 to 300 clients.** Most will be adults on probation or parole, serving a sentence of 12 months or less.

Where Might These Be?

The County is just beginning to identify potential sites for the new corrections facility. Candidate sites will be sought in several different areas of Multnomah County. A top priority is to keep taxpayer costs as low as possible.

The County is beginning to identify possible sites in and around the County (see map).

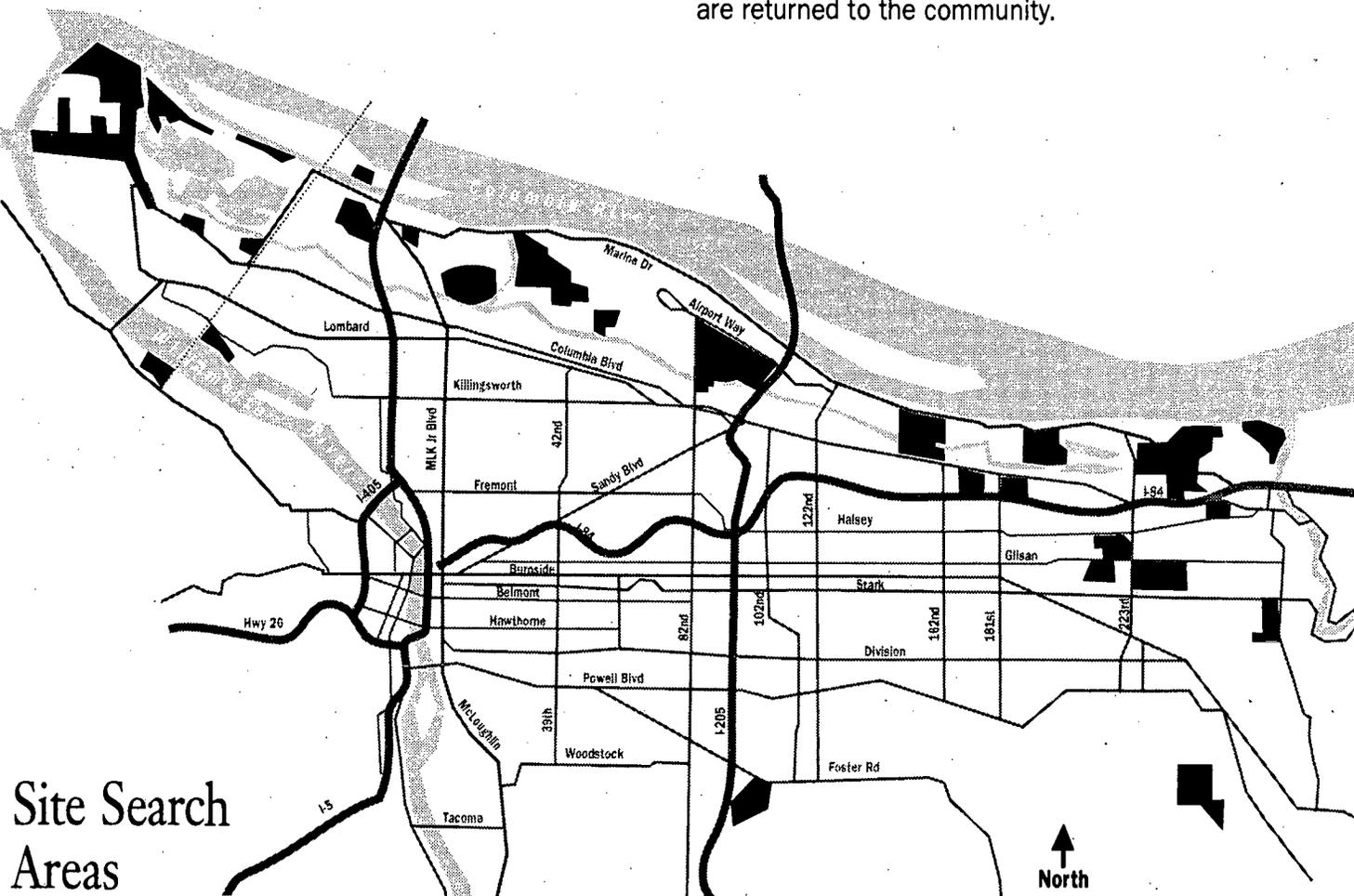
We will need help looking at all of the sites in the County to select the best one.

Why Do We Have To Build?

Last year, 3,700 inmates received "get out of jail free" cards in Multnomah County because of a lack of jail space. The Sheriff booked 42,000 persons last year, an increase of 45% over five years ago, but Multnomah County has only 1,461 jail beds.

An expansion at Inverness Jail will add 450 beds. Still, we will need more jail beds to end the early unsupervised release of offenders.

The new drug & alcohol and mental health treatment center will allow for mandatory treatment for the 75% of offenders with substance abuse problems before they are returned to the community.



Site Search
Areas

When Do The Jail and Treatment Center Need To Be Up and Running?

We need to be accepting supervision of prisoners with sentences of 12 months or less on January 1, 1997. The State is allowing the County to "rent" prison beds while new facilities are under construction. Siting must be concluded by the end of 1996, with 1997 left for design and construction.

What Will Security Be Like?

Jail inmates and those undergoing drug & alcohol and mental health care will be under 24-hour supervision. No one will leave either facility without supervision.

Persons in the treatment center will first have to serve jail time sufficient for stabilization and treatment readiness. If a person in treatment violates treatment agreement, then he or she will be immediately returned to the jail.

All prisoners who have completed their sentences or who have completed their drug & alcohol treatment will be transported to the Justice Center in downtown Portland for release.

Forty deputies will work at the new jail, with support staff in addition. Likewise, the drug & alcohol treatment center will employ about 40 persons.

Why Have Both of These Facilities Together?

Combining the jail and the drug & alcohol treatment center will provide greater security. The two facilities can share support services for more cost effective operations.

How Much Will This Cost?

The new jail and treatment center will together cost between \$43-55 million. The new jail will be paid for by a GO Bond approved by Multnomah County voters on May 21, 1996. State funds and GO Bonds will pay for the new drug & alcohol treatment center.

Might These Buildings Grow?

Yes. As the need for more jail space and drug & alcohol treatment services grows, it is likely that these new facilities will be expanded. It is difficult to predict how many more prisoners Multnomah County is going

to have to house ten or twenty years from now, but up to 2,000 inmates may some day be held on the site. Increases in the drug & alcohol and mental health treatment center may also be required.

What Else Will Be On The Site?

Multnomah County may park the buses used to transport prisoners on the site. In addition, automobiles the Sheriff seizes may be stored and warehouses for supplies constructed.

Who Is In Charge?

Multnomah County Sheriff's Department, run by Sheriff Dan Noelle, and the Multnomah County Community Corrections Department, which is responsible to the Multnomah County Board of Commissioners, are in charge of this project.

How Can I Get Involved?

We will be going to community meetings, hosting an open house and public workshop, and forming a Citizens Advisory Committee to help on both the new corrections facility and the expansion of the Inverness Jail. In specific, we need your help to:

- Pick the best site
- Help design the facilities — buildings need not look like jails, they can fit into the area
- Monitor construction so that impacts on surrounding homes and businesses are minimized
- Advise on how the facilities operate, issues such as when can prisoners be bused to minimize traffic impacts.

For questions about the jail, call Deputy Phil Farrell at the Multnomah County Sheriff's Department at 251-2403.

For questions about the drug & alcohol treatment center, call Maggie Miller of the Multnomah County Community Corrections Department at 306-5820.

Please give us a call to let us know if you want to help with the key decisions about these projects.



Initial Site Screening Factors:

New Multnomah County Corrections Facility

Threshold:

- 1. Size**
35 acres minimum, 60 acres maximum, with configuration suitable to accommodate present and anticipated future requirements.
- 2. In Multnomah County**
- 3. Zoning**
Industrial (not allowed in residential or commercial areas).
- 4. Transportation**
Access to major arterial streets and freeways.
- 5. Services Available**
Utilities, water & sewer, infrastructure.
- 6. Early Availability of Site**
Short time frame for purchase and construction.

Additional Considerations:

- **Topography**
Preferred site should have a level area, foundation grade soils, no other construction constraints. Prefer no wetlands/floodplain.
- **No or Few Relocations**
Of existing businesses or residents
- **Acceptable Capital and Operating Costs**
A levy approved by Multnomah County voters in May 1996 provides funding for the facility
- **Community Impact**
A prime consideration of the Siting Advisory Committee will be to design facility for best fit into surrounding land uses.

Siting Advisory Committee:

New Multnomah County Corrections Facility

Charge

The Siting Advisory Committee (SAC) will be charged with recommending to the Multnomah County Sheriff, the Multnomah County Board of Commissioners and the Multnomah County Community Corrections Department a site for the new County corrections facility which offers the greatest benefit for all County residents.

Term

The SAC will be asked by the Sheriff and the County Board to make a recommendation on a site by the end of calendar year 1996. Meetings will be held roughly twice per month.

Number of Members

The SAC will have approximately 15 members dedicated first and foremost to finding the best site for the facility Multnomah County voters ordered to be built to address the issue of public safety in the county.

Membership Composition

The SAC membership will reflect two priorities for representation.

1. Representatives of residents, businesses and environmental groups from areas of Multnomah County where candidate sites for the new corrections facility have been identified. Neighborhood and business associations will be asked to suggest members.
2. Representatives not tied to a specific site to reflect broad "County-at-large" interests.

The SAC will be authorized by a resolution of the Multnomah County Board of Commissioners, with the Sheriff selecting the members and a chair, in consultation with the Board.

Likely Steps for the SAC

The SAC will follow the following steps in arriving at a recommendation. The committee will:

1. Learn about the requirements for the new corrections facility.
2. Develop in consultation with Sheriff a list of criteria to guide decisions.
3. Review, tour and analyze each of the candidate sites.
4. Compare each candidate site against the criteria.
5. Make a preliminary recommendation, subject to a public hearing.
6. Draft a final report of its conclusions and recommendations.
7. Submit its advisory report to the Sheriff and the County Board.

Committee meetings will be open to the public, with public comment accepted at each meeting.

Additional Public Involvement to Support the SAC

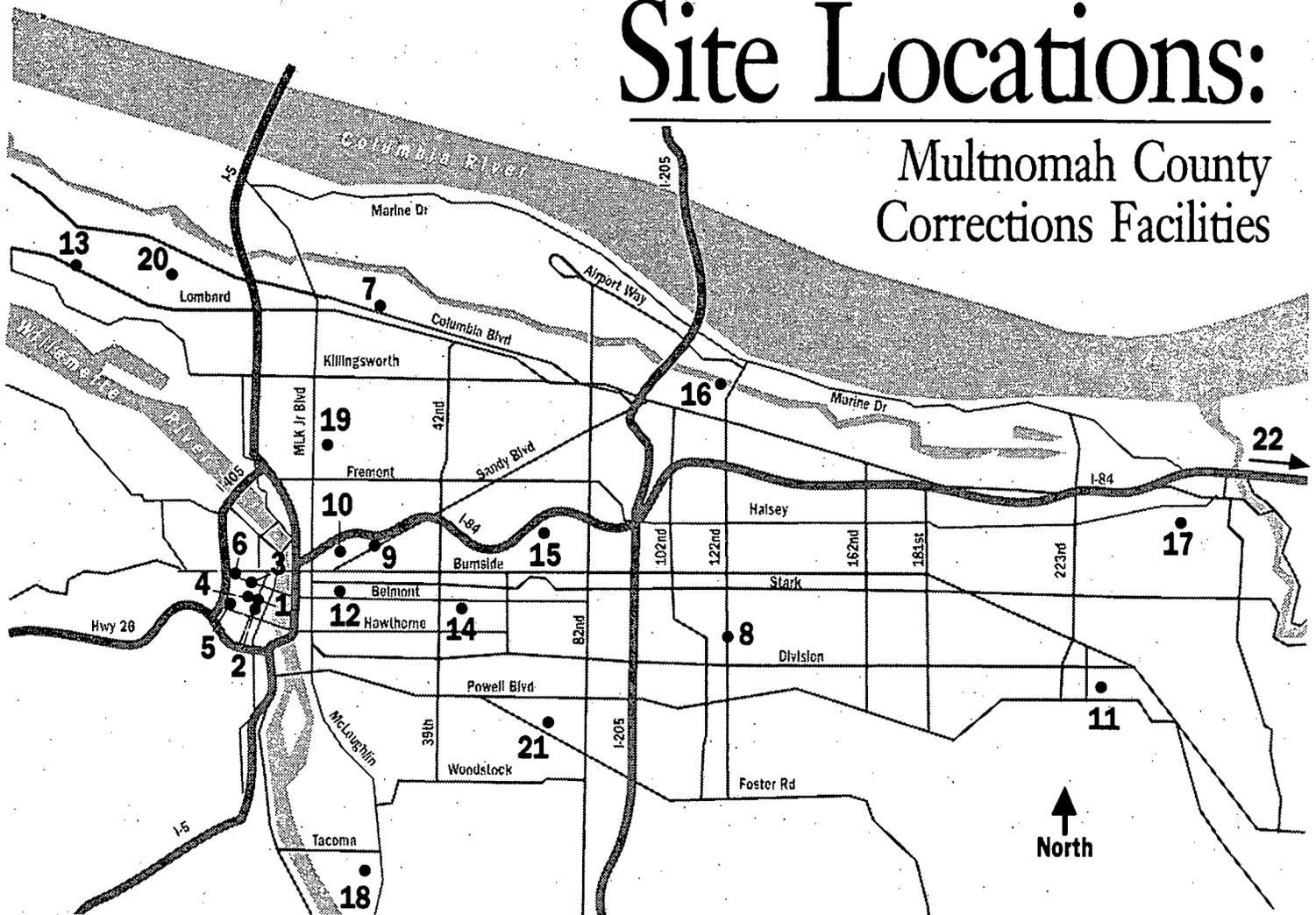
The SAC will be one component of the public outreach for the corrections facility. Meetings with community groups and public workshops will continue during the course of the SAC's work, with issues presented to the public paralleling the agenda of the committee. A mailing list of persons interested in the project will be developed, and a monthly newsletter updating citizens on the project will be distributed.

Opportunities for Citizen Input After the SAC

The decision of the Siting Advisory Committee will be forwarded to the Sheriff and the County Board for action. The County Board of Commissioners will vote on approval of the SAC's recommendation at one of its public meetings. After this step, the local land use permit process, with its own public involvement opportunities, will begin.

Site Locations:

Multnomah County Corrections Facilities



- | | | | |
|----|---|-----|--|
| *1 | County Courthouse
1021 SW 4th | 12 | Community Corrections/Central Parole
421 SE 10th |
| 2 | Justice Center/Diagnostic Intake Pretrial Unit
1120 SW 3rd | 13 | Community Corrections/Peninsula Parole
7220 N. Lombard |
| 3 | Intensive Supervision Program/Close Street
610 SW Alder | 14 | Community Corrections/Womens' Transition
Service
4610 SE Belmont |
| 4 | DA/Career Criminal Unit
1001 SW 5th | *15 | Juvenile Justice Center
1401 NE 68th |
| *5 | Restitution Center
1115 SW 11th | *16 | Inverness Jail
11540 NE Inverness Dr. |
| 6 | Community Corrections/SW Parole/Day
Reporting Center/Learning Center/Alternative
Community Service
412 SW 12th | *17 | Troutdale Corrections Facility
1906 NE Halsey |
| 7 | Community Corrections/NE Parole
2205 NE Columbia Blvd. | *18 | Work Release Cener
9200 SE McBrod, Milwaukie |
| 8 | Community Corrections/Mid-County Parole
1415 SE 122nd | 19 | King Facility Juvenile
4815 NE 7th |
| 9 | Community Corrections/Volunteer Unit
727 NE 24th | 20 | North Portland Juvenile
9011 N. Dana |
| 10 | Community Corrections/Intensive Case Mgmt.
407 NE 12th | 21 | Wikman Juvenile
4420 SE 64th |
| 11 | Community Corrections/E County Parole
395 NE Beech, Gresham | *22 | Forest Camp Work Center
Cascade Locks |

* Detention/Work Release Facilities

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

Creating a Siting Advisory Committee)
to recommend a site for a new jail and) RESOLUTION
secure residential treatment center)

WHEREAS in 1995, over 42,000 persons were arrested and booked in Multnomah County; and

WHEREAS Multnomah County only has 1461 jail beds; and

WHEREAS in 1995, 3,700 offenders were released from jail early because of a lack of jail space; and

WHEREAS a majority of offenders have serious alcohol and/or drug addiction problems; and

WHEREAS on May 21, 1996 the voters of Multnomah County passed a bond for the construction of jail beds and residential treatment beds; and

WHEREAS Senate Bill 1145 will further tax our jail capacity by returning offenders with sentences of less than 12 months to Counties; and

WHEREAS Multnomah County will become responsible for management of over 500 felony offenders under Senate Bill 1145; and

WHEREAS Multnomah County values input from its citizens; and

WHEREAS citizen involvement in the site selection of the new jail and the new residential treatment center is essential;

NOW THEREFORE BE IT RESOLVED that a Siting Advisory Committee (SAC) be appointed to recommend a site for the new jail and secure residential treatment center to the Board of County Commissioner and the Sheriff;

BE IT FURTHER RESOLVED that the SAC will have fifteen members seven of whom will be representatives of residents and businesses from areas of Multnomah County where candidate sites for the new corrections facility and the treatment facility have been identified and eight of whom will be "at large" members;

BE IT FURTHER RESOLVED that the Multnomah County Sheriff's Office will be responsible for choosing members of the SAC including the chair of the committee and that names of committee members will be forwarded to the Board of County Commissioners for approval no later than September 30, 1996;

BE IT FURTHER RESOLVED that staff support for the SAC will be provided by the MCSO.

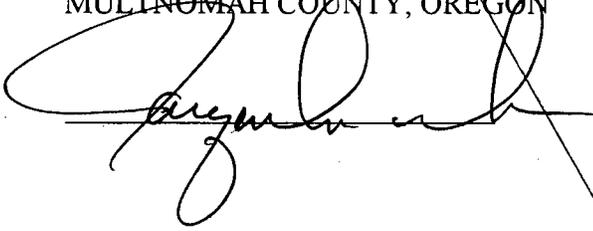
BE IT FURTHER RESOLVED that the SAC will develop its own list of criteria to guide its decisions; review, tour and analyze each of the candidate sites according to the developed criteria, make a

preliminary site recommendation subject to a public hearing; draft a final report of its conclusions and recommendations to be submitted to the Sheriff for approval by the Board of County Commissioners no later than December 31, 1996;

DATED this day of August, 1996

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

REVIEWED:
LAURENCE KRESSEL, COUNTY COUNSEL
MULTNOMAH COUNTY, OREGON

A handwritten signature in cursive script, appearing to read "Laurence Kressel", is written over a horizontal line. The signature is positioned to the left of the main body of the document.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

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Multnomah County Sheriff's Office

DAN NOELLE
SHERIFF

12240 N.E. GLISAN ST., PORTLAND, OREGON 97230

(503) 255-3800

FAX REQUEST/RECEIPT AND TRANSMITTAL SHEET

Date 8/30/96 14:00 Hours

TO:

Deb Bogstad

FAX NUMBER ADDRESSED TO:

248-5262

FROM:

Barbara Simon

SENDING FAX NUMBER:

251-2420

ATTENTION AND/OR SPECIAL INSTRUCTIONS:

Per your request. Hard copy sent

INTER-office

NUMBER OF PAGES **INCLUDING** TRANSMITTAL SHEET:

3

CONFIDENTIALITY STATEMENT

The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the addressee listed on this coversheet. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this telecopy is strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone at the number listed below. Thank you.

CONTACT NUMBER:

251-2503

TR/FAXSHEET.2/EDPS 70-- Revised 8/95

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

Creating a Siting Advisory Committee)
to recommend a site for a new jail and) RESOLUTION
secure residential treatment center) 96-148

CERTIFIED TRUE COPY OF THE
ORIGINAL ON FILE HEREIN
By: W. Brian C. Coates
CLERK OF THE BOARD
MULTNOMAH COUNTY, OREGON

WHEREAS in 1995, over 42,000 persons were arrested and booked in Multnomah County, and

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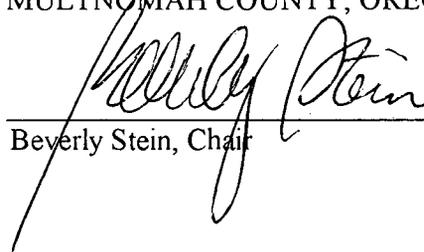
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DATED this 29th day of August, 1996

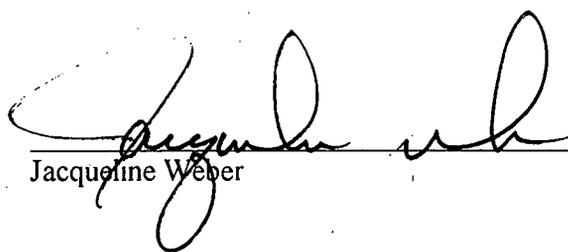


BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON



Beverly Stein, Chair

REVIEWED:
LAURENCE KRESSEL, COUNTY COUNSEL
MULTNOMAH COUNTY, OREGON



Jacqueline Weber

MEETING DATE: AUG 29 1996

AGENDA NO: R-3

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Ordinance to amend Multnomah County Code Chapter 7.40

BOARD BRIEFING: Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: August 29, 1996

Amount of Time Needed: 10 minutes

DEPARTMENT: Sheriff's Office DIVISION: Enforcement

CONTACT: Larry Aab TELEPHONE #: 251-2489
BLDG/ROOM #: 313/228

PERSON(S) MAKING PRESENTATION: Kevin Fermenick

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

An Ordinance to amend Multnomah County Code Chapter 7.40, to provide for enforcement of measures taken in and approaching emergency areas.

*9/6/96 COPIES TO ORDINANCE
Distribution list & LARRY AAB
SIGNATURE REQUIRED:*

REGULAR

ELECTED OFFICIAL: _____
OR

DEPARTMENT MANAGER: *Mel Hedgott*
ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3279/5222
0516C/63

96 AUG 20 12 18
MULTNOMAH COUNTY
OREGON
BOARD OF
COUNTY COMMISSIONERS

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

TO: BOARD OF COUNTY COMMISSIONERS

FROM: SHERIFF DAN NOELLE

TODAY'S DATE: August 14, 1996

REQUESTED PLACEMENT DATE: As soon as possible

RE: Proposal to amend Chapter 7.40 of the Multnomah County Code

I. **Recommendation/Action Requested:** Enact proposed amendment to Multnomah County Code, Chapter 7.40, as attached.

II. **Background/Analysis:** During the February 1996 flood, a Sauvie Island land owner was using a back hoe to remove earth from a portion of the island's flood dike that was on his property. Officials from the Sauvie Island Drainage Improvement Commission directed the land owner to stop excavating earth from the already weakened dike. The land owner refused, so the drainage commission officials asked MCSO for assistance.

The Sauvie Island Drainage Improvement Commission possesses an easement on the dike, but has no legislative authority to enact ordinances regarding the dike, as they no longer are a governmental body. They could file suit against the land owner, but that would not remedy the immediate threat to the dike's integrity.

We discovered we have no immediate remedy either. One of several powers the sheriff is granted, after a county declaration of emergency has been made, in accordance with MCC 7.40.100, is the authority to "Limit or prohibit the movement of any persons within the area;" (MCC 7.40.200(A)(2)). This would allow a deputy sheriff to keep the land owner away from the dike. However, there is no attached penalty for violating any of the subsections of MCC 7.40.200. The only portion of this chapter for which a penalty is attached pertains to violating curfew(MCC 7.40.900).

Prior to a declaration of emergency, a peace officer of the rank of sergeant or above can deny access to areas that threaten public health (MCC 7.41.020). A penalty is attached that allows for the arrest of a violator. Once the emergency is declared, however, Chapter 7.40 takes precedence.

No ORS in the penal code provides a remedy. Should any applicable US Code exist, no realistic timeliness in federal enforcement, during an emergency, could be expected.

The proposed remedy is to amend Chapter 7.40 of the Multnomah County Code to provide consistency by attaching the same penalty for violations of any part of the chapter. This amendment will also bring Chapter 7.40 into closer consistency with Chapter 7.41, with respect to penalty provisions (Chapter 7.41 has the most recent Board action).

- III. Financial Impact: This proposal has no budget impact.

- IV. Legal Issues: This proposal has been favorably reviewed by the Office of County Counsel. There are no foreseen legal issues. This ordinance is only used during declared emergencies. No new penalty is requested, only a consistent application of an existing penalty.

- V. Controversial Issues: N/A

- VI. Link to Current County Policies: This proposal makes current existing county policy consistent.

- VII. Citizen Participation: The Sauvie Island Safety Action Team Advisory Committee, during one of their monthly meetings, approved the concept of this proposal and request your approval and enactment of same.

- VIII. Other Government Participation: None

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 866

An Ordinance to amend Multnomah County Code Chapter 7.40, to provide for enforcement of measures taken in and approaching emergency areas, and declaring an emergency.

Language in brackets [] is to be deleted; underlined language is new.

Multnomah County ordains as follows:

SECTION I. FINDINGS.

(A) The existing code allows the sheriff to take various measures in and approaching emergency areas, but with the exception of a curfew, there is no means to enforce such measures.

(B) Enforcement of all measures in and approaching emergency areas will help to ensure the health, safety, and general welfare of the citizens of Multnomah County.

SECTION II. AMENDMENT

MCC 7.40.500 and 7.40.900 are amended to read as follows:

7.40.300. Effect of curfew and other measures in and approaching emergency areas; exceptions for authorized persons.

It shall be unlawful for any person to violate any curfew established under authority of MCC 7.40.100[.] or to violate any measure taken under authority of MCC 7.40.200 (A) and (B). The provisions of this section shall not apply to official personnel authorized to be on the streets, in parks or other public places during the period of time for which a curfew has been established

or other measures taken.

7.40.900. PENALTY.

Any person who violates the curfew authorized by MCC 7.40.100 or any measure authorized by MCC 7.40.200 (A) and (B) is guilty of a misdemeanor and is punishable upon conviction by a fine of not more than \$500.00 or by imprisonment in the County jail for not more than six months, or both.

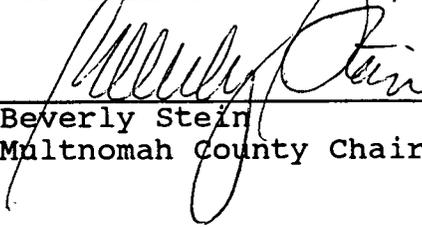
SECTION III. DECLARATION OF EMERGENCY.

This ordinance, being necessary for the health, safety, and general welfare of the people of Multnomah County, an emergency is declared and the ordinance shall take effect upon its execution by the County Chair, pursuant to section 5.50 of the charter of Multnomah County.

Approved this 29th day of August, 1996, being the date of its first reading before the Board of County Commissioners of Multnomah County, Oregon.

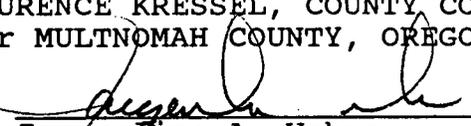


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein
Multnomah County Chair

REVIEWED:

LAURENCE KRESSEL, COUNTY COUNSEL
for MULTNOMAH COUNTY, OREGON

By 
Jacqueline A. Weber
Assistant County Counsel

MEETING DATE: AUG 29 1996

AGENDA # : R-4

ESTIMATED START TIME: 9:40

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT:

BOARD BRIEFING:

DATE REQUESTED:

REQUESTED BY:

AMOUNT OF TIME NEEDED:

REGULAR MEETING:

DATE REQUESTED: 8/29/96

AMOUNT OF TIME NEEDED: 5 Minutes

DEPARTMENT: Nondepartmental

DIVISION: County Chair's Office

CONTACT: Chair Stein

TELEPHONE #: 248-3308

BLDG/ROOM #: 101/1515

PERSON(S) MAKING PRESENTATION: Chair Stein

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Proclamation declaring September 2-8, 1996 as Union Label Week in Multnomah County, Oregon

8/30/96 ORIGINAL to DELNA FARRELL/CHAIR'S OFFICE

SIGNATURES REQUIRED:

ELECTED OFFICIAL: Beverly Stein

(OR)

DEPARTMENT

MANAGER:

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
96 AUG 21 PM 2:11

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY OREGON

PROCLAIMING SEPTEMBER 2-8, 1996)
AS *UNION LABEL WEEK*) PROCLAMATION
IN MULTNOMAH COUNTY OREGON) 96-149

WHEREAS, a strong Multnomah County economy depends on good jobs; and

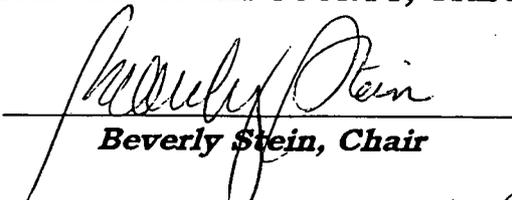
WHEREAS, buying union-made goods and services helps preserve American jobs and strengthens the economy; and

WHEREAS, products and services identified by a Union Label, Union Shop Card, Union Store Card or Union Service Button are guaranteed to be the best quality, American made products and services.

THEREFORE the Board of County Commissioners PROCLAIMS that September 2-8, 1996 be known as *UNION LABEL WEEK* in Multnomah County, Oregon in recognition and in honor of these distinguished emblems which signify commitment to quality and dignity in the American workplace.

APPROVED this 29th day of August, 1996.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair


Commissioner Dan Saltzman


Commissioner Gary Hansen


Commissioner Tanya Collier




Commissioner Sharron Kelley

PLEASE PRINT LEGIBLY!

MEETING DATE 8/29/96

NAME

John Hall, PDC

ADDRESS

1120 S.W. 5th Ave, #1100

STREET

Portland, OR

97204

CITY

ZIP

I WISH TO SPEAK ON AGENDA ITEM NO. R-5

SUPPORT

OPPOSE

SUBMIT TO BOARD CLERK

SHARRON KELLEY
Multnomah County Commissioner
District 4



Portland Building
1120 S.W. Fifth Avenue, Suite 1500
Portland, Oregon 97204
(503) 248-5213
E-Mail: sharron.e.KELLEY@co.multnomah.or.us

TO: Board of County Commissioners

FROM: Commissioner Sharron Kelley

RE: Resolution in the Matter of Adopting a Rural Action Plan and recommending the Rural Action Plan be submitted to the Oregon Economic Development Commission for consideration under the Rural Investment Fund Program

DATE: August 16, 1996

AGENDA DATE: August 29, 1996

I. Recommendation/Action Requested

Approval of Resolution adopting Rural Action Plan and recommending its submittal to Rural Investment Fund Program

II. Background/Analysis

See text of plan and whereas clauses.

III. Financial Impact

Projects would be supported by state funds.

IV. Legal Issues

None.

V. Controversial Issues

None known. There are likely to be many more project ideas than funds available.

VI. Link to Current County Policies

The County is also supporting project applications to the Oregon Investment Board for the portions of the County within the Columbia River Gorge National Scenic Area.

Page Two

VII. Citizen Participation

Public meetings soliciting input for the Rural Action Plan were held in the Corbett/Springdale area on June 12 and June 18, 1996, and at the Sauvie Island Grange on July 8, 1996.

VIII. Other Government Participation

Portland Development Commission; Corbett School District.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

Adopting a Rural Action Plan and)
Recommending the Plan be Submitted) **RESOLUTION**
to the Oregon Economic Development) 96-150
Commission for Consideration Under)
the Rural Investment Fund Program)

WHEREAS, the Rural Investment Fund Program was established by the Governor and the Legislature to provide a flexible source of funding to help rural areas finance locally-determined Economic and Community Development Projects and to provide a vehicle by which Regional Boards can leverage other funding sources to the maximum extent possible in order to improve the economies of rural areas; and

WHEREAS, the Rural Investment Fund Program requires the Regional Board to develop an action plan which describes how the Regional Board will use the Rural Investment Fund to meet the needs of rural areas in the Region; and

WHEREAS, the Regional Board has reviewed its membership to ensure adequate representation of rural interests and has made recommendations to Multnomah County of any expansions or substitutions needed in membership; and

WHEREAS, Multnomah County has made appointments or substitutions to the Regional Board to ensure adequate representation of rural interests; and

WHEREAS, the Regional Board has held a public hearing on the Rural Action Plan in each county in the Region, including public meetings soliciting input for the Rural Action Plan in the Corbett/Springdale area on June 12 and June 18, 1996 and at the Sauvie Island Grange on July 8, 1996; and

WHEREAS, the Regional Board has developed a Rural Action Plan for the Multnomah-Washington Counties Region; and

WHEREAS, the Rural Action Plan meets the requirements of the Rural Investment Fund Program; now therefore

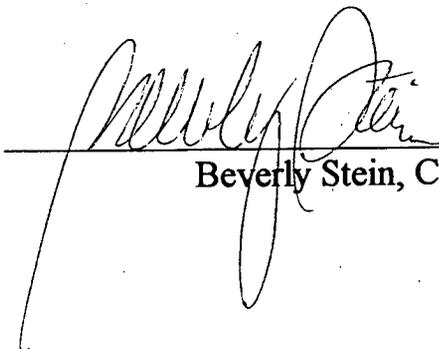
IT IS HEREBY RESOLVED that the Multnomah County Board of Commissioners hereby adopt the Rural Action Plan and recommend that the Rural Action Plan be submitted to the Oregon Economic Development Commission for consideration under the Rural Investment Fund Program; and

IT IS FURTHER RESOLVED that the Multnomah County Board of Commissioners hereby commit to assisting in the pursuit of the objectives set forth in the Rural Action Plan.

DATED this 29th day of August, 1996.



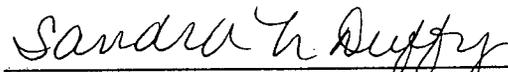
**BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**



Beverly Stein, Chair

REVIEWED:

**LAURENCE KRESSEL, COUNTY COUNSEL
MULTNOMAH COUNTY, OREGON**



Sandra N. Duffy, Chief Assistant

**REGIONAL STRATEGIES FOR
MULTNOMAH/WASHINGTON COUNTIES**

1995-1997

**~Rural Investment Fund~
Rural Action Plan**

**An Amendment to the 1994-99 Six-Year Strategic
Plan and 1995-97 Action Plan**

RURAL ACTION PLAN TABLE OF CONTENTS

	page
I. Introduction	
A. The Rural Investment Fund	1
B. The Rural Area in Multnomah and Washington Counties	1
II. The Plan Framework	
A. Methodology	4
B. The Six-Year Regional Strategic Plan	4
C. Regional Documents Relating to the Rural Economy	5
III. The Rural Action Plan - Objectives, Linkage	5
IV. Selection Criteria for Rural Investment Fund Projects	8
V. Selection Process	9

Appendix - Public Meeting Summaries

I. Introduction.

A. The Rural Investment Fund.

The Rural Investment Fund was established by the 1995 Oregon Legislature as a component of the Regional Strategies Program to make available to rural areas flexible funds needed to facilitate business development projects, provide gap financing for infrastructure, capacity building activities, and assist grass-roots economic and community development efforts in rural areas.

Administrative Rules for the Rural Investment Fund reflect this mission: "The objective of the Rural Investment Fund is to provide a flexible source of funding to help rural areas finance locally-determined economic and community development projects. It is intended to provide a vehicle by which Regional Boards can leverage other funding sources to the maximum extent possible to improve the economies of rural areas."

The Rules provided examples of activity categories which can improve the economy of rural areas: telecommunications and transportation infrastructure, project feasibility studies, community infrastructure and facilities, workforce development activities and technical assistance for project development and implementation.

Prior to distributing its Rural Investment Fund allocation, Regional Boards are required to develop a Rural Action Plan which "describes how the Region will use the Rural Investment Fund to meet the needs of rural areas consistent with the objectives of the Rural Investment Fund and in cooperation with local development and planning efforts...."

This document is the Rural Action Plan for the Multnomah and Washington County Region. It has been developed in accordance with the Administrative Rules for the Rural Investment Fund and guidelines established by the Regional Strategies Board. Applications for Rural Investment Funds will be selected for funding based on the degree to which they carry out the objectives and meet the selection criteria described in the Rural Action Plan.

B. The Rural Area in Multnomah and Washington Counties.

The geographic area in Multnomah and Washington Counties eligible for Rural Investment Fund expenditures is the area in both counties outside the Metro Urban Growth Boundary and including the incorporated cities of Forest Grove and Cornelius.

The population of Oregon increased by 10.2% between 1990 and 1995. Thirty-four of the 36 counties in the State have gained population. The combined Multnomah and Washington Counties population also increased by 10% between 1990 and 1995. Washington County increased by 58,446 and Multnomah County increased by 42,613 people. The 1995 population estimate for the two county region is 996,500, an increase from 895,441 in 1990.

The population in the two counties outside the Metro UGB has been estimated for the 1994 population. The 1994 population estimate for the two county region residing outside the Metro UGB and including Forest Grove and Cornelius was 68,582. The population in Multnomah County outside the UGB is 12,032. In Washington County that population is 56,550.

The population in Multnomah County outside the Metro UGB resides in unincorporated areas and includes the communities of Corbett, Springdale, and Sauvie Island.

In Washington County, the population outside the Metro UGB resides in five incorporated areas as well as unincorporated areas. The rural population in Washington County incorporated areas increased by almost 12% between 1990 and 1995, from 21,805 to 24,420. Washington County's rural communities function as farm service communities but increasingly absorb growth attributable to growth in the non-farm economy.

The five incorporated areas in Washington County in the Rural Action Plan area include:

<u>City</u>	<u>1995 population</u>	<u>increase from '90</u>
Forest Grove	14,755	8.8%
Cornelius	7,220	17.0%
Banks	575	2.0%
North Plains	1,245	28.0%
Gaston	625	11.0%

The Multnomah/Washington County Region has the most diverse economy in the State. All thirteen of Oregon's key industries are represented in the region's economy.

The Oregon Employment Department predicts that employment in the Portland Metropolitan Statistical Area (PMSA) will continue to grow faster than both Oregon and the U.S. through the year 2005. Growth in manufacturing employment will be considerably faster than the national rate of growth of manufacturing jobs. Factory jobs are expected to rise by 13 percent over the next ten years. Construction growth in the Portland PMSA will also continue to outpace the nation. Nearly half the total number of jobs created over the next ten years are expected in the service industry. In today's economy the service industries actually contain many more professional and technical occupations than service occupations.

The rural areas of the region include two of the most significant tourism attractions in the state, The Columbia Gorge National Scenic Area and Multnomah Falls in Multnomah County, and one of the state's top five agricultural counties. Agriculture is a leading Oregon industry and a leading export industry, generating \$3 billion in gross farm sales in 1995. In 1995, Washington County ranked 5th in the state in gross farm sales with sales of \$183.5 million and 4th in gross crop sales with sales of \$164.6 million. Although considered primarily an urban county, Multnomah County is 17th out of 36 counties in the state in total gross farm sales. Both counties are significant contributors to the nursery industry. Washington County ranked second in the state in 1994 in gross nursery sales and 3rd in number of nursery operation. Multnomah County is 5th in the state in gross sales and 4th in the number of nursery operations. The top five counties account for 87% of the total nursery production in Oregon.

Agriculture is not included in most employment data series because substantial portions of agricultural employment is not covered by unemployment insurance. Because employment statistics generated from covered employment records are a primary measure of the economy the importance of agriculture can be overlooked even though it is a major goods producing sector of the economy. Agriculture is a well-established industry and does not exhibit the rapid growth seen in some emerging industries. The importance of agriculture to the state economy is clear. The 1996 Regional Economic Profile prepared by the Oregon Employment Department provides another measure of its importance to the regional economy. The publication projects that the "agriculture, forest, and fishing" occupational group will grow by close to 30% between 1995 and 2005 in the three county area including Clackamas, Multnomah, and Washington Counties. The occupational grouping includes occupations which may not be covered by unemployment insurance and is more reflective of the farm and nursery jobs which the regional economy can be expected to generate.

II. The Plan Framework

A. Methodology

The Administrative Rules for the Rural Investment Fund require that Regional Boards solicit input and participation of rural areas and rural interests. Boards are also required to consider the interests of community planning efforts, special districts, Indian tribes, Regional Workforce Quality committees and other workforce development groups.

The Multnomah/Washington County Regional Board held four public meetings in the Rural Action Plan area to solicit input from rural interests; one in Forest Grove, two in Corbett and one on Sauvie Island. The meetings were publicized in The Oregonian and community newspapers and invitations were sent to local governing bodies and a broad spectrum of agencies and organizations involved in rural issues.

The public meeting discussions are the foundation for the objectives statements in the Rural Action Plan. The citizens of Multnomah and Washington counties presented a broad spectrum of well thought out and articulated needs and issues. Their scope was far beyond the funding capacity of the the Rural Investment Fund allocation for the Region. Recognizing the merit of each presentation and funding limitations, investment decisions will be strategic, attempting to strike the balance between short term need and long term benefit.

The Multnomah/Washington County Regional Board established two additional guidelines for the Rural Action Plan.

The Board continued with the policy it established during the development of its Six-Year Regional Strategic Plan. To assure consistency and coordination of strategic direction and avoid duplication of efforts, a review of regional planning documents directed to aspects of the rural economy was conducted by the Board and staff.

The Board considered consistency between the Rural Action Plan and the Regional Six-Year Strategic Plan an important aspect of the Regional Strategies Program. The Strategic Plan was reviewed along with the findings of the public meetings and regional planning documents. Consistent themes and goals were identified. Linkages between the Six-Year Strategic Plan and the Oregon Benchmarks targeted in the Strategic Plan are noted in the Rural Action Plan objectives statements.

B. The Six-Year Regional Strategic Plan

The Regional Board believes that the vision statement developed during the Six-Year Strategic Plan process reflects the vision of the rural interests in the region as well . The vision is reiterated as the guiding principal of the Rural Action Plan.

TO PROMOTE A DIVERSE AND SUSTAINABLE ECONOMY

The Regional Strategic Plan vision statement includes several components and a series of goal statements. These will be linked to the Rural Action Plan objectives.

C. Regional Documents Relating to the Rural Economy

The following documents have been reviewed in conjunction with the public meeting findings to assure consistency and avoid duplication.

On August 10, 1995, the Board of County Commissioners for Multnomah County adopted the East Sandy River Rural Area Plan Scoping Report. The Report is a foundation document for the East of Sandy River Rural Area Plan now in preparation, one of a series of land use plans for the rural areas of Multnomah County. The Plan area includes the Rural Action Plan area.

The Sauvie Island/Multnomah Channel Rural Area Plan Scoping Report dated August, 1995 is also one of the series of land use plans for the rural areas of Multnomah County and includes the Rural Action Plan area.

The Columbia-Pacific Economic Development District of Oregon, Inc. includes an area in Western Washington County which is also part of the Rural Action Plan area. The District prepared an Overall Economic Development Program (OEDP) which was published in July, 1995.

The Washington County Comprehensive Plan Rural/Natural Resource Plan Element published in November, 1990 was also reviewed in conjunction with the public meeting findings.

III. The Rural Action Plan - Objectives, Linkage to Oregon Benchmarks, The Regional Vision and Regional Goals. Project examples for objectives.

The purpose of the 1993-1999 Six-Year Regional Strategic Plan was to link the region's vision and long term goals to the means to overcome barriers to development. Development in terms of the Six-Year Plan meant development in the three selected key industries.

Development in the Rural Action Plan means community and economic development generally. The Legislation and the Administrative Rules do not limit the program to an industry focus.

The Rural Action Plan is also intended to provide the linkage between the regional vision and goals and the means to overcome barriers to development. The objectives statements below address those barriers.

Examples from the public meeting discussions of projects that could implement objectives are included with each objective statement. The examples are not inclusive and all projects submitted for funding will be considered.

OBJECTIVE 1. IMPROVE THE ABILITY OF RURAL COMMUNITIES TO MEET GROWING NEEDS FOR SOCIAL AND PHYSICAL INFRASTRUCTURE

Linkage **Oregon Benchmarks**
Support outlays for public infrastructure

Strategic Plan Vision
Livability - environmental quality maintained, widespread prosperity, support social and physical infrastructure

Strategic Plan Goals
Goal 4 - Build regional public economic capacity
Goal 5 - Positively affect low income communities
Goal 6 - Enhance quality of life
Goal 12 - Equitable distribution of jobs

Examples **City Halls, libraries, and community centers. Recreation and athletic facilities for schools, small area sewerage systems, emergency facilities, water storage.**

OBJECTIVE 2: IMPROVE THE CAPACITY OF RURAL COMMUNITIES TO PLAN FOR CHANGE

Linkage **Oregon Benchmarks**
Support outlays for public infrastructure

Strategic Plan Vision
Livability - environmental quality maintained, widespread prosperity, support social and physical infrastructure

Strategic Plan Goals
Goal 4 - Build regional public economic capacity
Goal 5 - Positively affect low income population
Goal 6 - Enhance quality of life
Goal 12 - Equitable distribution of jobs

Examples **Planning for transportation systems, traffic safety and infrastructure, growth boundary changes. Property and building rehabilitation. Project development to address complicated issues.**

OBJECTIVE 3. IMPROVE THE ENVIRONMENT FOR BUSINESS OPPORTUNITIES IN RURAL COMMUNITIES

Linkage

Oregon Benchmarks

Improve economic opportunities, a diverse and productive industrial base

Regional Vision

Jobs - Equitable distribution of jobs, attract/expand/maintain jobs

Livability - Widespread prosperity

Regional Goals

Goal 3 - Link jobs to all region residents

Goal 4 - Build regional private economic capacity

Goal 5 - Positively affect low income communities

Goal 6 - Enhance quality of life

Goal 7 - Provide full range of job opportunities

Goal 9 - Create entrepreneurial opportunities

Goal 12 - Equitable distribution of jobs

Examples

Property rehabilitation, revolving loan programs, workforce training in agriculture industries. Efficient, coordinated permitting processes.

OBJECTIVE 4. SUSTAIN THE AGRICULTURAL ECONOMY

Linkage

Oregon Benchmarks

Develop diverse and productive industry, competitiveness in global business

Regional Vision

Jobs/Employment - equitable distribution, tied to business opportunities

Economy - global economy, attract/maintain business

Regional Goals

Goal 4 - Build regional private economic capacity

Goal 7 - Provide full range of job opportunities

Goal 10 - Link government sector to economic agenda

Examples

Articulate values of farming and forestry to economy, develop mechanisms to insure integrity of farm and forestry lands, change way we value agriculture land for tax purposes to account for long term benefit.

OBJECTIVE 5. DEVELOP QUALITY JOB OPPORTUNITIES IN THE AGRICULTURAL INDUSTRY

Linkage

Oregon Benchmarks

Competitiveness in global business, build a superior, world class workforce

Regional Vision

Jobs/Employment - tied to business needs/opportunities, attract/expand/maintain jobs

Training/Education - sustainable, impacts existing residents

Livability - widespread prosperity

Economy - diverse based on knowledge and skills, global,

Regional Goals

Goal 1 - Create and retain jobs that lead to economic self sufficiency

Goal 2 - Continuously develop, educate and train workforce

Goal 3 - Link jobs to all region residents

Goal 5 - Positively affect low income communities

Goal 6 - Enhance quality of life

Goal 7 - Provide full range of job opportunities

Goal 12 - Equitable distribution of jobs

Examples

Community infrastructure, workforce training for agriculture industries, property rehabilitation, revolving loan programs.

IV. Selection Criteria for Rural Investment Fund Projects

The Administrative Rules for the Rural Investment Fund establish criteria for evaluating projects for funding. The Multnomah/Washington County Regional Board has added two criteria (E and F).

- A. Priorities in rural areas that have the greatest economic challenges.
- B. Whether monies from the Rural Investment Fund will fill a gap in financing for the proposed project.
- C. The extent to which monies from the Rural Investment Fund will leverage other resources through public or private partnerships.
- D. The degree to which the applicants for funding have established measurable economic outcomes that can demonstrate, through specific performance measurements, progress towards achievement of goals and objectives of the Rural Investment Fund.
- E. The capacity of the application to successfully carry out the proposed Rural Investment Fund project.
- F. The degree to which the proposed project is ready to proceed and can demonstrate timely results.

V. Selection Process

The Regional Board will develop application materials and solicit applications during August/September, 1996. Complete application will be reviewed. Project awards are expected to be made by October, 1996.

Projects will be evaluated on the degree to which they meet the six criteria. In addition to these criteria projects will be evaluated on how well the project carries out an objective(s) established for the Rural Investment Fund.

Managers of projects receiving funding can expect to complete annual or semi-annual reports detailing accomplishments, challenges and overall progress of the project.

Regional Strategies for Multnomah and Washington County
Rural Action Plan

APPENDIX - PUBLIC MEETING SUMMARIES

The comments from the public meetings are grouped in the activity categories described in the Administrative Rules. Business development is included with workforce development.

1. FOREST GROVE, TUESDAY, JUNE 11, 1996

Community Facilities and Infrastructure

BANKS - The community is expecting a lot of residential growth as a result primarily of growth of high tech employers around Hillsboro. An 89 home subdivision has just been approved. The community has no capacity to plan an internal transportation system which is safe and integrated with the external system.

The community has no capacity to plan for infrastructure that growth will demand. Anticipates a critical need for water. The community will also need to expand its Urban Growth Boundary soon and needs assistance evaluating how and where to do this.

GASTON - The community was described as an agricultural service community and in a critical financial situation due to Measure 5 compression. The City Hall is in very bad shape. There are no recreation facilities in the community, no sites or equipment. The community has an "alternative school" for at-risk youth which badly needs a more appropriate location. There is a great need for a community library. The community has passed a school bond issue and is trying to address its needs.

Workforce and Business Development

The Oregon Association of Nurserymen (OAN) expressed a need to improve job retention in the industry. OAN believes that training is critical to keeping workers on the job and can also make a substantial contribution to job safety, productivity, and the quality of life of the workers. The OAN believes that targeting the permanent employees can impact the wider work force. They expressed support for the Monrovia Project as a model program. The OAN has contacted and has the support of 156 nurseries.

The Forest Grove/Cornelius Economic Development Council representative expressed the need to improve the capital availability for business in the area. He described a need for both working capital and capital for buildings and equipment. The lower property valuations in Forest Grove are creating a gap between commercial property pricing and the lending limit of local financial institutions, sending viable businesses away from Forest Grove and Cornelius. The U.S. Farmers Home Administration has a relending program well suited for rural needs that requires a locally funded reserve fund to get started.

Technical Assistance

The representative from the Soil and Water Conservation District recommended implementation of a program for landowners adjacent to Tualatin River to help prevent erosion and contaminated run-off to the Tualatin River. There is a demonstration program now. This recommendation is for a matching fund program to assist broader implementation.

2. CORBETT/SPRINGDALE AREA, JUNE 12 AND JUNE 18, 1996

Community Facilities and Infrastructure

There was discussion of the affect of no sewerage system and inadequate drainfield capacity on expansion of existing businesses and conversion of usable buildings. The Chinook Inn was cited as an example of a viable business which could expand if it could access a drainfield site owned by the State. A feasibility study of a small area treatment plant for Springdale was discussed.

Chronic water shortage in the summer was discussed and the need for a new reservoir.

Several traffic safety issues were discussed including the need for a flashing light at the Corbett fire station and better lighting in front of and between the school buildings.

Several representatives from Corbett School described the facility as the heart of the Corbett community. A new school has been completed but there were not sufficient funds to include a play area or athletic field. The community has developed plans which includes an athletic field, a playground, a jogging path around the school perimeter, and a natural resource education area. The Corbett Fun Festival has been organized as a fund raising effort for the project and other matching fund sources have been investigated.

A concession stand with restrooms at the school site was also mentioned to enhance the usefulness of the facility.

Business Development

Capturing opportunities from proximity to the Gorge and tourist traffic was discussed. The discussion included a combination of tourism related projects such as a rehabilitated Vista House, a rest stop with public restrooms and visual improvements. The group felt that an improved retail area was badly needed in the Corbett area for the residents as well as to attract tourists. A "Corbett Center" retail/service project has been proposed by a local developer and would need to comply with Gorge Commission design requirements. There was discussion about assisting with this additional cost.

There was discussion about the impact of the cumbersome permitting process on tourism projects. Opportunities which could take advantage of the National Scenic Area designation are often stymied. Multiple jurisdictions have permitting authority. Reuse of buildings vacant because employers have moved from the area is more difficult because of the regulatory and permitting processes. New ideas such as construction of a cruise dock at Multnomah Falls are also more difficult to develop.

The difficulty of accessing longer term capital for small agricultural projects was discussed. Seeding programs and irrigation equipment were cited as examples of projects which need longer term payback. Rehabilitating fallow agriculture land was discussed. There was a suggestion that perhaps a job development program could be targeted to land rehabilitation.

Technical Assistance

The group expressed frustration with trying to develop feasible projects to address complicated issues. There was interest in providing technical assistance to volunteer community groups for project development.

Project Feasibility

The group believed that the old school building was a valuable community asset. There was interest in evaluating the feasibility of converting the building to a community center.

Other

There was discussion about how to support a community newspaper. The community has depended on the high school newspaper for community news but is concerned that Measure 5 funding constraints will eliminate that resource.

3. SAUVIE ISLAND GRANGE MEETING, JULY 8, 1996

Community Facilities and Infrastructure

The group discussed the opportunity to develop a community center for the island. A bond issue for a new fire department facility has been approved and the property and old building has reverted to the Grange. Community organizations have long needed a place to get together. The recent flood episode also made evident the need for an emergency center and emergency equipment on the island. A Safety Action Team has recently been organized to evaluate how to deal with safety issues and improve communication on the island in emergencies. The group believed that the old fire facility could be the nucleus of a community center which could function as an emergency center, a senior center, and a general community gathering place. Safety is an issue on the island. The group discussed the need also for improvements to the dike around the island, which sustained damage during the flood.

#1
PLEASE PRINT LEGIBLY!

MEETING DATE 8/29/96

NAME

JOAN JOHNSON

ADDRESS

14465 NW Oak Hills Dr

STREET

Beaverton

97006

CITY

ZIP

I WISH TO SPEAK ON AGENDA ITEM NO. 6

SUPPORT X

OPPOSE _____

SUBMIT TO BOARD CLERK

#2

PLEASE PRINT LEGIBLY!

MEETING DATE 8/29/96

NAME

Maida Kelly for
Don Willner

ADDRESS

111 SW Front Ave

STREET

Portland OR 97219

CITY

ZIP

I WISH TO SPEAK ON AGENDA ITEM NO. R6

SUPPORT

OPPOSE

SUBMIT TO BOARD CLERK

#3

"ZEE-ETA"

PLEASE PRINT LEGIBLY!

MEETING DATE 8/29/96

NAME

Joe Zelayeta

ADDRESS

23939 S.E. Bonnie Lane Dr.

STREET

Eagle Creek 97022

CITY

ZIP

I WISH TO SPEAK ON AGENDA ITEM NO. R-6

SUPPORT

X

OPPOSE

SUBMIT TO BOARD CLERK

#4

PLEASE PRINT LEGIBLY!

MEETING DATE Aug 29-96

NAME

Linda Macpherson

ADDRESS

7049 SE 35th

STREET

Portland

97202

CITY

ZIP

I WISH TO SPEAK ON AGENDA ITEM NO. R-6

SUPPORT

OPPOSE

SUBMIT TO BOARD CLERK

#5

PLEASE PRINT LEGIBLY!

MEETING DATE Aug 29, 1996

NAME Tom Owen

ADDRESS 1307 NE 111th Ave.

STREET

Portland

97220

CITY

ZIP

I WISH TO SPEAK ON AGENDA ITEM NO. R-6

SUPPORT X **OPPOSE** _____

SUBMIT TO BOARD CLERK _____

#6

PLEASE PRINT LEGIBLY!

MEETING DATE 8-29-96

NAME

David E Wadge

ADDRESS

6310 SW Burlingame

STREET

Portland

97201

CITY

ZIP

I WISH TO SPEAK ON AGENDA ITEM NO. 6

SUPPORT

OPPOSE

SUBMIT TO BOARD CLERK

MEETING DATE: August 29, 1996
AGENDA NO: R-6
ESTIMATED START TIME: 9:50

(Above Space for Board Clerk's Use Only)

AGENDA PLACEMENT FORM

SUBJECT: Resolution supporting Portland State University and its social, economic, and cultural contributions to the region, and urging the State Board of Higher Education to include the Metropolitan region as active participants in the planning process that affects Portland State's capacity to serve the metropolitan region and the state.

BOARD BRIEFING: Date Requested: _____
Amount of Time Needed: _____

REGULAR MEETING: Date Requested: August 29, 1996
Amount of Time Needed: 15 minutes

DEPARTMENT: Board of County Commissioners DIVISION: District 3

CONTACT: Darlene Carlson TELEPHONE #: 248-5217
BLDG. / ROOM #: 106/1500

PERSON(S) MAKING PRESENTATION: Commissioner Collier

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Resolution supporting Portland State University and urging that the Metropolitan region be active participants in any restructuring planning process that affects Portland State University's comprehensive programs and its capacity to serve the Metropolitan region and the State.

9/6/96 copies to Darlene Carlson

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)
DEPARTMENT MANAGER: _____

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
96 AUG 22 PM 12:16

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

TANYA COLLIER
Multnomah County Commissioner
District 3



1120 SW Fifth St, Suite 1500
Portland, OR 97204
(503) 248-5217

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

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Tanya Collier, Commissioner District 3

TODAY'S DATE: August 22, 1996

REQUESTED PLACEMENT DATE: August 29, 1996

RE: Resolution Supporting Portland State University and Urging that the Metropolitan Region Be Active Participants in Any Restructuring Planning Process that Affects Portland State University's Comprehensive Programs and Its Capacity to Serve the Metropolitan Region and the State.

I. Recommendation/Action Requested:

Request that the Multnomah County Board of Commissioners pass a resolution urging the State Board of Higher Education allow the metropolitan region to be an active participant in any planning process to restructure Portland State University.

II. Background Analysis:

Given the diminished public funds that are available for the state university system, Chancellor Joe Cox on June 21, 1996 presented a plan to the State Board of Education which includes among other things a proposed plan to consolidate Portland State University's School of Engineering program with Oregon State University's. This proposal must now be reviewed through a thoughtful analysis of the impact these changes will have on the metropolitan region and all of Oregon and the future ability of higher education to meet the needs of our communities and students.

While we applaud efforts to reduce program costs and plan for the future of higher education, Multnomah County has a vested interest in maintaining strong engineering and business programs in the region to support the continued health of the local economy and the tax abatement investments the County has made to high-tech industries to secure career-path jobs for underemployed and unemployed residents. Portland State University is a critical component in the success of these endeavors and must remain a comprehensive urban university that is responsive to all of the social, economic, and cultural needs of metropolitan area residents as well as to the State of Oregon.

III. Financial Impact:

There is no financial impact on Multnomah County.

IV. Legal Issues: None.

V. Controversial Issues:

There is a long history of competition between the land grant universities and Portland State University. There are also very legitimate reasons the Chancellor is trying to cut program costs to save a system that has been sorely neglected by the State. It could appear that the metropolitan region is trying to protect its turf rather than looking out for its legitimate needs.

VI. Citizen Participation: Issue was brought to our attention by a constituent.

VII. Other Government Participation:

Clackamas County, Washington County, Metro, and the City of Portland.

Chairperson Stein and Commission Members:

My name is Joan Johnson.

I am Chair of Portland State Advocates, an alliance of more than 600 PSU friends and alumni who are supporters of higher education and of Portland State.

I am here today because we are greatly concerned about a proposal to turn over PSU's Engineering School and part of its graduate business program to Oregon State and the U of O respectively.

This proposal undermines the University's ability to serve the Metro Area by removing programs that are essential to this region.

It undermines the University's efforts to attract grants and private funding.

It undermines the economic health of the region by diminishing a strong university presence. If carried out, we could no longer point to a major university but rather to bits and pieces of several schools offering different programs.

And this proposal flies in the face of common sense. Will programs directed from Corvallis or Eugene better meet the needs of the metropolitan area? We think not.

The issue is not the QUALITY of Portland State graduates. The issue is QUANTITY. No question -- there is a need for more graduates in engineering, computer science and business in the Portland area.

But name changes and PSU take-overs are not the solution. What is needed are more resources for higher education in Greater Portland.

Did you know, for example, that PSU's Engineering School receives only about one-third the funding of OSU's Engineering School?

Or that overall, Portland State gets only about half the funding that either OSU or the U of O receive? Yet PSU serves more students annually than any other school in the state system – about 35,000 individuals.

In 1990, the Governor's Commission on Higher Education urged that

Portland State be fully developed as the university to serve the needs of greater Portland. The time to do that is long past due.

Therefore, I ask that you pass the resolution before you, urging the State Board of Higher Education to make significant investments in Portland State to enable it to better serve the needs of the metropolitan region and the state.

Thank you.

Portland State University

**A partner vital to the educational health,
economic growth and social fabric of
the Portland Metropolitan Region**

and

**An investment in education and
research that pays dividends
to the Oregon taxpayer**

**Prepared by PSU Advocates
August 1996**

Paid for with private funds

Table of Contents

Portland State: An investment in Oregon's future	2
The Urban University – What is it?	3
Just who goes to PSU?	4
PSU serves more students	5
PSU delivers a quality product	6
PSU responds to Oregon priorities	7
PSU delivers more value per tax dollars invested	9
PSU leads in innovation and reform	10
PSU produces leaders: Meet some alums	11

This information was prepared by PSU Advocates, supporters of higher education and Portland State University. If you have any questions or need further information, please contact PSU Advocates at 725-5072.

(Printed on recycled paper)

PORTLAND STATE: AN INVESTMENT IN OREGON'S FUTURE

The mission of Portland State University is twofold:

To offer high quality undergraduate degrees based on the liberal arts, as well as excellent professional and graduate programs especially relevant to the metropolitan area; and

To promote the development of community-university networks and collaborations to address community priorities through academic and research programs that involve community participants, as well as PSU's own faculty and students.

This mission was adopted by the Portland State University Faculty Senate and the Oregon State Board of Higher Education in the fall of 1991. It grew out of an intensive planning process that involved the entire university community, as well as representatives of various governmental, business, industrial, educational and community groups, including the Governor's Commission on Higher Education in the Portland Metropolitan Area.

Since then, PSU has implemented key elements of the plan and is gaining national recognition for its innovative, entrepreneurial approach to serving a complex metropolitan region. What has been missing is a level of state funding that would more fully meet the needs of the state's most populous area.

It is time for a change!

- o A comprehensive, interdisciplinary teaching and research university is essential for the economic health of the Portland Metropolitan Region. **Portland State is that university.**
- o The metropolitan area benefits greatly from a university that has shown leadership in developing collaborations and partnerships that not only enrich its own academic and research programs, but also address community-identified priorities. **Portland State is that university.**
- o This is not the time to diminish PSU's ability to deliver educational services. **Portland State is the primary provider of higher education in the metropolitan area.**
- o This is the time for a firm state commitment to investment in higher education in the Portland Metropolitan Region. **Funding for Portland State should be increased.**

THE URBAN UNIVERSITY – WHAT IS IT?

The urban university has its roots in the urban community. It is far removed from the “aloof ivory tower” view of higher education. Its programs are designed to reach out and connect undergraduate, graduate and professional education and research with the community itself.

The most significant potential effect of creating a community base for research and teaching is that positive impacts upon the community become a natural by-product of the research and educational efforts of the university.

The key characteristics of an urban university are:

- o A commitment to excellence that links learning to both student and community needs.
- o Access to an array of graduate and professional programs central to the needs and opportunities of the metropolitan region, such as Engineering, Public Affairs, Social Work, and Business.
- o Responsiveness to the special access needs of urban students.
- o Use of the urban region as an extended campus.
- o An emphasis on partnerships, collaborations and networks with other educational entities at all levels.
- o Collaboration with members of the metropolitan community in developing a curriculum that enhances the quality of life in the region.

Collaborations and partnerships are keystones of PSU's philosophy of teaching and research. Service with community organizations and businesses is integrated into academic and research programs, and the University's work in the community is focused on community-identified priorities.

JUST WHO GOES TO PSU?

- o PSU serves more Oregon residents than either UO or OSU.
- o About 84 percent of Portland State students are Oregon residents, and 90 percent of these are from Clackamas, Columbia, Marion, Multnomah, Washington, and Yamhill Counties.
- o 97 percent of recent graduates report that location was an important consideration in their decision to attend PSU.
- o 90 percent of PSU students commute to campus (many by public transit).
- o 80 percent of PSU students work full or part-time while attending school.
- o 43 percent of PSU undergrads are over the age of 25 (compared with 25 percent of all OSSHE students and 23 percent nationally).
- o 63 percent of PSU graduate students are older than 30.
- o Based on a recent survey of PSU graduates (from both undergraduate and graduate programs), 83 percent are employed in Oregon, the vast majority in the Portland Metropolitan Area.

PSU SERVES MORE STUDENTS

- o PSU serves approximately 35,000 individuals annually – more than any other institution of higher education in the state.
- o Nearly 15,000 students who are working toward their degrees attend regular day and evening courses, on either a full or part-time basis. These include 4,200 graduate students.
- o The University enrolls the largest number of graduate students of any state system institution.
- o Lifetime learning is a priority at PSU. An additional 20,000 individuals attend a variety of credit and non-credit courses every year in extended studies and professional development programs.
- o Flexible scheduling to meet the varying needs of its students is a tradition at PSU. Classes are held on weekdays from early morning to late in the evening. In addition, some regular classes, seminars, and intensive class units are held on weekends.
- o PSU offers 33 bachelor's and 38 master's degrees in the humanities, sciences, social sciences, and the professions.
- o PSU also offers doctoral degrees in seven areas: Education, Electrical and Computer Engineering, Environmental Sciences and Resources, Public Administration and Policy, Social Work and Social Research, Systems Science, and Urban Studies and Planning.
- o PSU awards more than 1,700 bachelor's degrees and more than 800 graduate degrees annually.
- o More than 70,000 persons have graduated from PSU since 1956, the first year degrees were awarded.

PSU DELIVERS A QUALITY PRODUCT

- o Quality of PSU programs is an important reason for choosing the University. 73 percent of grads report PSU was their first choice.
- o PSU graduates are valued in the marketplace:
 - o The School of Engineering and Applied Science has a placement rate of nearly 100 percent. 75 percent of its grads remain in the Northwest, primarily in the Portland Metropolitan Area.
 - o The School of Business Administration also has a placement rate of nearly 100 percent within six months of graduation.
 - o The Graduate School of Social Work reports 95 percent of its grads are placed within three to six months.
- o PSU students perform exceptionally well in national tests and competitions. Some examples:
 - o PSU accounting students traditionally rank in the top ten of the national CPA exams and consistently have the highest pass rate of any Oregon school.
 - o PSU undergrad business students placed first in a regional "New Ventures" competition in 1995, competing against such schools as UCLA and UO.
 - o 91 percent of PSU engineering students who take the National Fundamentals of Engineering Professional Registration Exam pass, compared to the national average pass rate of 63 percent.
 - o PSU civil engineering students won first place in the ASCE's 1996 Regional Steel Bridge Competition and fifth place nationally. (In 1994, PSU students won first place regionally and third place nationally.)
 - o Of PSU School of Education grads taking the National Teachers Exam, about 90 percent score above the national average.
 - o PSU students from the School of Fine and Performing Arts have earned national, regional, and international recognition with 25 awards since 1993.
- o PSU's graduate program in Urban Studies is ranked third in the nation.
- o PSU's Graduate School of Social Work is ranked fifth among its peers.
- o PSU's School of Engineering and Applied Science has the only undergraduate Computer Science program in the state of Oregon that is accredited by the Computer Science Accrediting Board (CSAB)

PSU RESPONDS TO OREGON PRIORITIES

Governor Kitzhaber and legislative leaders have challenged higher education to become partners in meeting state priorities. PSU takes this responsibility very seriously. Some examples of PSU's efforts as they relate to specific state priorities:

Providing a seamless education system:

- o PSU's Early Childhood Training Center improves the teaching skills of those working with very young children throughout Oregon. Much of the training is specifically designed for Head Start teachers in rural areas.
- o PSU faculty are working with Portland middle school teachers and students to develop innovative educational programs in math and science.
- o PSU's Urban Music Program provides music training to youngsters who otherwise would not receive this educational enrichment.
- o PSU's "your place" program provides technical expertise to school districts around the state to assist them with various aspects of the state's new education reform initiative.
- o PSU's Oregon Geographic Alliance (with the National Geographic Society) works to improve geographic education for students in grades K-12.
- o PSU has a number of partnerships with community colleges focusing on faculty development, curriculum design, and programs enabling students to successfully transfer from a two-year college to the university.
- o PSU is the hub for PORTALS, an innovative electronic library network that connects public and privately funded libraries in the metro area and provides its members with access to national and international data bases.

Helping Vulnerable Populations:

- o To meet the state's growing demand for professional social workers, PSU's School of Social Work is developing a statewide MSW program that, using technology, will bring graduate level education to social service employees and others in rural areas who are unable to attend PSU.
- o PSU's Child Welfare Project, a research and training partnership with the state of Oregon, is aimed at improving welfare services to abused and neglected children and their families throughout Oregon.
- o The Institute on Aging at PSU works with many public and private agencies around the state, conducting research and providing technical assistance and short-term training.
- o PSU's Audiology Clinic is a community service/technical assistance program that offers hearing tests and services to children, the elderly and low-income clients.

PSU RESPONDS TO OREGON PRIORITIES (continued)

- o PSU, together with OHSU and OSU, is a partner in the Oregon Health Policy Institute that conducts important research on issues related to health care and health policy.

Encouraging business and work force development:

- o Through OCATE (Oregon Center for Advanced Technology Education), OJGSE (Oregon Joint Graduate Schools of Engineering), and the Lintner Center, PSU partners with OGI, OSU and UO in providing programs that directly relate to the high tech industry's work force and training needs.
- o PSU's Northeast and Southeast Small Business Outreach Centers help emerging small businesses with market research, business plans, accounting, inventory control, training, and human resource management. (Plans are now being developed to open an additional center in Washington County.)
- o PSU's Food Industry Management Program, a collaboration with about 90 companies involved in all aspects of the food industry, provides instructional programs to mid-level managers through top executives. An applied research component will also help companies resolve business problems.
- o Through the Joint Professional Schools of Business, PSU, together with other OSSHE institutions, has increased delivery of international business and executive management programs to meet needs in the Portland area.
- o PSU's Center for Software Quality Research provides high quality software testing for small companies and trains students in that area of software development.

The above is just a sampling of PSU partnerships and collaborations within the state's priorities. The University has also developed a variety of programs and initiatives that address other priorities, including: Connecting urban and rural Oregon; protecting Oregon's environment; planning and sustaining livable communities; and reducing crime in our communities. Unfortunately, due to space limitations, we cannot begin to list all the projects in these categories.

The point is that PSU's mission is directly relevant to improving the quality of life in Oregon communities, investing in its people, and stimulating its economy. It differs from most other institutions of higher education in that its commitment to community is integrated into its curriculum as well as supported by faculty research. It has also developed many programs that are unique in the state. **As a result, the reach of PSU's academic programs extends from local Portland neighborhoods to the entire state.**

(For more detailed and complete information about PSU programs that respond to Oregon priorities, please contact the PSU Advocates (725-5072).

PSU DELIVERS MORE VALUE PER TAX DOLLAR INVESTED

- o PSU faculty, on average, teach the highest number of course credit hours per term of any school in the state system – 16.2 credit hours compared with 9.1 hours at UO, 11.8 hours at OSU, and 12.2 hours overall.

It should be noted that each credit hour involves additional time for research, writing, class preparation, grading assignments, student advising, etc.

- o PSU confers more degrees per instructional faculty member than any other OSSHE school.
- o Since 1990, PSU faculty have doubled the amount of grant and contract funding brought into the University.
- o Reductions in administrative personnel since 1990 resulted in cost savings of \$3.5 million, according to a 1994 report by the firm of KPMG Peat Marwick.
- o PSU operates with support staff that is half the size of those at either UO or OSU (1989 OSSHE figures—latest available) – although it serves many more individuals than either school.
- o PSU has joined with Oregon Health Sciences University to consolidate such services as printing, warehousing and purchasing, resulting in both efficiencies and cost savings.
- o PSU now uses outside vendors for such services as custodial and food services – resulting in improved service and real dollar savings.

PSU LEADS IN INNOVATION AND REFORM

Portland State has been involved in a serious restructuring effort – both academically and administratively – since 1990. Just two examples:

- o In response to concerns nationally that traditional general education programs are not serving today's college students well, PSU has developed an interdisciplinary, team-oriented approach to the core curriculum for all under-graduates, regardless of major.
 - o Now in its third year of phase-in, the new curriculum emphasizes oral and written communications, thinking rather than memorization, team-based learning, and use of the latest technologies. The result has been positive feedback from both faculty and students, and increased retention of first-time, full time freshmen.
 - o The new curriculum has drawn national attention. More than 160 institutions have sought PSU's advice about curriculum reform, including USC, Temple University and Texas A&M.
- o Though short of funds, PSU has made a commitment to greater use of technology in administrative and management systems, both improving efficiency and speeding up necessary processes. It encourages use of electronic mail for both on and off-campus communication, reducing the burden on campus mail and increasing the speed of communication.

The University has also placed a high priority on providing students with access to high technology equipment -- upgrading and increasing the number of general access computer labs and improving an instructional technology center. Students may now dial into campus from home or office to work on specialized programs, communicate with faculty, and access the Internet.

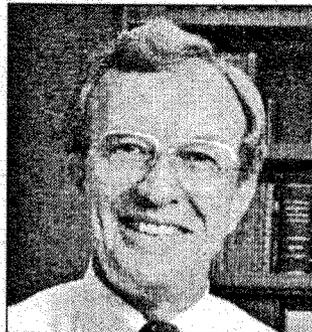
These and many other reforms have put the spotlight on PSU and the University has received national recognition for its efforts.

- o In 1996, the Kellogg Foundation awarded \$1 million to Portland State, one of four universities in the nation to be so honored, for its leadership in bringing about comprehensive, meaningful reforms in higher education.
- o PSU is also one of three finalists for a similar award from the Pew Charitable Trusts.
- o In 1994, the National Association of College and University Business Officers presented PSU with a national award for innovative management. The award is the equivalent of the Malcolm Baldrige Award in industry.

What do these leaders have in common?



John Hakanson, Ph.D.
President Emeritus
Clackamas Community College



Jerry Parsons
Executive Vice President
Chief Financial Officer
Willamette Industries



Avel Gordly
Community Activist
State Representative



Charles Moose, Ph.D.
Chief of Police
City of Portland



Jory Abrams
Regional Transportation
Operations Manager
CH2M Hill

*All received 1996
Outstanding Alumni Awards
at Portland State University*

PSU Alumni Association

PORTLAND STATE
UNIVERSITY

What do these business leaders have in common?



Sho Dozono
President and CEO
AZUMANO / Carlson



Richard Huson
Co-Founder
The Crabbe Huson Group, Inc.



Judith Rice
Executive Vice President
and Manager
Human Resources Group
U.S. Bank



James Aalberg
Vice President, Treasurer
Fred Meyer



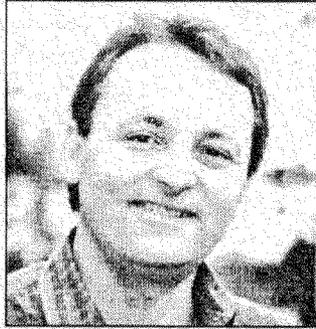
Peter Stott
President
Crown Pacific

*All are alumni of
Portland State University*

PSU Alumni Association

PORTLAND STATE
UNIVERSITY

What do these community leaders have in common?



Steve Amen
Host / Executive Producer
"Oregon Field Guide"
Oregon Public Broadcasting



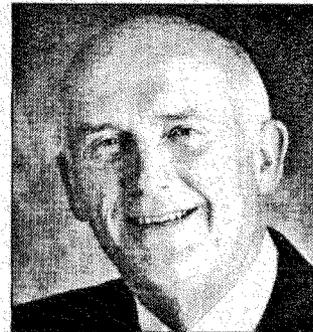
The Rev. Alcena Boozer
Principal
Jefferson High School



Chet Orloff
Executive Director
Oregon Historical Society



The Hon. Betty Roberts
Retired Justice
Oregon Supreme Court



Mike Schrunk
District Attorney
Multnomah County

*All are alumni of
Portland State University*

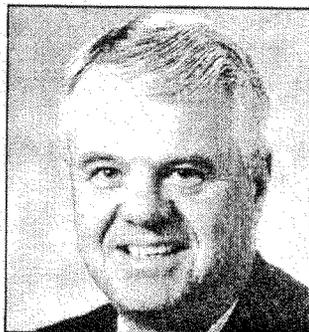
PSU Alumni Association

PORTLAND STATE
UNIVERSITY

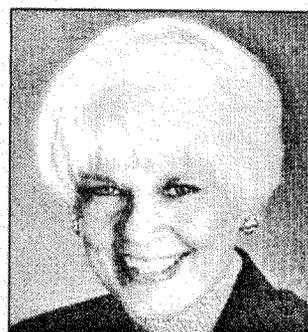
What do these business leaders have in common?



Jim Aalberg
Vice President, Treasurer
Fred Meyer



Gerry Cameron
Chairman & CEO
U.S. Bancorp



Judith Hofer
President & CEO
Filene's
(a division of The May Co.)
Boston, Massachusetts



Doug Shafer
Vice President, Treasurer
Tektronix, Inc.



Norm Winningstad
Chairman
ThrustMaster, Inc.

*All are alumni of
Portland State University*

PSU Alumni Association

PORTLAND STATE
UNIVERSITY

DON S. WILLNER & ASSOCIATES

ATTORNEYS AT LAW

SUITE 303

111 SW. FRONT AVENUE

PORTLAND, OREGON 97204-3500

(503) 228-4000

FAX (503) 228-4261

Don S. Willner
Jose Mata
Matthew U'Ren

Of Counsel

Dolores Empey
Donald D. Dartt
Annette E. Talbott

Paralegal

Maida Kelly

August 29, 1996

Multnomah County Commissioners
1120 SW Fifth Street, Suite 1500
Portland, OR 97204

Re: PSU Resolution, Dated August 29, 1996

Dear Commissioners:

I had wanted and planned to be present this morning at the Board of County Commissioners hearing on the resolution concerning Portland State University. Unfortunately, late yesterday, I learned that I had to be in federal court in Tacoma, Washington during the time that the hearing is scheduled.

When I was a state senator from Multnomah County, I was the author of the 1969 law making Portland State a university. Clearly, since then, the State Board of Higher Education has continued to retard the growth of PSU. Much of the future of the Portland Metropolitan area depends upon this strong institution. Therefore higher education and PSU should be given the opportunity to expand and do an even better job to serve the needs of this community. I support the important Resolution that you are considering today.

I am enclosing a copy of an Op-Ed piece that I wrote for the Portland Oregonian, an editorial in the Eugene Register Guard attacking the role of Portland State, and my response, which was printed by the Register Guard.

Sincerely,

DON S. WILLNER & ASSOCIATES

Don S. Willner

Don S. Willner

DSW:lf
Enclosures

C. Egerton -
Saturday, July 5, 1975



Judith Ramaley fights for reason in keeping engineering, business

To the Editor: "College reform off to rocky start." (June 26) I continue to be amazed that anyone would buy the idea that Chancellor Joe Cox's plan to hand over Portland State University's engineering school to Oregon State University is a good idea, or that expanding University of Oregon's business administration school by refocusing PSU's and OSU's business schools is a brilliant reform for the whole state.

How so? The urban and cultural center of Oregon is Portland. The major high-tech firms are here. The core of the business community is here. So why are Portland State's engineering and business schools being divvied up like the spoils of war?

Les Swanson, the State Board of Higher Education president, would have us believe that turf issues are simply self-serving and decline. How dare Judith Ramaley put the interests of her university and her town ahead of the needs of the whole state?

The real problem is that PSU is no longer the "stepchild" of the state system. PSU is an active, vital and fighting member of the family and that's why its siblings to the south are so threatened. I'm glad that Ramaley is willing to stand up for PSU's place in this community.

MEGAN TAYLOR
Northeast Portland

Endless turf battles could send education consumers elsewhere

To the Editor: Oregon's higher education system has always had an enormous administrative burden.

As citizens, we hear only about their endless machinations and turf battles when they propose dismantling one branch of the system and replacing it with a virtually identical substitute. If this was a business, we would simply go shop somewhere else.

Recently, the State Board of Higher Education's president said, "We must all act for the greater good of the state." That rhetoric sounds more appropriate for a failing socialist country than a modern decision making process.

The current plan is to create a tangled web of responsibilities where some campuses will rule over departments at other campuses. Putting Oregon State University (Corvallis) in charge of programs in Portland is simply an administrative nightmare. Leaving aside the cost -- and we can be sure that the cost will be massive -- this will simply perpetuate the meaningless jumble of programs and assignments that the State Board loves to implement.

Isn't it time we decided to use our tax dollars a bit more effectively? Years of restricting educational options in Portland to protect the state board's turf battles are simply too expensive. When a board fails at its mission long enough, we should simply consider closing it down and moving ahead.

The simple fact is that Portland State University functions quite efficiently and will not be improved by complicated reassignments and cross responsibilities. When you look at the numbers, PSU continues, year in and year out, to do more with less.

We do need more classes and programs in Portland. Everyone in business knows how hard it is to hire trained Oregon graduates. We just don't need additional complexities to get in our way.

We certainly don't need a massive administrative board that simply seems to exist to spawn such difficulties.

THOMAS R. MACKENZIE
Retired president
Mackenzie Engineering Inc.
Northwest Portland

ROBERT MCCULLOUGH,
Managing partner
McCullough Research
Southeast Portland

Grab for PSU schools replays past

By DON S. WILLNER

Wake-up, Portland metropolitan area! They are about to steal your state university.

The Oregonian recently reported that the State Board of Higher Education proposes to give Portland State University's engineering school to Oregon State University in Corvallis and reduce PSU's business school in favor of the University of Oregon in Eugene. This is a replay of history.

In 1962, the Oregon State Board of Higher Education issued a report saying there was no need for graduate education in Portland, and that Portland State College should not expand into graduate fields.

At that time, Portland was the largest metropolitan community in the United States without a major state university. Once university status was achieved in 1969, PSU was poised to become a major research university, serving the needs of the metropolitan area.

Unfortunately, the state board refused to allow this promise to become a reality, and continued to fund PSU at half the level of the down-state universities. As PSU gradually increased its research capabilities, the state board passed a resolution saying that PSU would no longer be a research university, as every major university in the United States is, but would only be allowed to become an "urban university."

The need and resources are here

Engineering and business administration developed in Portland, not because PSU was trying (or had the ability) to move these programs from the more politically powerful down-state universities, but rather because the need and business resources were here.

There is a funding crisis in higher educa-

tion in this state, and reforms are needed. The needed reforms are to let education dollars follow the marketplace.

If there is a demand for more higher education in certain fields in the Portland metropolitan area, then they should be funded by the state board and as part of Portland State University, which is in place and running.

It makes as much sense for University of Oregon and Oregon State University to control the engineering and business programs in Portland as it does for Portland State University to open a satellite campus in Corvallis or Eugene.

Last year, the president of the University of Oregon suggested abolishing Portland State University and dividing higher education in Portland between UO and OSU. A furor resulted, and the suggestion was withdrawn. Now, instead of abolishing Portland State University all at once, the State Board of Higher Education appears to be cutting major departments out of PSU one at a time.

Annex to Eugene and Corvallis

What the board suggests is *annex* education. In other words, the universities in Eugene and Corvallis would run annex programs in Portland, with either a subordinate faculty in Portland or faculty commuting from Eugene and Corvallis. This has never worked in the past, and will not work now.

A major university is a magnet, and scholars need to work together in one central location. Engineering and business administration are not taught in isolation. Scholars in those fields need to work with scholars in other fields. Many of the finest innovations in higher education are interdisciplinary.

The fight to make Portland State College into Portland State University was spearheaded by the Portland Chamber of Com-

merce and the civic and business leadership of this community. That impressive coalition which was put together in the 1960s to create the new university needs to be revived. The future of PSU is in danger because the State Board of Higher Education has learned nothing since 1962.

The Portland metropolitan community should demand that the gutting of PSU be rejected now and forever. Let us work together to build the best possible state system.

Don S. Willner is a former state senator who sponsored the bill to give university status to Portland State in 1969. He is a lawyer with offices at 111 SW Front Ave., Suite 303, Portland 97204.

Keep engineering education close to future employers to meet needs

To the Editor: Portland-area businesses and political leaders should take a united and strong stand supporting Judith Ramaley's position that Portland State University retain control of its fine engineering program (June 26 article).

The metropolitan area is the center of need for engineering education; therefore, it is at best a short-term economy to consider that the management of such a critical element of our economic vitality be transferred 80 miles south of the point of need.

Our state's political leaders should drop the provincialism that has so long retarded PSU's ability to meet the tri-county's higher education needs.

The Register-Guard
Friday, 196
July 13.

An Independent Newspaper

The Register-Guard's policy is the impartial publication in its news pages of all news and statements on news. On this page, the editors offer their opinions on events of the day and matters of importance, endeavoring to be candid but fair and helpful in the development of constructive community policy. A newspaper is a CITIZEN OF ITS COMMUNITY.

Portland conundrum

Pity Joe Cox. When he became chancellor of the State System of Higher Education, he inherited an insoluble problem caused by the fact that neither of Oregon's two major universities is in the state's population center.

In many respects it would be better if the state could start over and establish only one university with its main campus in Portland. But that train left the station years ago.

As a result, chancellors and boards are doomed to struggle with the triangle of conflict between Oregon State University, the University of Oregon and Portland State University.

Portland State is a university in name only. It does not have the same status or scope as the other two, both of which are comprehensive research universities.

Portland State College received its name upgrade from the Oregon Legislature in 1969 through a bill sponsored by then-Sen. Don Willner, a Portland attorney. Willner recalled that history in an op-ed piece vigorously defending the school in the July 6 Oregonian.

For decades, Oregon State and the University of Oregon have felt that money they need to achieve real strength in many academic areas has been drained off to support Portland State. For its part, Portland State has been frustrated by never being allowed to build research and Ph.D. programs because they would duplicate what already exists at the other schools.

The essence of the problem — too many institutions chasing too few dollars — never changes; the level of conflict rises and falls like a tide.

The tide rose again last month when the state Board of Higher Education endorsed some aspects of a systemwide restructuring plan. The changes were couched in general terms, but one was specific enough to ring alarm bells in Portland. It envisioned the takeover of Portland State's engineering program by Oregon State.

That was on a Friday. By Monday, PSU President Judith Ramaley had circulated an open letter to her faculty demanding a retraction of the board's press release and reasserting

her school's central role in Portland: "I will be outspoken in my conviction that (PSU) must be the principal provider of academic, research and service-related higher education programs for the metropolitan region."

This, despite the fact that Ramaley had been involved in all the discussions of system executives that preceded the board's action and, according to others, had acquiesced in the plans. Frantic discussions have no doubt ensued to patch this gash in the board's portrait of a brighter future.

But who can blame Ramaley? Wouldn't any of the three presidents protest if the board decided to whack off a chunk of their institutional jurisdiction and hand it to one of the others?

Trying to stay above the fray, Gov. John Kitzhaber has warned the system that he will help it in the next Legislature but only if the seven schools can avoid turf battles. That's a little like telling the seven dwarves to grow up.

The board's plan for engineering makes sense, in the abstract. OSU has the strongest engineering program in the state, and combining it with PSU's smaller, weaker program would create a stronger whole. It would also center the operation in Portland, where the business community for years has complained about a lack of adequate engineering and computer science offerings. Those complaints are reiterated in yet another report, this one issued recently by the Oregon Business Council and Associated Oregon Industries.

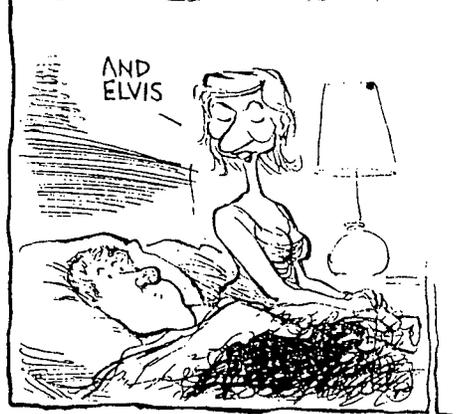
Another way to achieve the goal would be to pump enough money into engineering and/or computer science at Portland State to give that school outstanding programs in those areas. This Popeye approach, giving an otherwise ordinary school one strong arm, might make the business world happy. But it would require a lot of money and would cause pain and anger in slighted precincts up the valley.

About this time, Chancellor Cox may wish he were back teaching history at Towson State University. Which, incidentally, is in Baltimore. But the main campus of the University of Maryland isn't.

A happy warrior

If a contest were held to determine the happiest man in Oregon, Mike Dugan of Bend would win.

Without even breaking a sweat, Dugan was catapulted into front-runner status. And now comes more



End corporate subsidies

Shaking his fists in Atlanta to applause from the Young Presidents' Organization (a group of company presidents and chief executives under 40), House Speaker Newt Gingrich recently condemned welfare handouts without work requirements as "sinful . . . in an old-fashioned sense." He also said it is "morally wrong to give people who are able-bodied money for doing nothing because it teaches them and their children the worst possible habits" (Register-Guard, July 7).

In addition to being far to the right, Gingrich was, in a way, right. But in scapegoating only small welfare recipients, he applied a double standard in not condemning the millionaires he and other members of the Reagan-Bush gang handed billions in tax breaks. And giant corporations provided with enormous fancy tax loopholes. And timber, mining, agribusiness, tobacco and bloated "defense" industries given gigantic subsidies. And "religious" organizations such as Ralph Reed's Christian Coalition granted huge tax write-offs. Etc., etc.

But there is hope. Let's invite Newt to preach at a good old-fashioned moral revival meeting at Autzen Stadium. He could redeem himself by railing at the sinful immorality of endless Eugene-Hyundai welfare handouts. Or the repeated tax giveaways to Lorig Associates of Seattle. Or the 10-year property tax breaks awarded the Guard Publishing Co. for its expensive 58-unit apartment complex to maximize profits—all at public expense.

If Newt's busy, I'll speak for him and condemn teaching able-bodied company presidents, "religious" leaders and corporate CEOs "the worst possible habits" regarding welfare handouts without work requirements.

JEROME GARGER
Eugene

Few locals participate

those Market Lane a. This Sat. ly reunir. The "Veneta-I Rather, reunion, at the daytim per day. No are allowed. al. What is t vate event w teen staff. Me fit to the tunc food stalls, g Ninety perce dents do not employed to : sands of fairgo The Veneta. Noti area resid influx with mu three-to-five-da consideration w environmental roud residents area, with the c private propret country fair pr understand that who are not par ings.

ELIZABETH Elmira

A develop

Now, I may tween the lines (Major Defoc's at County is the pla Oregon Country and, now, Defoc' without permits-dream.

Unlike Euger and red tape, if

massive

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Oregon Country
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g. I was part of

behaved on his somewhat rarer visits to
13th. The closing of 13th Avenue to skate-
boarders would be a very unjust prejudice to
all pedestrians.

The law views the skateboarder as a
pedestrian; therefore, maybe we should
close off 13th to all pedestrians who move
faster than my grandmother with her walk-
er or a yarn-head meandering in a drug-
induced stupor. Then ticket, maybe even ar-
rest, anyone on a bicycle, rollerblades, rol-
lerskates, unicycle, tricycle, shopping cart
or wagon (we've all ridden one or the
other), joggers (they travel at about the

The Register - Guard 7/24/96

Entire state benefits from supporting PSU

Imagine my surprise! On July 12 I
was playing in a tennis tournament in
Eugene. I picked up The Register-
Guard, and there was your editorial at-
tacking Portland State University and
my role in the 1960s as the state senator
who sponsored the legislation granting
university status to what was then Port-
land State College. It was deja vu, only
your present editorial headline, "Port-
land Conundrum," was a pale imitation
of the 1960s when you attacked me un-
der the amazing headline "Portlander
Practices Political Piffle."

The Register-Guard is an excellent
newspaper, but your recent editorial
was no more accurate than was your
editorial in the 1960s. University status
means a base of graduate programs.
Twenty-four master's degree programs
were already in place when the 1969
name change — along with three new
Ph.D. programs — came to PSU. The
university now has 41 master's degree
programs, seven Ph.D. programs and
the largest number of graduate students
in the state (more than either the Uni-
versity of Oregon or Oregon State Uni-
versity!).

You patronizingly describe PSU as
"ordinary," especially in its engineering
program. However, in the National En-
gineering Professional Registration ex-
am, PSU students had a pass rate of 91
percent, compared with the average

peace, harmony. Allow me however to inform
so that we may move forward together.

ALEXANDER TURRET
Cottage Grove

*The Register-Guard welcomes letters on
topics of general interest. Letters must in-
clude the writer's name and address, and
should be no longer than 250 words.*

Mail letters to Mailbag, P.O. Box 10188,
Eugene, OR, 97440-2188.

Fax: 683-7631

America Online: RGLetters

Internet: RGLetters@aol.com

pass rate of 63 percent. This year, in a
design competition with civil engineer-
ing students from around the country,
PSU placed first regionally and second
nationally. Not bad for a school that has
been funded at half the level of the po-
litically powerful UO and OSU!

The truth is, Oregon does a poor job
of funding its entire system of higher
education, and this low level of funding
has not helped either the UO or OSU to
rise statistically above the "ordinary."
In 1995, U.S. News and World Report in
rating "national universities" placed the
UO at 58 and OSU at 98, compared, for
example, with the University of Wash-
ington at 26.

We need to consider what is good for
the state as a whole. Bringing the UO
and OSU into Portland makes as much
sense as bringing Southern Oregon State
College and Western Oregon State Col-
lege into Eugene. Rather than defend-
ing your local interests, The Register-
Guard should become a statewide
voice. This means recognizing that the
Legislature and the voters will be more
responsive to greater funding when edu-
cational needs are filled and adminis-
tered where students live and work.
The greatest number of students live
and work in the Portland metropolitan
area.

DON WILNER
Portland

WEDGE INVESTMENT



COMMERCIAL REAL ESTATE BROKERAGE
6310 SW BURLINGAME AVENUE
PORTLAND, OREGON 97201-2635
(503) 246-0404, FAX (503) 245-6628

July 10, 1996

Joseph W. Cox, Chancellor
Oregon State System of Higher Education
PO Box 3175
Eugene, OR 97403

Dear Mr. Cox:

I have been closely following the progressive statements and actions of yourself, the members of the State Board of Higher Education, as well as the college presidents and business leaders, and I would like to share my reflections and questions on your earlier proposal for the assimilation of Portland State University (PSU) into one of the two major schools and now your proposals for the "piecemeal" dismemberment of PSU.

Higher education in the Portland metropolitan area is as important as any other single piece of the City's fabric. It nourishes and is nourished by the University and should exist proportionate to Portland's population, tax revenues, and business mass and in the best interests of the metro area as well as the State.

1. The Portland metropolitan area is one of the few major cities in the United States without a comprehensive research university.
 - A. The urban mission championed by Judith Ramaley cannot be underestimated. Unique needs of an urban metropolitan area, including conservation, urban planning, recycling, and social service needs are critical. However that mission cannot exist without a broad range of interdisciplinary subjects in the University's curriculum. Portland State University cannot be pared down to an adjunct of a social service agency.
 - B. It is often said that without such a university, a city cannot remain at the leading edge of business development and advancement. Moreover, the social, artistic, and scientific health of the community are interdependent with the university's education in those fields. Dancers of Ballet Oregon and musicians in the Oregon Symphony teach or are taught at PSU.

- C. PSU's curriculum would be narrowed as a result of the encroachments by University of Oregon (U of O) and Oregon State University (OSU) in graduate and undergraduate fields, limiting a student's ability to move within disciplines.
 - D. The bricks and mortar development of PSU have been greatly underfunded, long before Proposition 5.
 - E. On-campus housing has been severely restricted as well as underfunded.
 - F. The Board of Higher Education limited PSU's status and funding as a research university. I am sure such equivalent limits would not be imposed upon OSU in Portland. The inclosed ad in the 7/3/96 Daily Journal of Commerce, quoting President Risser, does not imply such limitations.
2. Half of the State's population lives within the five-county area, including Multnomah, Washington, Clackamas, Yamhill and Columbia counties. All of these areas are within commuting distance to Portland State University's campus. (State of Oregon: 3,082,000; Portland 1,400,000. (1,678,000 when Clark County is included.)
 3. The Portland metropolitan area is by far the largest industrial and business mass in the state. It is diversified and requires graduates not only in business administration and engineering but in many of other fields which will locate here if there is an in-place training program for graduates of their disciplinary needs. An example is the training program for Taiwan Semiconductor Manufacturing workers at the Salmon Creek-Washington State University campus. Corvallis or Eugene are just not large enough cities to attract many of the very large firms concerned about the availability of workers and social services. Neither city is a competitor with the Portland metro area for the State's share of the world's research and manufacturing. If Oregon will have a chance of attracting it, it will be in the Portland metro area.
 - A. Because of the huge business base, many individuals working toward baccalaureate or post-graduate degrees can work part-time in some form of apprentice program or intersperse higher education with periods of work or part-time jobs. All of these would be impossible if they had to move to Eugene or Corvallis.
 4. The majority of income tax dollars from both individuals and business into the State's coffers come from the Portland metropolitan area.
 5. The tuition for State university students has increased 70% within the last five years, making it possible for less than 20 percent of Oregon households to send students away for on-campus university education without scholarships or crushing loans.
 - A. Living within an area offering work in their field of education is available, and undergraduates are able to live at home, reducing costs substantially.

- B. Except for the small proportion of the more affluent or students on scholarships, the on-campus education is becoming less important than the quality and availability of education at a comprehensive research university.
5. PSU's current campus facility, the 52 block university district with its interstate highway and close proximity to the developing mass transit system is a central location for the surrounding urban and suburban communities. There is a great deal of available land and with the recent purchase of the US West site for an engineering campus, the stage is set for PSU to meet the needs of the community, even during the period of budget tightness. If allowed to grow, its attributes and the Portland metro area's desirability would be an attraction to both students and faculty alike.
6. History of Portland State University funding:
- A. PSU's budget of \$97 million dollars is approximately half of that OSU or U of O and has approximately one-third of OSU's engineering budget. This occurs at a time when over 70% of the State's engineers (86% of computer engineers) work in the Portland metropolitan area or are recruited to this area for entry level jobs. Even with these suffocating disparities in funding, PSU graduates more post-graduate degrees than U of O or OSU. These outrageous limitations on funding have occurred consistently since PSU's inception.
- B. The State Board of Higher Education's limitation of PSU's scientific research role forces the transfers of students to other schools and limits PSU's value to the community.
7. PSU has been perceived by the U of O and OSU throughout its 50 years as a competitor for State funds and the possible eclipsing of their influence as a metropolitan university. The "we-they" attitude permeates the effort to control PSU's future. It has been proposed by administrators, Chancellors, and Presidents for many years that the state could not afford three major universities. With the tremendous urban growth in population, business, and the changing needs of students and urban society, it has no longer been possible to rely on strangling PSU with minimal budgets. With Judith Ramaley's strong leadership, efficient budgeting, and promotion of the urban sector of the University, U of O and OSU have taken the assertive steps of obtaining a "market share."
- A. They have opened small "computer universities with classes" in the Portland area and have campaigned for and influenced the actions taken and proposed by the State Board of Higher Education. Actions of the State Board of Higher Education have included limited budgeting, the limitation of the development of on-campus housing, and the designation of Portland State as not being a research university. In the last year the State Board of Higher Education has proposed the creation of a two-State University system, whereby PSU would be assimilated in that system. There were no proposals of

increased funding of the new OSU or U of O Portland campus to meet the demands of the Portland metropolitan area. When that provision failed, the piece-by-piece dismemberment of PSU was proposed, whereby the most expensive and influential programs would be transferred to the other universities: Business Administration to U of O and Engineering to OSU. The programs are critical for PSU in obtaining grants and a PSU/business partnership and vital for the school's status as a university. Here again there was no discussion of funding for the enhanced facilities of PSU, U of O, or OSU.

8. Some persons, particularly in the engineering fields have perceived the stalemate and support of the dismemberment of PSU with the overall sacrifice of a multifaceted university as a satisfactory price to pay for their own particular needs, thus supporting OSU's separate engineering mission.
9. The future:
 - A. Portland State University has an established and respected MBA Program and has been a most active part in the State's MBA program. PSU also has an established and respected undergraduate and postgraduate Engineering Program. The US West building adjacent to the campus is a launching pad for a research engineering center. If essential money from the state is available, why not invest those funds into the successful programs of the school already in place?
 - B. If the two disciplines were taken over by U of O and OSU, would there be three universities all within the same campus area as Portland State University? Would U of O merely take over the School of Business building at PSU? Are OSU's or U of O's primary interest the US West building? Would both universities want new campuses away from PSU's campus until one or the other succeeded in the turf battle of assimilating the remaining balance of PSU? Three campuses? Three administrations? Shouldn't we have 3 liaisons at each school representing the Board of Higher Education?
 - C. Until the latter event happens, it is certainly unlikely that private grant funds designated for the U of O and OSU campuses will be invested in Portland.
 - D. The building of a research engineering school eclipses even the singular gifts of Phil Knight. Will the State Board of Higher Education spend that much money for OSU and not for PSU?
 - E. Will U of O and OSU gratuitously reduce their operating budgets in Eugene and Corvallis to provide funds for their Portland facilities?
 - F. Will OSU dismantle facilities at Corvallis and transfer faculty to Portland to produce a program superior to PSU's with the same amount of money PSU is spending?

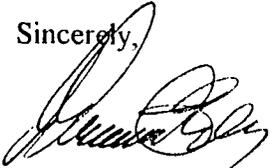
G. Will PSU students be required to go to three State schools to obtain their education or will the unfunded tripartite stagnate, at a time when Portland greatly needs the development of the whole University under the competent hand of Judith Ramaley?

H. I believe that U of O and OSU, who have long promoted their self interests in Eugene and Corvallis, will be loathe to work in any way for the best interest of a Portland campus at the perceived expense of the home campus. They do not and never will have Metropolitan Portland's interests and needs in mind. I can imagine the reaction of Judith Ramaley directing the urban university programs at U of O and OSU.

I. With PSU's efficiencies and effectiveness in mind, explain to the people of metro Portland why the redistribution of PSU's programs should take place and how the MBA and Engineering programs will be improved and paid for. If there is any money, specifically why should PSU not receive it? A televised round table forum is in order in which these questions are precisely answered.

The University system is for the greatest good for the greatest number of people. As stated by Les Swanson, the Board of Higher Education's president, "We must all act together for the greater good of the State." What is good for the state is Portland State University as a major comprehensive research university funded commensurate with its potential benefit to the society it supports. After all of this time, it is now time for the residents of metropolitan Portland to get what they have a right to. As an alumnus and resident, I intend to work to see that they do.

Sincerely,



David E. Wedge
WEDGE INVESTMENT

cc: John Kitzhaber
Vera Katz
Tom Hartung
Don Willner
Les Swanson, Jr.
Herbert Aschkenasy
Robert L. R. Bailey
Diane Christopher
Tom Imeson
Gail McAllister
Walter R. Miller
Esther Puentes
Mark Rhinard
April Waddy
Jim Willis

List of individuals continued on next page.

Mr. Joseph W. Cox
July 10, 1996, Page 6

Brady Adams
Ken Baker
Robert Boyer
Stan Bunn
Ron Cease
Gene Derfler
Joan Dukes
Shirley Gold
Jeannette Hamby
Bill Kennemer
Randy Leonard
John Lim
Randy Miller
Paul Phillips
Gordon Smith
Dick Springer
Greg Walden
Ron Adams
Tom Brian
Kate Brown
Chuck Carpenter
Margaret Carter
Bev Clamo
Peter Courtney
George Eighmey
Michael Fahey
Avel Gordly
Jerry Grisham
Cedric Hayden
Bryan Johnston
Leslie Lewis
Jane Lokan
Kevin Mannix
John Meek
Patti Milne
John Minnis
Bob Montgomery
Lisa Naito
Eileen Qutub
Anitra Rasmussen
Lonnie Roberts
Gail Shibley
Frank Shields
Lynn Snodgrass
Larry Sowa

Charles Starr
Ken Strobeck
Bob Tieman
Liz VanLeeuwen
Sharon Wylie

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF MULTNOMAH COUNTY**

Supporting Portland State University and urging)	
that the Metropolitan region be active participants)	Resolution
in any restructuring planning process that affects)	96-151
Portland State University's comprehensive)	
programs and its capacity to serve the)	
Metropolitan region and the State.)	

WHEREAS, the Oregon State Board of Higher Education has been engaged in a planning process to reform public higher education; and

WHEREAS, the public higher education planning process will guide the expenditure of new investments in public higher education and have an impact on Portland State University's ability to serve the region and the state; and

WHEREAS, Portland State University is a comprehensive urban university which makes a significant contribution in shaping national policy on urban issues, serves more than 37,000 individuals annually and enrolls about one-third of public higher education's graduate students; and

WHEREAS, a quality public higher education system responsive to the metropolitan region is crucial to the social, economic, and cultural well-being of local residents as well as to the State of Oregon; and

WHEREAS, Portland State University's plans for the future are integral to the significant long range planning efforts underway by METRO 2040, Portland-Multnomah Progress Board, Central City 2000 and the Oregon Business Council to insure that public higher education programs offered in the region establish greater links to regional economic, cultural and community development strategies; and

WHEREAS, the public higher education planning process has produced some proposals that would reduce the capacity of Portland State University to meet the needs of emerging business and key industries as well as the growing population in the metropolitan region; and

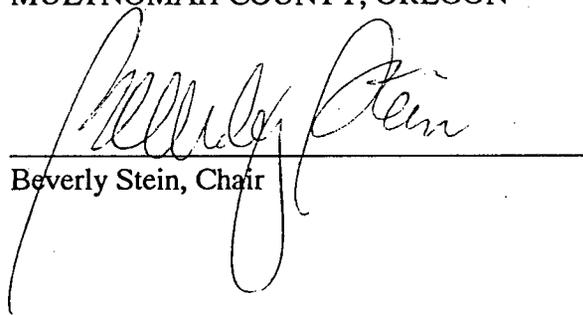
NOW, THEREFORE, IT IS RESOLVED BY THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS that the Metropolitan region be active participants in any restructuring planning process that affects Portland State University; and

IT IS FURTHER RESOLVED that we strongly urge the State Board of Higher Education to make significant investments in Portland State University that will increase its capacity to serve the metropolitan region and the state, particularly by strengthening engineering and educational programs linked to business and Oregon's key industries.

Dated this day of August 29, 1996.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:

LAURENCE KRESSEL, COUNTY COUNSEL
MULTNOMAH COUNTY, OREGON


Sandra N. Duffy, Chief Assistant

MEETING DATE: AUG 29 1996

AGENDA #: R-7

ESTIMATED START TIME: 9:55

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Board proposal delineating goals and composition of School Service Alignment Task Force as defined in Board Resolution 96-81.

BOARD BRIEFING: August 29, 1996

DATE REQUESTED: August 29, 1996

REQUESTED BY: Dianne Iverson

AMOUNT OF TIME NEEDED: ~~30~~¹⁵ minutes

REGULAR MEETING: August 29, 1996

DATE REQUESTED: August 29, 1996

AMOUNT OF TIME NEEDED: ~~30~~¹⁵ minutes

DEPARTMENT: Non-Departmental

DIVISION: Multnomah Commission on Children and Families

CONTACT: Dianne Iverson

TELEPHONE #: 306-5839
BLDG/ROOM #: 166/400

PERSON(S) MAKING PRESENTATION: Dianne Iverson

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE: Service Alignment Task Force

96/166 copies to Dianne Iverson
SIGNATURES REQUIRED:

ELECTED OFFICIAL:
(OR)
DEPARTMENT
MANAGER:

Beverly Stein MP

96 AUG 21 AM 10:55
MULTNOMAH COUNTY
OREGON
BOARD OF
COUNTY COMMISSIONERS

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

MEMORANDUM

TO: Board of County Commissioners
FROM: Beverly Stein
DATE: August 12, 1996
RE: Board proposal delineating goals and composition of School Services
Alignment Task Force as defined in Board Resolution 96-81

REQUESTED PLACEMENT DATE: August 29, 1996

I. Approve Board Resolution

II. Background/Analysis:

The Board of County Commissioners passed on May 2, 1996 Resolution 96-81 which allocates \$10,000,000 to schools in Multnomah County for fiscal year '96-'97. This Resolution clarifies the role, the membership, and the staffing of the Task Force.

III. Financial Impact:

The short term financial impact of Board Resolution 96-81 will be minimal. Staffing of the committee may require additional funds. The long term impact of the Service Alignment Task Force will be determined by the Task Force and will be described in their recommendation to the Board in the Spring of 1997.

IV. Legal Issues:

Legal issues that pertain to the service alignment of health, counseling, and libraries will be analyzed by the Task Force.

V. Controversial Issues:

The goal of the Task Force, the makeup of the membership, and the staffing of the Task Force have been discussed in the Board's work session on the 29th of July. The majority of the Board supported the concepts as described in this Board Resolution.

VI. Link to Current County Policies:

The County currently funds social service programs in the schools, and this Resolution asks the Task Force to tie in the current situation with the outcome of future commitments, so to not make recommendations in a vacuum.

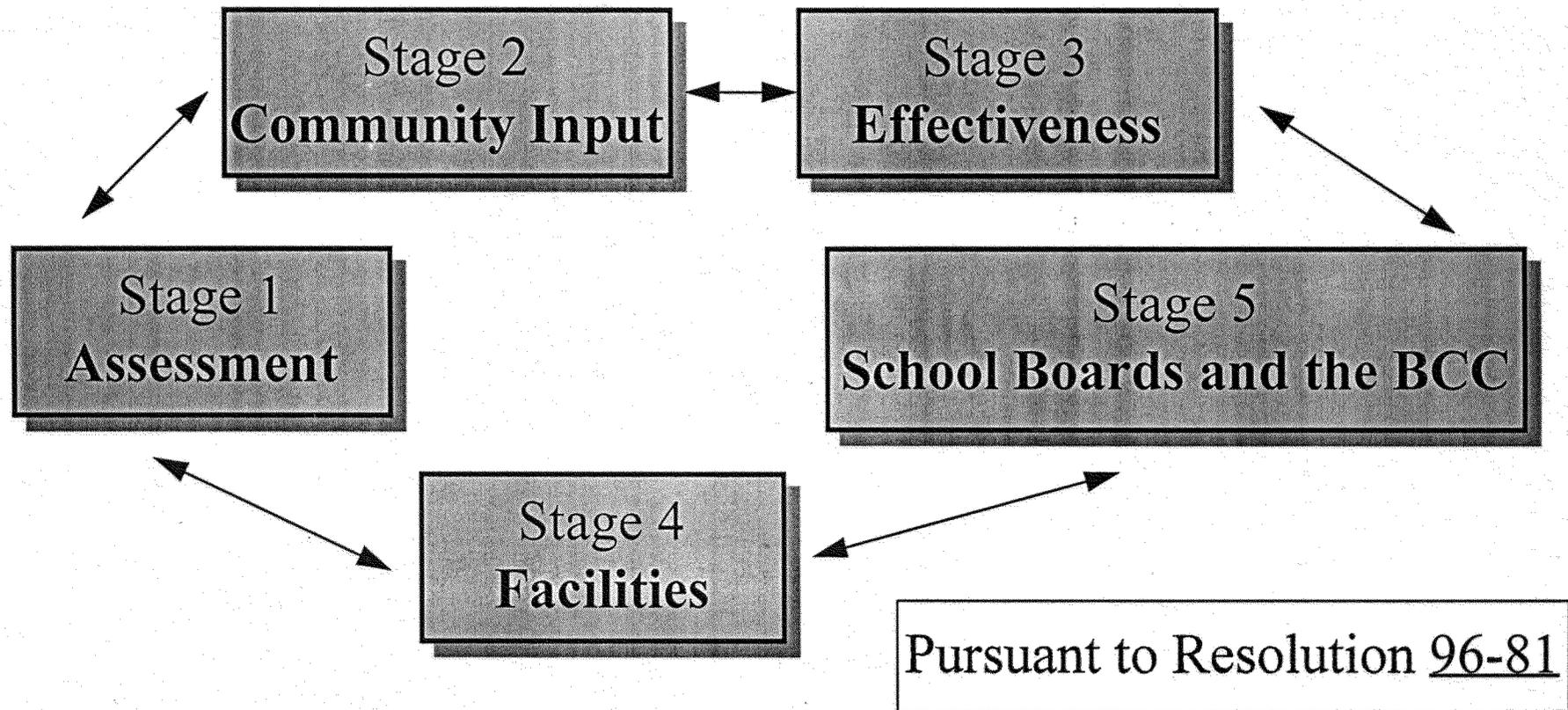
VII. Citizen Participation:

The Task Force will invite citizen participation in a variety of ways. The chair of the Task Force will be a private sector citizen. Public testimony at the Board meeting will be encouraged.

VIII. Other Government Participation:

The purpose of the Resolution is to further the partnership between the schools and the county in the area of supporting children and families. County, schools, and citizens will participate in the work of the Task Force.

County/School Service Alignment Stages



	Descriptions	Membership	Timelines	Staff
Stage 1 Assessment	Describe the current collaborations, programs and funding of both county and school health, mental health and library services and describe opportunities around <ul style="list-style-type: none"> • duplication of services • inefficiencies • access • quality • effectiveness • resources 	school liaison-county health-c library-c mental health-c juvenile-c health-school mental health-s libraries-s alternative ed-s	September through November	Dianne Iverson
Stage 2 Community input	Citizen Involvement Committee will formulate and staff a community process concerning the county's priorities regarding county funding to schools including: <ul style="list-style-type: none"> • current available social services • 96-97 OTO \$1.5 educational support • fair distribution of social services to the 9 school districts • accepting financial responsibilities for district librarians, nurses, counselor/psychologists, and child development specialist 	Citizen Involvement Committee	Dec. through Feb. 1, '97 (after Nov. election to take into account cut & cap)	Lead staff John Legry Assisted by Dianne Iverson
Stage 3 Effectiveness	Study selected issues generated from assessment ,community input and others identified.	<ul style="list-style-type: none"> • Chaired by a private sector person • Private and public sector membership 	January to June	Co-staffed by Dianne Iverson and possible assistance from Cynthia Guyer, Jim Marshall or Barbara Karmel
Stage 4 Facilities	Make recommendations to local school boards and the BCC on making more effective use of public facilities eg. <ul style="list-style-type: none"> • schools • libraries • parks • hours of the day • vacation times 	<ul style="list-style-type: none"> • County Chair • Commissioner • School Board member • Superintendent • ESD Board member • County facilities expert • School facilities expert • County budget officer • School budget officer 	December through May 1997	Bill Farver
Stage 5 Boards and Commissions review	Multnomah County Board of Commissioners and the local school boards will receive the recommendations from the service alignment task groups	Locally elected school boards, and the BCC	Quarterly Updates June 1997	Dianne Iverson and other staff

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

BOARD PROPOSAL DELINEATING GOALS AND
COMPOSITION OF SCHOOL SERVICE ALIGNMENT
TASK FORCE

RESOLUTION
96-152

WHEREAS, the Board of County Commissioners resolved in Resolution 96-81 to establish a work group to evaluate a functional realignment of responsibilities for school district and education service district positions that fit within the County's human service mission and area of expertise;

WHEREAS, this work group is charged by Resolution 96-81 to make recommendations to the County no later than June 1, 1997, regarding functional realignment responsibilities;

THEREFORE, BE IT RESOLVED, that the work group proposed by resolution 96-81 is hereby established and shall be known as the Service Alignment Task Force.

BE IT FURTHER RESOLVED, that the goals of the task force shall be:

- ♦ to improve customer service while lowering administrative costs and avoiding duplication
- ♦ to make recommendations to the Board of County Commissioners on prioritizing the County's commitment to the schools in the following areas:
 - currently available social services
 - 1996-97 one time only \$1.5 million educational support, e.g., PAX, Touchstone
 - fair distribution of social services to the nine school districts in the County
 - accepting financial responsibility for district librarians, nurses, counselor/psychologists, and child development specialists

08/20/96:1

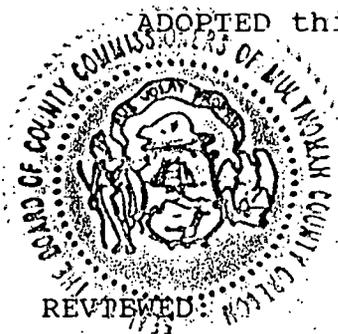
- ♦ to make recommendations to local school boards and the Board of County Commissioners on maximizing the effectiveness of mental health, library and health services, including possible County assumption of financial responsibilities for some of these services
- ♦ to make recommendations to local school boards and the Board of County Commissioners on making more effective use of public facilities

BE IT FURTHER RESOLVED, that the membership of the task force be appointed by the Chair with the approval of the Board of County Commissioners from the public and private sectors, be chaired by a person from the private sector, and may work in subgroups to accomplish its work;

BE IT FURTHER RESOLVED, that the Service Alignment Task Force be staffed by the County's School Liaison, Dianne Iverson with the assistance of others as appropriate or needed;

BE IT FURTHER RESOLVED, that the Service Alignment Task Force will report periodically to the Board of County Commissioners in 1996-97 and deliver a final report, including the bases for recommendations, no later than June 1, 1997.

ADOPTED this 29th day of August, 1996.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By *Beverly Stein*
Beverly Stein, Chair

LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By *Katie Gaetjens*
Katie Gaetjens
Assistant County Counsel

F:\DATA\COUNSEL\WPDATA\THREE\004CGG.RES\mw

08/20/96:1

#1

PLEASE PRINT LEGIBLY!

MEETING DATE 8/29/96

NAME Laura Etherton/OSPIRG

ADDRESS 1536 SE 11th

STREET

Portland OR 97214

CITY **ZIP**

I WISH TO SPEAK ON AGENDA ITEM NO. R-8

SUPPORT **OPPOSE**

SUBMIT TO BOARD CLERK

MEETING DATE: AUG 29 1996

AGENDA #: R-8

ESTIMATED START TIME: 10:00

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Resolution Committing Multnomah County to purchase recycled paper

BOARD BRIEFING: DATE REQUESTED: _____

REQUESTED BY: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: August 29, 1996

AMOUNT OF TIME NEEDED: 5 minutes

DEPARTMENT: DSS DIVISION: Finance

CONTACT: Franna Hathaway/Dave Boyer TELEPHONE #: 248-5111 / 248-3903
BLDG/ROOM #: 106/1430

PERSON(S) MAKING PRESENTATION: Franna Hathaway

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Resolution Committing Multnomah County to Purchase Recycled Paper

9/6/96 COPIES TO FRANNA HATHAWAY & DAVE BOYER
SIGNATURES REQUIRED:

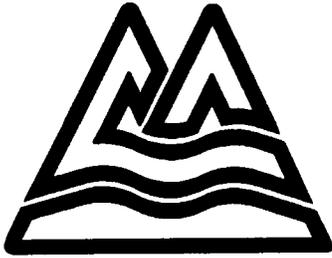
ELECTED OFFICIAL: Beverly Stein

(OR) DEPARTMENT MANAGER: Dave Boyer

BOARD OF COUNTY COMMISSIONERS
96 AUG 19 AM 8:58
MULTNOMAH COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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



MULTNOMAH COUNTY, OREGON

COUNTY COMMISSIONERS

FINANCE DIVISION

BEVERLY STEIN, CHAIR
TANYA COLLIER
GARY HANSEN
SHARRON KELLEY
DAN SALTZMAN

DIRECTORS OFFICE
ACCOUNTS PAYABLE
GENERAL LEDGER
PAYROLL
TREASURY
LAN ADMINISTRATIDN

PORTLAND BUILDING
1120 SW FIFTH AVENUE, SUITE 1430
PO BOX 14700
PORTLAND, OR 97214-0700
PHONE (503)248-3312
FAX (503) 248-3292
TDD (503) 248-5170

CENTRAL STORES
CONTRACTS
PURCHASING

FORD BUILDING
2505 SE 11TH
PORTLAND, OR 97202
PHONE (503) 248-5111
FAX (503)248-3252

MEMORANDUM

TO: Board of County Commissioners

FROM: Franna Hathaway, Purchasing Manager *FH.*

DATE: August 15, 1996

AGENDA DATE: August 29, 1996

SUBJECT: Resolution committing to purchase recycled paper

I. Recommendation / Action:

Approve resolution supporting increasing the price preference to purchase recycled paper from 5% to 15%, support the change in definition of recycled paper to include post-consumer waste only and direct the Purchasing staff to include these modifications in the Public Contract Review Board Rules by November 30, 1996.

II. Background / Analysis:

One component of the County's vision is to provide for a livable environment and Recycling and Solid Waste is one of the County's Benchmark which measures recycling and reuse to save resources, landfill space and reduces air and water pollution. Using recycled paper made from post-consumer waste is one of the most important steps to protecting the environment by reducing our consumption of natural resources, reducing energy use and pollution associated with the extraction of virgin materials, and reducing the burden on landfills and incinerators.

Post-consumer material is that which is collected through recycling programs from offices, homes and other sources.

Secondary materials means in-house mill scraps and other sources of material which do not impact the market for collected recyclables. Some manufacturers include their left over and scrap materials into the production of new products and call this recycling. This practice is commendable but does not help develop markets for post-consumer materials collected through recycling programs.

In February 1989 the Board of County Commissioners adopted Ordinance No. 608 establishing the County's policy on purchasing environmentally sound and reusable, recyclable, and biodegradable products and authorizing a 5% price preference for recycled paper products. In December 1994 the Board of County Commissioners adopted Ordinance No. 807 which defines recyclable products and provided for the 5% price preference for recycled paper. State statutes currently, in addition to using post-consumer waste, use secondary waste as part of the definition of recycled paper.

Excluding office printing paper and paper cups, all other paper products purchased by Multnomah County Purchasing Section are recycled products. These papers include; all post-it notes, pads of paper, chart packs, paper towels, toilet paper, seat covers and food trays for the correctional facilities.

Over the last several years the cost of recycled white office paper has exceeded that of virgin paper by as much as 20%. The cost of recycled white office paper has reduced and is currently about 8% to 11% greater than the cost of virgin paper. The paper market is very volatile and based on the changing market it would cost us between \$20,000 to \$46,000 more each year to purchase recycled paper products instead of virgin paper products.

The State is required to grant a 12% preference for the purchase of recycled paper. Local governments are required to give a 5% preference but have the option of granting a higher preference. For instance, Metro allows a 10% preference, Washington County 25%. Other agencies do a combination of things. The City of Gresham gives a 5% preference for paper items other than business cards and letterhead, these two items are required to be printed on recycled paper. Lane County requires the purchase and use of unbleached 50% post-consumer recycled paper for all documents other than ones that need to have the highest visual quality.

Over the past nine months we have been contacted by Oregon Student Public Interest Research Group "OSPIRG" to make these changes and be an example to others in setting forward looking public policy as it relates to recycling.

We are recommending a 15% price preference because the current market of recycled paper is within this price preference. In addition, we believe that if the County is to make a long term impact on the environment that we may need to spend a few more dollars up front by purchasing recycled paper.

The reason we are recommending that we wait until November to incorporate this into our PCRB Rules is to give us time to review the Rules with other County Departments and other interest groups if applicable to see if there are other changes that will make the procurement process more efficient without putting the County at unreasonable risk. We would then bring back a complete set of recommendations for your consideration.

III. Financial Impact:

The cost to purchase recycled paper instead of virgin paper is estimated to cost between \$20,000 to \$46,000 more each year depending on the market of recycled paper.

IV. Legal Issues:

None that I am aware of

V. Controversial Issues:

None that I am aware of

VI. Link to Current County Policy:

Is consistent with Ordinance No. 608 and the PCRB Rules.

VII. Citizen Participation:

Oregon Student Public Interest Research Group "OSPIRG" was involved with providing input and suggestions for this policy.

VIII. Other Government Participation:

Other Governments contacted to see what kind of policy they had in place regarding recycled products.

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

In the matter of Multnomah County)	
making a commitment to purchase)	RESOLUTION
products made from post-consumer)	96-153
recycled material)	

WHEREAS, the Board of County Commissioners acknowledges that by using our purchasing power to support the manufacture of goods made from post-consumer waste will stimulate the market for collected recyclable materials and enhance the economic viability of local and national recycling programs;

WHEREAS, the use of post-consumer waste in manufacturing new products provide environmental benefits including reducing the burden on landfills and incinerators, reducing our consumption of natural resources and reducing energy use and pollution associated with the extraction of virgin materials;

WHEREAS, the State of Oregon has defined recycled paper under ORS 279.545 and has directed state and local governments to purchase recycled products, if such products are available, are of sufficient quality for their intended use and the price is at least within 5% of their virgin equivalents under ORS 279.570.

WHEREAS, Multnomah County's Public Contract Review Board Rules "PCRB Rules" 10.136 incorporates ORS 279.545 and 279.570;

WHEREAS, the State of Oregon's definition for recycled paper includes the use of secondary waste materials and the use of secondary waste has no impact on the market for collected recyclables;

WHEREAS, the state and other local jurisdictions have increased the price preference to purchase recycled paper from 5% to anywhere between 10% - 25% and narrowed the definition of recycled paper to eliminate secondary waste;

WHEREAS, the Purchasing Section is in the process of reviewing the PCRB Rules with other County departments and other interest groups and will bring recommended changes back to the Board of County Commissioners in November 1996.

THEREFORE, BE IT RESOLVED:

1. Multnomah County supports increasing the price preference to purchase recycled paper from 5% to 15%.

2. Multnomah County supports defining recycled paper as a paper product with not less than twenty five percent of its total weight consisting of post-consumer waste.

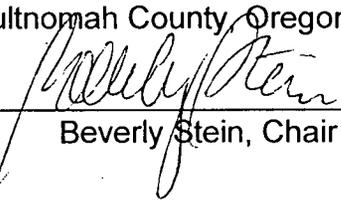
3. Board of County Commissioners direct Purchasing staff to include these changes in the PCRB Rules and to have the PCRB Rules modified by November 30, 1996.

Adopted this 29 day of August, 1996.

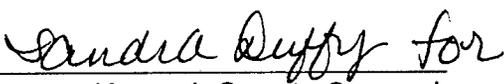


Board of County Commissioners
Multnomah County, Oregon

By


Beverly Stein, Chair

Reviewed by:


Laurence Kressel, County Counsel
of Multnomah County, Oregon

#1

PLEASE PRINT LEGIBLY!

MEETING DATE 8-29

NAME

Larry Anderson

ADDRESS

9014 N. Lombard

STREET

Portland Oreg,

CITY

ZIP

I WISH TO SPEAK ON AGENDA ITEM NO. R-9

SUPPORT _____

OPPOSE V

SUBMIT TO BOARD CLERK

#2
PLEASE PRINT LEGIBLY!

MEETING DATE 8-29

NAME Jessica Anderson

ADDRESS 9014 N Lombard

STREET

CITY Portland, OR

ZIP CODE 97203

I WISH TO SPEAK ON AGENDA ITEM # R-9

SUPPORT _____

OPPOSE

SUBMIT TO BOARD CLERK

MEETING DATE: AUG 29 1996

AGENDA #: R-9 thru R-12
ESTIMATED START TIME: 10:05

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Authorization to acquire real property by purchase or condemnation for construction of North Portland Clinic.

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

REGULAR MEETING: DATE REQUESTED: August 29, 1996
AMOUNT OF TIME NEEDED: Thirty minutes

DEPARTMENT: Environmental Services DIVISION: Facilities & Property Management

CONTACT: Bob Oberst TELEPHONE #: 248-3851
BLDG/ROOM #: 421/3rd

PERSON(S) MAKING PRESENTATION: Bob Oberst, Dwayne Prather

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Authorization to acquire real property by purchase or condemnation for construction of North Portland Clinic. Lot 4, Block 43, James Johns Addition to the Town of St. Johns, City of Portland, Tax Lot 30, Section 1, TIN, RIW, WM; Tax Lot 21, Section 1, TIN, RIW, WM; Lot 11, Block 4, Court Place, City of Portland,

9/6/96 COPIES & ORIGINAL PURCHASE AGREEMENTS TO BOB OBERST

SIGNATURES REQUIRED:

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
96 AUG 19 AM 11:18

ELECTED OFFICIAL: _____
(OR)
DEPARTMENT MANAGER: *Bob Oberst, Dwayne Prather, E. Nicholas*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Robert Oberst, Facilities & Property Management Bob O

TODAY'S DATE: July 29, 1996

REQUESTED PLACEMENT: August 29, 1996

RE: Acquisition of Real Property for Construction of North Portland Clinic.

I. Recommendation/Action Requested: Resolution by Board of Commissioners authorizing acquisition of land for North Portland Clinic construction through negotiated purchase or condemnation, if necessary.

II. Background/Analysis: Multnomah County Department of Health Services has determined that the current County health facilities in the North Portland area are inadequate to provide medical and dental services furnished by the Department to residents of the North Portland area. The Department has planned for construction of a North Portland Clinic necessary to provide the Field Nursing Team, Medical Clinic, Dental Clinic and other health services to clients in that area. An attached drawing shows the number and location of clients served by Department of Health Services in the North Portland area.

The site of the current clinic facility is not suitable for expansion or construction of a new facility. The land, located in Columbia Villa, carries residential zoning and clinic use is not permitted or allowed as a conditional use.

Facilities & Property Management Division has conducted a search for suitable property for construction of the Clinic project for a period of over two years, since the present facility site was determined to be unavailable for the project. Real estate brokers were advised of the need and provided several candidate sites. Facilities & Property Management and Department of Health Services personnel conducted direct searches. Over twenty sites were considered in the process. Most of the sites examined were not large enough, were not suitably zoned for the proposed use or were not conveniently located for access by clients to be served so as to be suitable for the project.

The "short list" of sites deemed to be suitable included the proposed site at N. Lombard and New York, a site on the west side of North Philadelphia Avenue at the east end of the St. Johns Bridge site on the east side of North Philadelphia Avenue at the east end of the St. Johns Bridge, the North Portland Eagles Lodge site at N. Lombard and Exeter and the Mt. Olivet Baptist Church site (former Portland Sports Arena) at 8725 N. Chautauqua Blvd. Both of the N. Philadelphia Avenue sites contain substantial commercial buildings and business operations; their owners were not

willing to sell the properties to the County. Both the North Portland Eagles and Mt. Olivet Baptist Church have or are constructing significant facilities at their sites and neither is willing to sell.

Multnomah County already owns approximately half the proposed site as a result of foreclosure of delinquent taxes; the owners of four of the five parcels comprising the balance of the site have indicated willingness to sell, a probable exception is one owner of a 5,000 square foot parcel containing residential and motorcycle repair shop structures (this is the only part of the site occupied). A summary of the site parcels appears below under "Financial Impact".

III. Financial Impact: Total site acquisition cost is presently projected by Facilities & Property Management to be approximately \$375,000 to \$400,000 plus cost of Radford exchange property. The following is a summary of site parcels:

County Tax Title

20,000 square feet. Vacant land. County owned. Assessed value 95/96 is \$96,500.

Anderson

5,000 square feet. Residential structure (owner and two tenants) and motorcycle repair shop. Assessed value 95/96 is \$46,200. Value per independent appraisal May 1996 is \$120,000. Owner has offered to sell for \$285,000 plus cost of payoff of taxes and trust deed amounting to an additional \$32,000. Estimated relocation cost to County is \$20,000 for tenants, \$44,500 for owner, \$10,000 fee to Portland Development Commission for relocation service agreement. Estimated legal cost if condemnation required is \$10,000.

Edwards

1,350 square feet. Vacant garage structure. Assessed value 95/96 is \$7,500. Owner offer to sell for \$25,000.

Hawk

3,650 square feet. Vacant land. Assessed value 95/96 is \$19,600. Owner offer to sell for \$23,000.

Radford

8,732 square feet. Metal building used to store cars. Assessed value 95/96 is \$43,200. Owner willing to sell, but wants exchange rather than cash; Property Management searching for exchange property with owner.

RKW Partners

12,949 square feet. Vacant land. Assessed value 95/96 is \$91,000. Owner offer to sell for \$91,000.

IV. Legal Issues: If purchase agreement is not reached with owner of the Anderson property, condemnation may be required.

V. Controversial Issues: None, to FM knowledge.

VI. Link to Current County Policies: Land acquisition not linked to County Policies, to FM knowledge.

VII. Citizen Participation: Multnomah County Department of Health Services has conducted the following actions involving the public in the siting process:

(A) May 2 & 3, 1996 mailed out 10,000 mailers to area addresses with information about health services, proposed new clinic and advising of an information fair to be held in the community on May 14th.

(B) May 3, 1996 walked around proposed site of new clinic and discussed new clinic with area businesses and hung information door hangers.

© May 6, 1996 met with all presidents of area neighborhood associations, who were supportive.

(D) May 14, 1996 information fair at North Portland YWCA attended by approximately 60 people and 32 completed forms received requesting further information on the project.

(E) May 21, 1996 met with Business Boosters who were supportive.

(F) July 5, 1996 met with local and corporate staff of Legacy Clinic in St. Johns to discuss plans and possibilities for cooperation between Legacy and County.

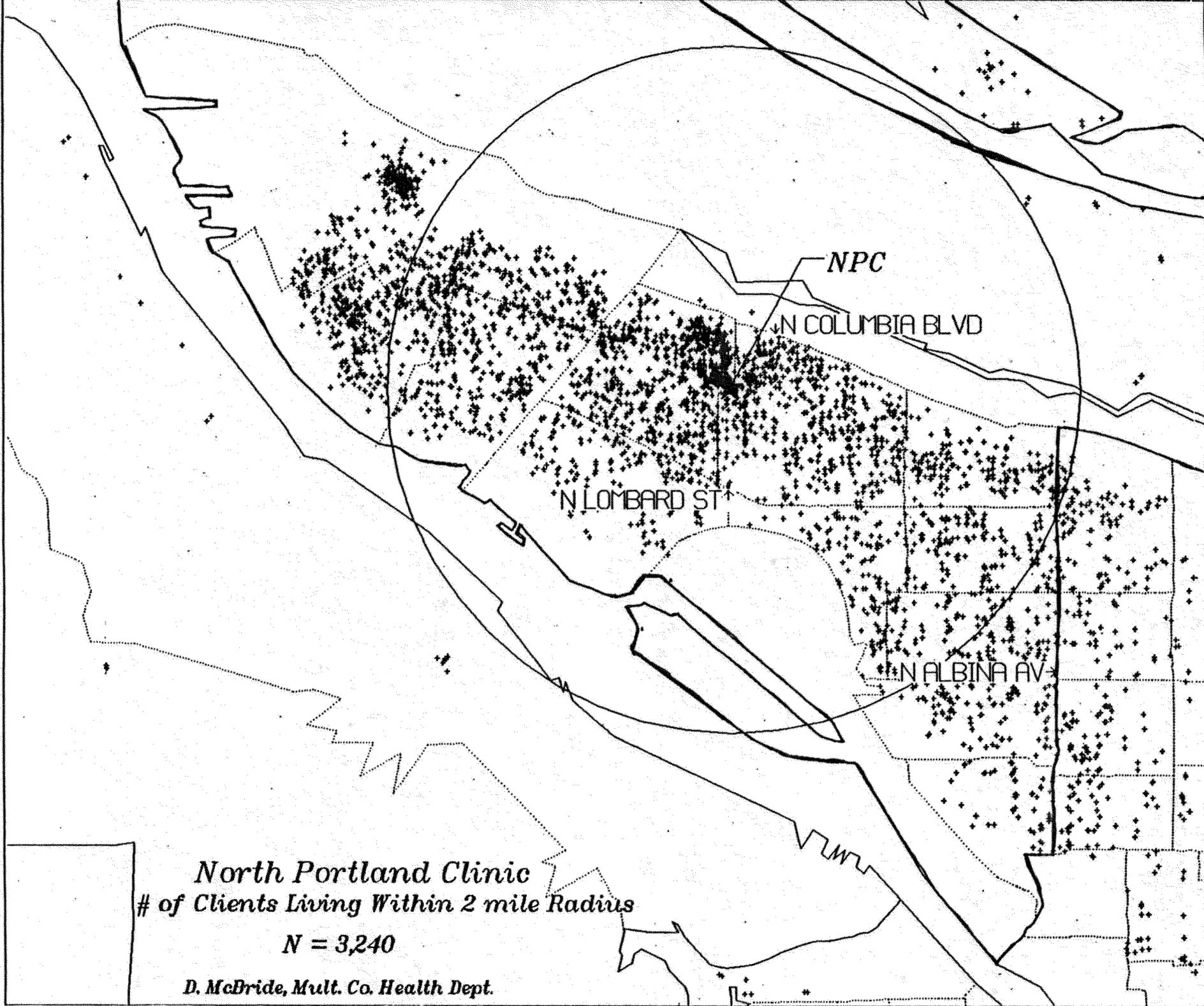
(G) July 8, 1996 met with St. Johns Neighborhood Association where two-thirds of attendees spoke in favor of the project and six to eight attendees wanted to help resolve the siting issue by locating the clinic in some other part of St. Johns. The Association voted to ask the County to have more community meetings to inform everyone.

(H) August 1, 1996 second mailing of 10,000 flyers to area residents and patients providing information on a community meeting to be held August 14, 1996 to discuss additional health service and clinic siting.

(J) August 14, 1996 community meeting for discussion with public of health services to be provided and siting of proposed clinic.

VIII. Other Government Participation: Oregon Health Sciences University may be a participant in the project providing health care services to members of the public served by Department of

Health Services. This would not be involved in the site acquisition, however.



North Portland Clinic
of Clients Living Within 2 mile Radius
N = 3,240

D. McBride, Mult. Co. Health Dept.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

In the Matter of the construction of the North Portland
Health Clinic

RESOLUTION

96-154

The above-entitled matter is before the Board to consider the condemnation and immediate possession by Multnomah County of the real property hereinafter described for the purpose of construction of a new North Portland Health Clinic; and

It appearing that by Resolution 96-55 adopted by the Board on March 28, 1996 the Board authorized condemnation for the North Portland Health Clinic subject to further approval by the Board; and

It appearing that condemnation is necessary to acquire certain parcels for construction of the North Portland Health Clinic; and

It appearing that the project has been planned and located in a manner which is most compatible with the greatest public good and the least private injury; and

It appearing that the real property hereinafter described is necessary for the construction of the North Portland Health Clinic; and

It appearing that it is necessary to acquire immediate possession of the property hereinafter described to allow construction to proceed and be completed on schedule within budgetary limitations, now, therefore,

BE IT RESOLVED by the Board of County Commissioners of Multnomah County that Multnomah County, by this Resolution, does hereby declare its intent to acquire said real property for the purposes hereinabove specified situated in the County of Multnomah, State of Oregon, and described on Exhibit A attached hereto.

BE IT RESOLVED by the Board of County Commissioners as follows:

1. That the Board does hereby find and declare that it is necessary to acquire the property described herein for the construction of the new North Portland Health Clinic; and
2. That in the event that no satisfactory agreement can be reached with the owners of the property as to the purchase price, legal counsel is hereby authorized and directed to commence and prosecute to final determination such proceedings as may be necessary to acquire the

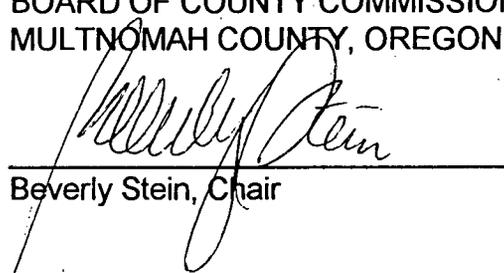
property. Such action shall be in accordance with all applicable laws, rules, and regulations governing such acquisition; and

3. That upon final determination of any such proceeding, the deposit of funds and payment of judgment conveying the property to the County is hereby authorized; and
4. That the Board hereby finds that it is necessary to obtain immediate possession of such property to allow construction to proceed and be completed on schedule within budgetary limitations; and
5. Legal counsel is hereby authorized and directed to take such action in accordance with law to obtain immediate possession of the property; and
6. That there is hereby authorized the creation of a fund in the amount of the estimate of just compensation for each such property, which shall, upon obtaining possession of each such property, be deposited with the Clerk of the Court wherein the action was commenced for the use of the defendants in the action, and the Director of the Finance Division is authorized to draw a warrant on the fund of the County in such sum for deposit.

ADOPTED this 29th day of August, 1996.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:

LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By 

John S. Thomas
Assistant County Counsel

EXHIBIT A

A tract of land in Section 1, Township 1 North, Range 1 West of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon, described as follows:

Beginning at a point on the Easterly side line of Fessenden Street in the City of Portland, County of Multnomah and State of Oregon, as now established 216 feet in a Northeasterly direction from the intersection of said Easterly line of Fessenden Street, with the Northeasterly side line of Jersey Street in said city, running from there in a Southeasterly direction parallel with said Northeasterly line of Jersey Street, 87.32 feet to a Westerly line of a 16 foot alley between Block 4, according to the duly filed plat of COURT PLACE thereof and the herein described tract; thence in a Southwesterly direction following said Westerly line of a said 16 foot alley 100 feet to a point; thence in a Northwesterly direction on a line parallel with said Northeasterly side line of Jersey Street, 87.32 feet to the Easterly side line of said Fessenden Street and from there in a Northeasterly direction following the Easterly line of said Fessenden Street, 100 feet to the point of beginning.

The Northwesterly half of Lot 4, Block 43, according to the duly filed plat of JAMES JOHN'S ADDITION TO THE TOWN OF ST. JOHNS, in the City of Portland, filed December 18, 1876, in Plat Book 1, Page 78, Records of the County of Multnomah and State of Oregon.

The Northeasterly 73 feet of the Southeasterly one-half of Lot 4, Block 43, according to the duly filed plat of JAMES JOHN'S ADDITION TO THE TOWN OF ST. JOHNS, in the City of Portland filed December 18, 1876, in Plat Book 1, Page 78, Records of the County of Multnomah and State of Oregon.

The Southwesterly 27 feet of the Southeasterly 50 feet of Lot 4, Block 43, according to the duly filed plat of JAMES JOHN'S ADDITION TO THE TOWN OF ST. JOHNS, in the City of Portland, filed December 18, 1876, in Plat Book 1, Page 78, Records of the County of Multnomah and State of Oregon, described as follows:

BEGINNING at the most Southerly corner of Lot 4, in Block 43, JAMES JOHN'S ADDITION TO THE TOWN OF ST. JOHNS; thence Northeasterly along the Northerly line of N. New York Avenue 27 feet to a point; thence Northwesterly at right angles to the South line of N. New York Avenue, 50 feet to a point which is 27 feet Northeasterly from the Southwesterly line of Lot 4; thence Southwesterly parallel to N. New York Avenue, 27 feet to a point on the Southwesterly line of said Lot 4, which is 50 feet from the point of beginning; thence Southeasterly following said lot line to the place of beginning.

PARCEL 1: The following described property in the Southeast quarter of the Southwest quarter of Section 1, Township 1 North, Range 1 West of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon:

Beginning at the most Westerly corner of Lot 11, Block 4, COURT PLACE; thence Southwesterly along the Southwesterly extension of the Southeasterly line of Lot 11, 20 feet, more or less, to the Northeasterly line of North Lombard Street formerly N. Jersey Street; thence Northwesterly along the Northeasterly line of North Lombard Street formerly N. Jersey Street; 116.32 feet to the Southeasterly line of N. St. Louis Avenue; thence Northeasterly along the Southeasterly line of N. St. Louis Avenue, 116 feet to a corner of a tract of land conveyed to F.E. Smith and E.L. Green by deed recorded January 22, 1914 in Book 640, Page 355, Deed Records; thence Southeasterly along the Southwesterly line of the Smith and Green tract; 87.32 feet to the Northwesterly line of Court Place, according to the plat thereof; thence Southwesterly 76.65 feet to the Northwesterly corner of Lot 11, Block 4, COURT PLACE; thence Southerly along the Southwesterly lot line of said Lot 11 to the point of beginning, being a portion of the premises conveyed to The Delaware Company by deed recorded December 20, 1909 in Book 482, Page 108, Deed Records.

PARCEL 2: Lot 11, Block 4, Court Place, in the City of Portland, County of Multnomah and State of Oregon.

BEFORE THE BOARD OF COMMISSIONERS
OF MULTNOMAH COUNTY, OREGON

In the Matter of the Acquisition of)
Real Property for the Construction)
of Department of Health Services')
North Portland Health Clinic Project)

ORDER
96-155

Whereas the Multnomah County Department of Health Services provides health care services to clients in the North Portland area and immediately surrounding areas; and

Whereas the existing clinic is no longer adequate in size to provide such services; and

Whereas real property suited to the construction of a clinic adequate to provide such services has been identified; and

Whereas the parcel described in the PURCHASE AND SALE AGREEMENT before the Board this date is a part of said real property and has been determined to be available at a reasonable price from the owner, Carol A. Hawk; and

Whereas, in lieu of condemnation, it appears that the purchase of the parcel described in the PURCHASE AND SALE AGREEMENT before the Board this date will benefit Multnomah County and the Board being fully advised in the matter:

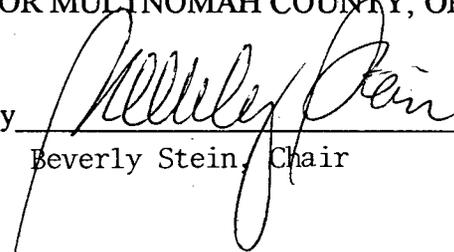
It is ORDERED that Multnomah County execute this PURCHASE AND SALE AGREEMENT before the Board this date and any other documents required for completion of this purchase and that the County Chair be, and she is hereby, authorized and directed to execute the same on behalf of Multnomah County.

Dated this 29 day of August, 1996.



BOARD OF COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By


Beverly Stein, Chair

REVIEWED:
LAURENCE KRESSEL, County
Counsel for Multnomah County, Oregon

By


Matthew O. Ryan, Assistant Counsel

PURCHASE AND SALE AGREEMENT

THIS AGREEMENT is made this _____ day of _____, 1996 between Carol A. Hawk (Seller) and Multnomah County, Oregon (Purchaser).

RECITALS

A. Seller owns certain real property (Property) situated in Multnomah County, Oregon and more particularly described as follows:

The Northeasterly 73 feet of the Southeasterly one-half of Lot 4, Block 43, according to the duly filed plat of JAMES JOHN'S ADDITION TO THE TOWN OF ST. JOHNS, in the City of Portland filed December 18, 1876, in Plat Book 1, Page 78, Records of the County of Multnomah and State of Oregon.

B. Seller desires to sell and Purchaser desires to purchase the Property for the price and upon the terms and conditions recited below.

TERMS AND CONDITIONS

1. Purchase and Sale: Seller agrees to sell to Purchaser and Purchaser agrees to purchase from Seller the Property for the price and in accordance with the terms and conditions set forth in this Agreement.

2. Seller's Authority:

(a) Seller has the legal power, right and authority to enter into this Agreement and the instruments referred to here and to consummate the transactions contemplated here.

(b) Seller has not entered into any other contracts for the sale of the Property, nor do there exist any rights of first refusal or options to purchase the Property.

3. Purchase Price and Payment: The purchase price for the Property shall be Twenty Three Thousand Dollars (\$23,000.00), payable in full in cash upon closing.

4. Closing Date: The sale will be closed in escrow by Oregon Title Insurance Company (Oregon Title) and the escrow fees will be shared equally by Seller and Purchaser. Closing will take place at such time as the conditions for closing have been met, but not later than ninety (90) days after the date of this agreement. If Seller is unable to close and deliver exclusive possession of the Property to Purchaser within ninety (90) days after the date of this agreement, Purchaser shall have the right to terminate this Purchase and Sale Agreement upon five (5) days written notice, excluding Saturdays, Sundays and Legal Holidays, to Seller. Prior to the Closing Date, each party will deposit with Oregon Title the funds, documents and instruction necessary for closing.

5. Warranty Deed, Title Insurance and Closing Expenses: Upon closing, the Property shall be conveyed by Seller by statutory warranty deed, subject only to exceptions 1, 2, 3, 4, 5, 7, 8, and 10 of the preliminary title report prepared by Oregon Title, Order No. 761824m, dated June 10, 1996, a copy of which is attached hereto as Exhibit A, and other matters that may be approved in writing by the Purchaser, and Seller shall deliver exclusive possession of the Property to Purchaser. Seller, at Purchaser's expense, will furnish to Purchaser a standard form of owner's title insurance policy in the amount of the purchase price insuring title to be vested in Purchaser subject only to the usual printed exceptions and the exceptions authorized to be included in the statutory warranty deed.

6. Prorations:

(a) **General**: For purposes of calculating prorations, Purchaser shall be deemed to be entitled to the Property, therefore entitled to any income and responsible for the expenses, commencing on the day after the Closing Date and the reference to the Closing Date in this paragraph 6 shall be construed as July 31, 1996 or such other date as closing shall occur as provided in paragraph 4.

(b) **Taxes and Assessments**: Real property taxes and assessments shall be prorated as of the Closing Date.

(c) **Operating Expenses**: All utility service charges for electricity, heat and air conditioning service, other utilities, and other expenses incurred in operating the Property that Seller customarily pays in the ordinary course of operation of the Property shall be prorated on an accrual basis. Seller shall pay all such expenses that accrue prior to the Closing Date. To the extent possible, Seller and Purchaser shall obtain billings and meter readings as of the Closing Date to aid in such prorations.

(d) **Adjustments**: Prorations, if and to the extent known and agreed upon as of the Closing Date, shall be paid by Purchaser to Seller (if the prorations result in a net credit to Seller) or by Seller to Purchaser (if the prorations result in a net credit to Purchaser), by adjusting the cash to be paid by Purchaser at closing. Any such adjustments not determined or not agreed upon as of the Closing Date shall be paid by Purchaser to Seller, or by Seller to Purchaser, as the case may be, in cash as soon as practicable following the closing of escrow.

7. Condition of Property:

(a) No representations as to the condition or repair of the Property have been made by Seller or any agent of Seller except as expressly set forth in this Agreement. No agreement to alter, repair or remove the Property has been made by Seller or by any agent of Seller and except as otherwise herein provided, Purchaser shall take the Property "as is" and in the condition existing at the Closing Date, subject to the condition that the Property shall be in substantially the same condition at the Closing Date as at the time of execution of this Agreement, ordinary wear and tear excepted.

(b) Purchaser shall have a period of thirty (30) days from the date hereof in which to inspect the Property and to object, in writing to Seller, to any condition of the Property unsatisfactory to Purchaser. Seller shall eliminate any such conditions to the satisfaction of Purchaser prior to the Closing Date or, at its election, Seller may terminate this Purchase and Sale Agreement by written notice to Purchaser with fifteen (15) days after receipt of said written objections from Purchaser. Purchaser shall be deemed to have waived any objections to conditions of the Property if it does not notify Seller thereof as herein provided.

(c) Seller has not received any notices of violation or advisory action by regulatory agencies regarding environmental control matters or permit compliance with respect to the Property. To the best of Seller's knowledge, the Property is materially in compliance with applicable state and federal environmental standards and requirements affecting it.

(d) To the best of Seller's knowledge, Seller has not, during its ownership of the Property, stored, produced or disposed of any hazardous substance, including asbestos, on the Property.

(e) Seller has not transferred hazardous waste from the Property to another location that is not in compliance with applicable environmental laws, regulations, or permit requirements. To the best of Seller's knowledge, no other person has transferred hazardous waste from the Property to another location that is not in compliance with applicable environmental laws, regulations or permit requirements.

8. Casualty or Condemnation: In the event that, prior to the Closing Date, condemnation proceedings are commenced against the Property or any part thereof, then, at Purchaser's option, (i) this Agreement shall terminate and neither party shall have any further rights or obligations hereunder, or (ii) the closing shall proceed as provided pursuant to this Agreement and Purchaser shall receive any and all insurance or condemnation proceeds attributable to casualty or condemnation, which proceeds shall not be credited against Purchaser's obligation to pay the purchase price.

9. Brokers: Purchaser represents to Seller that it has not employed or dealt with any real estate brokers, sales persons or finders in connection with this sale and purchase. Seller will be responsible for the commission due to any real estate brokers, agents or finders employed by Seller.

10. Remedies: There is no earnest money in connection with this Purchase and Sale. In the event of a breach or default by either party, the other party shall be entitled to such remedies for breach of contract as may be available under applicable law.

11. Entire Agreement: This instrument is the entire, final and complete agreement of the parties pertaining to the Sale and Purchase of the Property, and supersedes and replaces all written or oral agreements heretofore made or existing by and between the parties or their representatives insofar as the Property is concerned. Neither party shall be bound by any promises, representations or agreements except as are herein expressly set forth.

12. Notices: Any notice required or permitted under this Agreement shall be in writing and shall be deemed given when actually delivered in person or forty eight (48) hours after having been deposited in the United States mail as certified or registered mail addresses as follows:

Seller: Carol A. Hawk
9318 N. Buchanan
Portland, Oregon 97203

Purchaser: Multnomah County Property Management
2505 S.E. 11th Avenue
Portland, Oregon 97202

13. Attorney Fees: In the event any controversy or claim arises under this Agreement, the prevailing party shall be entitled to its reasonable costs, disbursements and attorney fees together with all expenses which it may reasonably incur in taking such action, including, but not limited to, costs incurred in searching records, expert witnesses and consulting fees, discovery depositions whether or not introduced into evidence in the trial, hearing or other proceeding and travel expenses in any arbitration, trial or other proceeding, including any proceeding brought to enforce an award of judgment and any and all appeals taken therefrom.

14. Nonwaiver: Failure by either party at any time to require performance by the other party of any of the provisions hereof shall in no way affect the party's rights hereunder to enforce the same, nor shall any waiver by the party of the breach hereof be held to be a waiver of any succeeding breach or a waiver of this nonwaiver clause.

15. Governing Law: This Agreement shall be construed in accordance with and governed by the laws of the State of Oregon.

16. Captions: All captions and paragraph heading used herein are intended solely for convenience of reference and shall in no way limit any of the provisions of this Agreement.

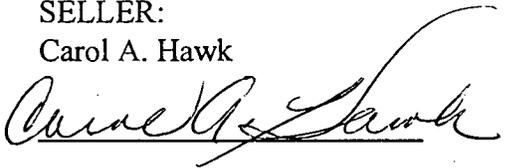
17. Binding Effect: The covenants, conditions and terms of this Agreement shall extend to and be binding upon and inure to the benefit of the successors and assigns of the parties hereto.

18. Fire Protection: The property described in this instrument may not be within a fire protection district protecting structures. The property is subject to land use laws and regulations, which, in farm or forest zones, may not authorize construction or siting of a residence and which limit lawsuits against farming or forest practices as defined in ORS 30.930 in all zones. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses and existence of fire protection for structures.

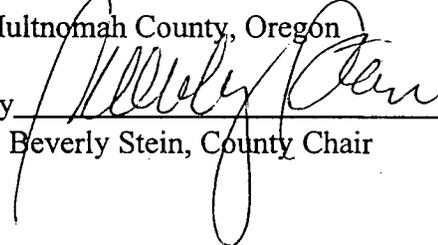
19. Agreement as Offer: The execution of this Agreement by the first party to do so constitutes an offer to purchase or sell the Property and the subsequent execution of the Agreement with changes to the Agreement constitutes a counteroffer to purchase or to sell the Property. An offer of this Agreement will be null and void and withdrawn upon written notice thereof by the party which made such offer to the other party prior to such other party's acceptance of such offer by execution and delivery of this Agreement to the party which made such offer.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

SELLER:
Carol A. Hawk



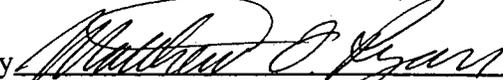
PURCHASER:
Multnomah County, Oregon

By 

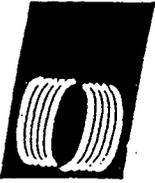
Beverly Stein, County Chair

REVIEWED:

LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By 

Matthew O. Ryan, Assistant Counsel



OREGON TITLE INSURANCE COMPANY

Title Branch
1515 S.W. Fifth Avenue, Suite 840
Portland, OR 97201
(503) 220-0343; FAX 228-5830

**PRELIMINARY TITLE REPORT
FOR ISSUING TITLE INSURANCE**

Date Prepared: June 10, 1996

Mult. Cnty. Tax Assessors
Mult. Cnty. Property Mngt.
2505 SE 11th Ave
Portland, OR 97202
Attn: Bob Oberst

Reference:

ORDER NO : 761824m
PARTY REF: ANDERSON
PROP ADDR:
OTHER REF: Lot 4, JAMES JOHN ADDITION

OREGON TITLE INSURANCE COMPANY is prepared to issue title insurance, insuring title of the land shown on Schedule A, subject to the exceptions shown on Schedule B. The proposed policy or policies and indorsements are shown on Schedule A. Issuance of the policy or policies is conditioned on payment of the full premiums, and on recordation of satisfactory instruments establishing the interests of the parties to be insured.

This report is based on the condition of title as of the effective date shown on Schedule A. Matters arising after the effective date may affect this report. New exceptions will appear for matters arising through the proposed transaction. Any change in the amount of insurance or type of coverage may cause the premium to change.

This report is for the exclusive use of the principals to the contemplated transaction, and the company does not have any liability to any third parties. Until all necessary documents are placed of record, the company reserves the right to cancel, amend or supplement this preliminary title report for any reason.

Any questions concerning this preliminary title report may be directed to:

Kathy Clair

SCHEDULE A, Page No. 1

Order No. 761824m

1. The effective date of this preliminary title report is 5:00 P.M. on June 4, 1996

2. The policies and indorsements to be issued and the related charges are:

Policy/Indorsement Description	Charge
ALTA Standard Owner's for \$ (TO COME)	200.00

3. Fee simple interest in the land described in this report is owned, at the effective date, by:

CAROL A. ANDERSON

4. The land referred to in this report is described as follows:

The Northeasterly 73 feet of the Southeasterly one-half of Lot 4, Block 43, according to the duly filed plat of JAMES JOHN'S ADDITION TO THE TOWN OF ST. JOHNS, in the City of Portland, filed December 18, 1876, in Plat Book 1, Page 78, Records of the County of Multnomah and State of Oregon.

SCHEDULE B, Page No. 1

Except for the items properly cleared through closing, the proposed policy or policies will not insure against loss or damage which may arise by reason of the following:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, liens or encumbrances or claims thereof, which are not shown by the public records; unpatented mining claims; reservations or exceptions in patents or in acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any lien, or right to a lien, for taxes, worker's compensation, services, labor, equipment rental or material, heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose.
6. Taxes for the year 1995-96
 - Original Amount : \$304.57
 - Tax Amount : \$304.57
 - Unpaid Balance : \$304.57 plus billing fees and interest, if any.
 - Code No. : 001
 - Account No. : R-42580-5060
 - Map No. : 2021
- 6a. Taxes for the year 1994-95
 - Unpaid Balance : \$353.44 plus interest, if any.
- 6b. Taxes for the year 1993-94
 - Unpaid Balance : \$405.61 plus interest, if any.
- 6c. Taxes for the year 1992-93
 - Unpaid Balance : \$437.29 plus interest, if any.
- 6d. Taxes shown above are delinquent for at least three years. Under O.R.S. Chapter 312, the land described herein is subject to foreclosure for delinquent taxes.
7. Municipal liens, if any, imposed by the City of Portland.

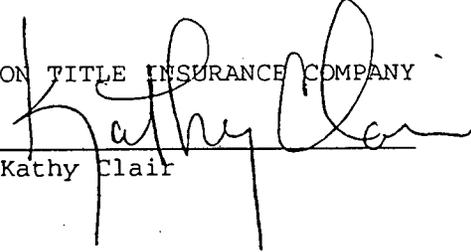
(Continued)

8. The rights of the public, governmental bodies, and public utilities, in and to that portion of the herein described property lying within the limits of streets, roads and highways.
9. We find one or more unsatisfied judgments and/or tax liens against names similar to Carol A. Anderson, which are not set forth herein. A statement of identity must be completed and returned to us to assist us in verifying whether the parties to the subject transaction are the same as the judgment debtors. This report may be supplemented and exceptions added or deleted based upon the results of such verification.
10. Rights of tenants, as tenants only, in unrecorded leaseholds.
11. Right, title and interest of Carol A. Hawk, as disclosed by the Multnomah County Tax Assessors computer printout.

NOTE: We find no judgments, federal or state tax liens against:
Carol A. Hawk.

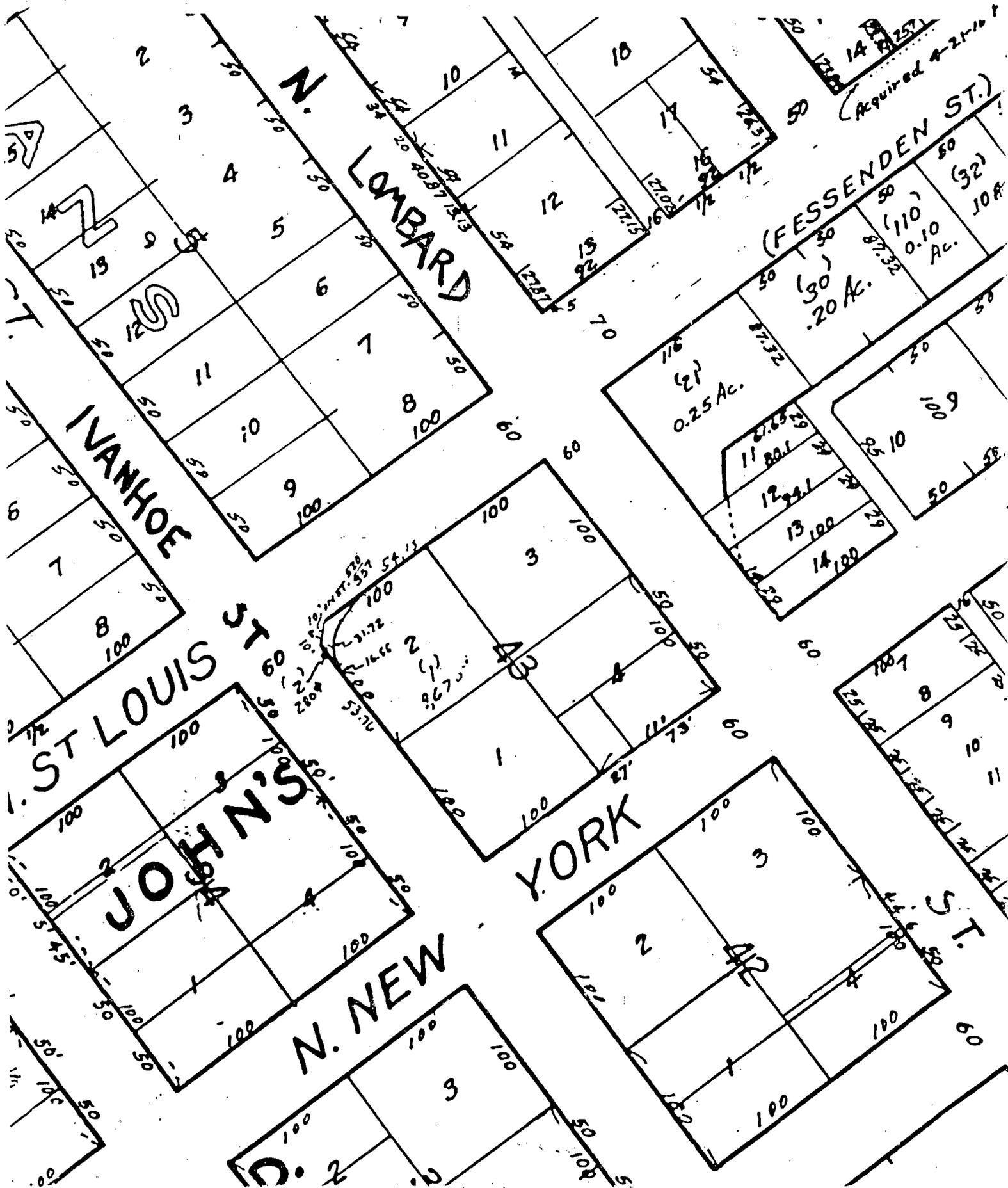
OREGON TITLE INSURANCE COMPANY

By:


Kathy Clair

KC/bjj

This map is made solely for the purpose of assisting in locating said premises, and the Company assumes no liability for variations, if any, in dimensions, areas, and locations ascertained by actual survey.



BEFORE THE BOARD OF COMMISSIONERS
OF MULTNOMAH COUNTY, OREGON

In the Matter of the Acquisition of)
Real Property for the Construction)
of Department of Health Services')
North Portland Health Clinic Project)

ORDER
96-156

Whereas the Multnomah County Department of Health Services provides health care services to clients in the North Portland area and immediately surrounding areas; and

Whereas the existing clinic is no longer adequate in size to provide such services; and

Whereas real property suited to the construction of a clinic adequate to provide such services has been identified; and

Whereas the parcel described in the PURCHASE AND SALE AGREEMENT before the Board this date is a part of said real property and has been determined to be available at a reasonable price from the owner, Charles W. Edwards; and

Whereas, in lieu of condemnation, it appears that the purchase of the parcel described in the PURCHASE AND SALE AGREEMENT before the Board this date will benefit Multnomah County and the Board being fully advised in the matter:

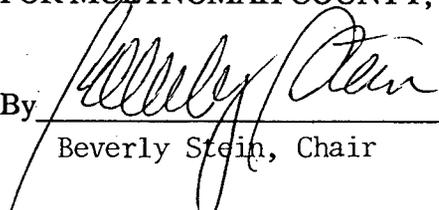
It is ORDERED that Multnomah County execute this PURCHASE AND SALE AGREEMENT before the Board this date and any other documents required for completion of this purchase and that the County Chair be, and she is hereby, authorized and directed to execute the same on behalf of Multnomah County.

Dated this 29 day of August, 1996.



BOARD OF COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

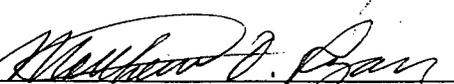
By


Beverly Stein, Chair

REVIEWED:

LAURENCE KRESSEL, County
Counsel for Multnomah County, Oregon

By


Matthew O. Ryan, Assistant Counsel

PURCHASE AND SALE AGREEMENT

THIS AGREEMENT is made this 6 day of 17, 1996 between Charles W. Edwards (Seller) and Multnomah County, Oregon (Purchaser).

RECITALS

A. Seller owns certain real property (Property) situated in Multnomah County, Oregon and more particularly described as follows:

The Southwesterly 27 feet of the Southeasterly 50 feet of Lot 4, Block 43, according to the duly filed plat of JAMES JOHN'S ADDITION TO THE TOWN OF ST. JOHNS, in the City of Portland, filed December 18, 1876, in Plat Book 1, Page 78, Records of the County of Multnomah and State of Oregon, described as follows:

BEGINNING at the most Southerly corner of Lot 4, in Block 43, JAMES JOHN'S ADDITION TO THE TOWN OF ST. JOHNS; thence Northeasterly along the Northerly line of N. New York Avenue 27 feet to a point; thence Northwesterly at right angles to the South line of N. New York Avenue, 50 feet to a point which is 27 feet Northeasterly from the Southwesterly line of Lot 4; thence Southwesterly parallel to N. New York Avenue, 27 feet to a point on the Southwesterly line of said Lot 4, which is 50 feet from the point of beginning; thence Southeasterly following said lot line to the place of beginning.

B. Seller desires to sell and Purchaser desires to purchase the Property for the price and upon the terms and conditions recited below.

TERMS AND CONDITIONS

1. Purchase and Sale: Seller agrees to sell to Purchaser and Purchaser agrees to purchase from Seller the Property for the price and in accordance with the terms and conditions set forth in this Agreement.

2. Seller's Authority:

(a) Seller has the legal power, right and authority to enter into this Agreement and the instruments referred to here and to consummate the transactions contemplated here.

(b) Seller has not entered into any other contracts for the sale of the Property, nor do there exist any rights of first refusal or options to purchase the Property.

3. Purchase Price and Payment: The purchase price for the Property shall be Twenty Five Thousand Dollars (\$25,000.00), payable in full in cash upon closing.

4. Closing Date: The sale will be closed in escrow by Oregon Title Insurance Company (Oregon Title) and the escrow fees will be shared equally by Seller and Purchaser. Closing will take place at such time as the conditions for closing have been met, but not later than ninety (90) days after the date of this agreement. If Seller is unable to close and deliver exclusive possession of the Property to Purchaser within ninety (90) days after the date of this agreement, Purchaser shall have the right to terminate this Purchase and Sale Agreement upon five (5) days written notice, excluding Saturdays, Sundays and Legal Holidays, to Seller. Prior to the Closing Date, each party will deposit with Oregon Title the funds, documents and instruction necessary for closing.

5. Warranty Deed, Title Insurance and Closing Expenses: Upon closing, the Property shall be conveyed by Seller by statutory warranty deed, subject only to exceptions 1, 2, 3, 4, 5, 7, 8, and 10 of the preliminary title report prepared by Oregon Title, Order No. 761824m, dated June 10, 1996, a copy of which is attached hereto as Exhibit A, and other matters that may be approved in writing by the Purchaser, and Seller shall deliver exclusive possession of the Property to Purchaser. Seller, at Purchaser's expense, will furnish to Purchaser a standard form of owner's title insurance policy in the amount of the purchase price insuring title to be vested in Purchaser subject only to the usual printed exceptions and the exceptions authorized to be included in the statutory warranty deed.

6. Prorations:

(a) **General:** For purposes of calculating prorations, Purchaser shall be deemed to be entitled to the Property, therefore entitled to any income and responsible for the expenses, commencing on the day after the Closing Date and the reference to the Closing Date in this paragraph 6 shall be construed as July 31, 1996 or such other date as closing shall occur as provided in paragraph 4.

(b) **Taxes and Assessments:** Real property taxes and assessments shall be prorated as of the Closing Date.

(c) **Operating Expenses:** All utility service charges for electricity, heat and air conditioning service, other utilities, and other expenses incurred in operating the Property that Seller customarily pays in the ordinary course of operation of the Property shall be prorated on an accrual basis. Seller shall pay all such expenses that accrue prior to the Closing Date. To the extent possible, Seller and Purchaser shall obtain billings and meter readings as of the Closing Date to aid in such prorations.

(d) **Adjustments:** Prorations, if and to the extent known and agreed upon as of the Closing Date, shall be paid by Purchaser to Seller (if the prorations result in a net credit to Seller) or by Seller to Purchaser (if the prorations result in a net credit to Purchaser), by adjusting the cash to be paid by Purchaser at closing. Any such adjustments not determined or not agreed upon as of the Closing Date shall be paid by Purchaser to Seller, or by Seller to Purchaser, as the case may be, in cash as soon as practicable following the closing of escrow.

7. Condition of Property:

(a) No representations as to the condition or repair of the Property have been made by Seller or any agent of Seller except as expressly set forth in this Agreement. No agreement to alter, repair or remove the Property has been made by Seller or by any agent of Seller and except as otherwise herein provided, Purchaser shall take the Property "as is" and in the condition existing at the Closing Date, subject to the condition that the Property shall be in substantially the same condition at the Closing Date as at the time of execution of this Agreement, ordinary wear and tear excepted.

(b) Purchaser shall have a period of thirty (30) days from the date hereof in which to inspect the Property and to object, in writing to Seller, to any condition of the Property unsatisfactory to Purchaser. Seller shall eliminate any such conditions to the satisfaction of Purchaser prior to the Closing Date or, at its election, Seller may terminate this Purchase and Sale Agreement by written notice to Purchaser with fifteen (15) days after receipt of said written objections from Purchaser. Purchaser shall be deemed to have waived any objections to conditions of the Property if it does not notify Seller thereof as herein provided.

(c) Seller has not received any notices of violation or advisory action by regulatory agencies regarding environmental control matters or permit compliance with respect to the Property. To the best of Seller's knowledge, the Property is materially in compliance with applicable state and federal environmental standards and requirements affecting it.

(d) To the best of Seller's knowledge, Seller has not, during its ownership of the Property, stored, produced or disposed of any hazardous substance, including asbestos, on the Property.

(e) Seller has not transferred hazardous waste from the Property to another location that is not in compliance with applicable environmental laws, regulations, or permit requirements. To the best of Seller's knowledge, no other person has transferred hazardous waste from the Property to another location that is not in compliance with applicable environmental laws, regulations or permit requirements.

8. Casualty or Condemnation: In the event that, prior to the Closing Date, condemnation proceedings are commenced against the Property or any part thereof, then, at Purchaser's option, (i) this Agreement shall terminate and neither party shall have any further rights or obligations hereunder, or (ii) the closing shall proceed as provided pursuant to this Agreement and Purchaser shall receive any and all insurance or condemnation proceeds attributable to casualty or condemnation, which proceeds shall not be credited against Purchaser's obligation to pay the purchase price.

9. Brokers: Purchaser represents to Seller that it has not employed or dealt with any real estate brokers, sales persons or finders in connection with this sale and purchase. Seller will be responsible for the commission due to any real estate brokers, agents or finders employed by Seller.

10. Remedies: There is no earnest money in connection with this Purchase and Sale. In the event of a breach or default by either party, the other party shall be entitled to such remedies for breach of contract as may be available under applicable law.

11. Entire Agreement: This instrument is the entire, final and complete agreement of the parties pertaining to the Sale and Purchase of the Property, and supersedes and replaces all written or oral agreements heretofore made or existing by and between the parties or their representatives insofar as the Property is concerned. Neither party shall be bound by any promises, representations or agreements except as are herein expressly set forth.

12. Notices: Any notice required or permitted under this Agreement shall be in writing and shall be deemed given when actually delivered in person or forty eight (48) hours after having been deposited in the United States mail as certified or registered mail addresses as follows:

Seller: Charles W. Edwards
7220 N. Burlington
Portland, Oregon 97203

Purchaser: Multnomah County Property Management
2505 S.E. 11th Avenue
Portland, Oregon 97202

13. Attorney Fees: In the event any controversy or claim arises under this Agreement, the prevailing party shall be entitled to its reasonable costs, disbursements and attorney fees together with all expenses which it may reasonably incur in taking such action, including, but not limited to, costs incurred in searching records, expert witnesses and consulting fees, discovery depositions whether or not introduced into evidence in the trial, hearing or other proceeding and travel expenses in any arbitration, trial or other proceeding, including any proceeding brought to enforce an award of judgment and any and all appeals taken therefrom.

14. Nonwaiver: Failure by either party at any time to require performance by the other party of any of the provisions hereof shall in no way affect the party's rights hereunder to enforce the same, nor shall any waiver by the party of the breach hereof be held to be a waiver of any succeeding breach or a waiver of this nonwaiver clause.

15. Governing Law: This Agreement shall be construed in accordance with and governed by the laws of the State of Oregon.

16. Captions: All captions and paragraph heading used herein are intended solely for convenience of reference and shall in no way limit any of the provisions of this Agreement.

17. Binding Effect: The covenants, conditions and terms of this Agreement shall extend to and be binding upon and inure to the benefit of the successors and assigns of the parties hereto.

18. Fire Protection: The property described in this instrument may not be within a fire protection district protecting structures. The property is subject to land use laws and regulations, which, in farm or forest zones, may not authorize construction or siting of a residence and which limit lawsuits against farming or forest practices as defined in ORS 30.930 in all zones. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses and existence of fire protection for structures.

19. Agreement as Offer: The execution of this Agreement by the first party to do so constitutes an offer to purchase or sell the Property and the subsequent execution of the Agreement with changes to the Agreement constitutes a counteroffer to purchase or to sell the Property. An offer of this Agreement will be null and void and withdrawn upon written notice thereof by the party which made such offer to the other party prior to such other party's acceptance of such offer by execution and delivery of this Agreement to the party which made such offer.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

SELLER:
Charles W. Edwards

Charles W. Edwards

PURCHASER:
Multnomah County, Oregon

By Beverly Stein
Beverly Stein, County Chair

REVIEWED:

LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By Matthew O. Ryan
Matthew O. Ryan, Assistant Counsel



OREGON TITLE INSURANCE COMPANY

Title Branch
1515 S.W. Fifth Avenue, Suite 840
Portland, OR 97201
(503) 220-0343; FAX 228-5830

**PRELIMINARY TITLE REPORT
FOR ISSUING TITLE INSURANCE**

Date Prepared: June 10, 1996

Mult. Cnty. Tax Assessors
Mult. Cnty. Property Mngt.
2505 SE 11th Ave
Portland, OR 97202
Attn: Bob Oberst

Reference:

ORDER NO : 761825m
PARTY REF: EDWARDS
PROP ADDR:
OTHER REF: Lot 4, JAMES JOHN'S ADDITION

OREGON TITLE INSURANCE COMPANY is prepared to issue title insurance, insuring title of the land shown on Schedule A, subject to the exceptions shown on Schedule B. The proposed policy or policies and indorsements are shown on Schedule A. Issuance of the policy or policies is conditioned on payment of the full premiums, and on recordation of satisfactory instruments establishing the interests of the parties to be insured.

This report is based on the condition of title as of the effective date shown on Schedule A. Matters arising after the effective date may affect this report. New exceptions will appear for matters arising through the proposed transaction. Any change in the amount of insurance or type of coverage may cause the premium to change.

This report is for the exclusive use of the principals to the contemplated transaction, and the company does not have any liability to any third parties. Until all necessary documents are placed of record, the company reserves the right to cancel, amend or supplement this preliminary title report for any reason.

Any questions concerning this preliminary title report may be directed to:

Kathy Clair

SCHEDULE A, Page No. 1

Order No. 761825m

1. The effective date of this preliminary title report is 5:00 P.M. on June 3, 1996
2. The policies and indorsements to be issued and the related charges are:

Policy/Indorsement Description	Charge
ALTA Standard Owner's for \$ (TO COME)	200.00

3. Fee simple interest in the land described in this report is owned, at the effective date, by:

CHARLES W. EDWARDS

4. The land referred to in this report is described as follows:

The Southwesterly 27 feet of the Southeasterly 50 feet of Lot 4, Block 43, according to the duly filed plat of JAMES JOHN'S ADDITION TO THE TOWN OF ST. JOHNS, in the City of Portland, filed December 18, 1876, in Plat Book 1, Page 78, Records of the County of Multnomah and State of Oregon, described as follows:

BEGINNING at the most Southerly corner of Lot 4, in Block 43, JAMES JOHN'S ADDITON TO THE TOWN OF ST. JOHNS; thence Northeasterly along the Northerly line of N. New York Avenue 27 feet to a point; thence Northwesterly at right angles to the South line of N. New York Avenue, 50 feet to a point which is 27 feet Northeasterly from the Southwesterly line of Lot 4; thence Southwesterly parallel to N. New York Avenue, 27 feet to a point on the Southwesterly line of said Lot 4, which is 50 feet from the point of beginning; thence Southeasterly following said lot line to the place of beginning.

SCHEDULE B, Page No. 1

Except for the items properly cleared through closing, the proposed policy or policies will not insure against loss or damage which may arise by reason of the following:

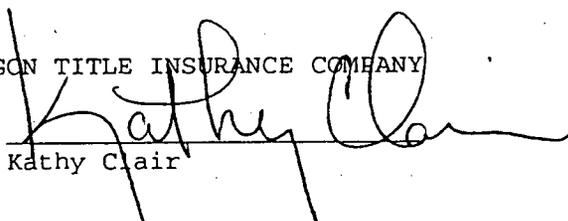
1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
 2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
 3. Easements, liens or encumbrances or claims thereof, which are not shown by the public records; unpatented mining claims; reservations or exceptions in patents or in acts authorizing the issuance thereof; water rights, claims or title to water.
 4. Any lien, or right to a lien, for taxes, worker's compensation, services, labor, equipment rental or material, heretofore or hereafter furnished, imposed by law and not shown by the public records.
 5. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose.
 6. Taxes for the year 1995-96
 - Original Amount : \$116.54
 - Tax Amount : \$116.54
 - Unpaid Balance : \$116.54 plus billing fees and interest, if any.
 - Code No. : 001
 - Account No. : R-42580-5080
 - Map No. : 2021
 - 6a. Taxes for the year 1994-95
 - Unpaid Balance : \$135.25 plus interest, if any.
 - 6b. Taxes for the year 1993-94
 - Unpaid Balance : \$155.21 plus interest, if any.
 - 6c. Taxes for the year 1992-93
 - Unpaid Balance : \$174.11 plus interest, if any.
 - 6d. Taxes shown above are delinquent for at least three years. Under O.R.S. Chapter 312, the land described herein is subject to foreclosure for delinquent taxes.
 7. Municipal liens, if any, imposed by the City of Portland.
- (Continued)

Exceptions, Continued

Order No.: 761825m

8. The rights of the public, governmental bodies, and public utilities, in and to that portion of the herein described property lying within the limits of streets, roads, and highways.
9. We find one or more unsatisfied judgments and/or tax liens against names similar to Charles W. Edwards, which are not set forth herein. A statement of identity must be completed and returned to us to assist us in verifying whether the parties to the subject transaction are the same as the judgment debtors. This report may be supplemented and exceptions added or deleted based upon the result of such verification.
10. Rights of tenants, as tenants only, in unrecorded leaseholds.
11. This report does not include a search for financing statements filed in the office of the Secretary of State or in a County other than the County in which the subject property is situated, and no liability is assumed if a financing statement is filed in the office of the Secretary of State relating to any interest in fixtures affecting the subject property, nor is any liability assumed for financing statements recorded in the County in which the subject property is located, wherein the lands are described in a manner not meeting the requirements of O.R.S. 93.600.

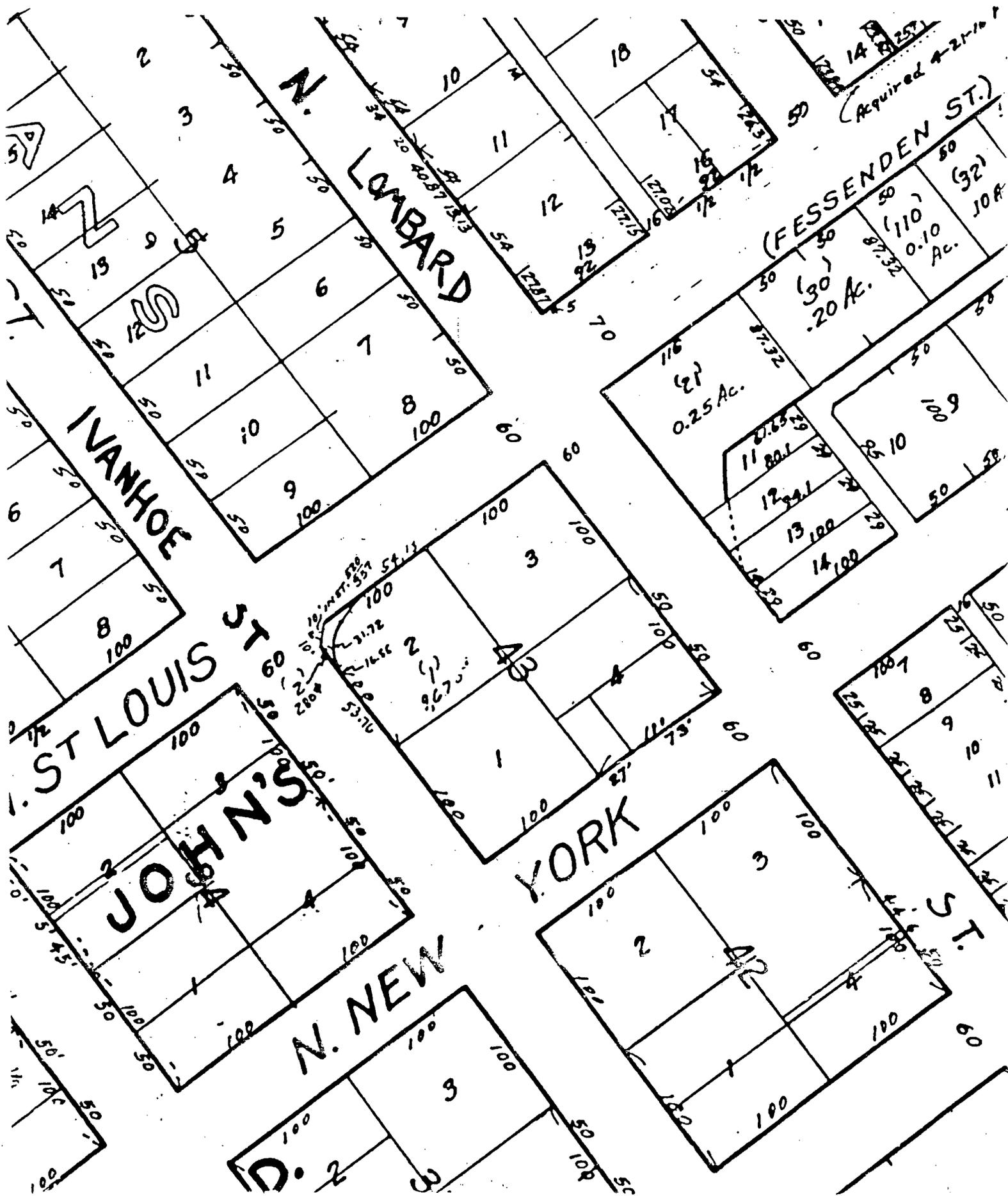
OREGON TITLE INSURANCE COMPANY

By: 

Kathy Clair

KC/bjj

This map is made solely for the purpose of assisting in locating said premises, and the Company assumes no liability for variations, if any, in dimensions, areas, and locations ascertained by actual survey.



BEFORE THE BOARD OF COMMISSIONERS
OF MULTNOMAH COUNTY, OREGON

In the Matter of the Acquisition of)
Real Property for the Construction)
of Department of Health Services')
North Portland Health Clinic Project)

ORDER
96-157

Whereas the Multnomah County Department of Health Services provides health care services to clients in the North Portland area and immediately surrounding areas; and

Whereas the existing clinic is no longer adequate in size to provide such services; and

Whereas real property suited to the construction of a clinic adequate to provide such services has been identified; and

Whereas the parcel described in the PURCHASE AND SALE AGREEMENT before the Board this date is a part of said real property and has been determined to be available at a reasonable price from the owner, RKW Investment, a Washington Partnership; and

Whereas, in lieu of condemnation, it appears that the purchase of the parcel described in the PURCHASE AND SALE AGREEMENT before the Board this date will benefit Multnomah County and the Board being fully advised in the matter:

It is ORDERED that Multnomah County execute this PURCHASE AND SALE AGREEMENT before the Board this date and any other documents required for completion of this purchase and that the County Chair be, and she is hereby, authorized and directed to execute the same on behalf of Multnomah County.

Dated this 29 day of August, 1996.



BOARD OF COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By *Beverly Stein*
Beverly Stein, County Chair

REVIEWED:
LAURENCE KRESSEL, County
Counsel for Multnomah County, Oregon

By *Matthew O. Ryan*
Matthew O. Ryan, Assistant Counsel

PURCHASE AND SALE AGREEMENT

THIS AGREEMENT is made this 15th day of June, 1996 between RKW Investments, a Washington partnership consisting of Rod Fisher, Ken Fisher, and Wayne Plaster (Seller) and Multnomah County, Oregon (Purchaser).

RECITALS

A. Seller owns certain real property (Property) situated in Multnomah County, Oregon and more particularly described as follows:

PARCEL 1: The following described property in the Southeast quarter of the Southwest quarter of Section 1, Township 1 North, Range 1 West of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon:

Beginning at the most Westerly corner of Lot 11, Block 4, COURT PLACE; thence Southwesterly along the Southwesterly extension of the Southeasterly line of Lot 11, 20 feet, more or less, to the Northeasterly line of North Lombard Street formerly N. Jersey Street; thence Northwesterly along the Northeasterly line of North Lombard Street formerly N. Jersey Street; 116.32 feet to the Southeasterly line of N. St. Louis Avenue; thence Northeasterly along the Southeasterly line of N. St. Louis Avenue, 116 feet to a corner of a tract of land conveyed to F.E. Smith and E.L. Green by deed recorded January 22, 1914 in Book 640, Page 355, Deed Records; thence Southeasterly along the Southwesterly line of the Smith and Green tract; 87.32 feet to the Northwesterly line of Court Place, according to the plat thereof; thence Southwesterly 76.65 feet to the Northwesterly corner of Lot 11, Block 4, COURT PLACE; thence Southerly along the Southwesterly lot line of said Lot 11 to the point of beginning, being a portion of the premises conveyed to The Delaware Company by deed recorded December 20, 1909 in Book 482, Page 108, Deed Records.

PARCEL 2: Lot 11, Block 4, Court Place, in the City of Portland, County of Multnomah and State of Oregon.

B. Seller desires to sell and Purchaser desires to purchase the Property for the price and upon the terms and conditions recited below.

TERMS AND CONDITIONS

1. Purchase and Sale: Seller agrees to sell to Purchaser and Purchaser agrees to purchase from Seller the Property for the price and in accordance with the terms and conditions set forth in this Agreement.

2. Seller's Authority:

(a) Seller has the legal power, right and authority to enter into this Agreement and the instruments referred to here and to consummate the transactions contemplated here.

(b) Seller has not entered into any other contracts for the sale of the Property, nor do there exist any rights of first refusal or options to purchase the Property.

3. Purchase Price and Payment: The purchase price for the Property shall be Ninety One Thousand Dollars (\$91,000.00), payable in full in cash upon closing.

4. Closing Date: The sale will be closed in escrow by Oregon Title Insurance Company (Oregon Title) and the escrow fees will be shared equally by Seller and Purchaser. Closing will take place at such time as the conditions for closing have been met, but not later than ninety (90) days after the date of this agreement. If Seller is unable to close and deliver exclusive possession of the Property to Purchaser within ninety (90) days after the date of this agreement, Purchaser shall have the right to terminate this Purchase and Sale Agreement upon five (5) days written notice, excluding Saturdays, Sundays and Legal Holidays, to Seller. Prior to the Closing Date, each party will deposit with Oregon Title the funds, documents and instruction necessary for closing.

5. Warranty Deed, Title Insurance and Closing Expenses: Upon closing, the Property shall be conveyed by Seller by statutory warranty deed, subject only to the usual printed exceptions contained in a standard form of owner's policy of title insurance plus any other exceptions which Purchaser may approve in writing, and Seller shall deliver exclusive possession of the Property to Purchaser. Seller, at Purchaser's expense, will furnish to Purchaser a standard form of owner's title insurance policy in the amount of the purchase price insuring title to be vested in Purchaser subject only to the usual printed exceptions and the exceptions authorized to be included in the statutory warranty deed.

6. Prorations:

(a) **General:** For purposes of calculating prorations, Purchaser shall be deemed to be entitled to the Property, therefore entitled to any income and responsible for the expenses, commencing on the day after the Closing Date and the reference to the Closing Date in this paragraph 6 shall be construed as July 31, 1996 or such other date as closing shall occur as provided in paragraph 4.

(b) **Taxes and Assessments:** Real property taxes and assessments shall be prorated as of the Closing Date.

(c) **Operating Expenses:** All utility service charges for electricity, heat and air conditioning service, other utilities, and other expenses incurred in operating the Property that Seller customarily pays in the ordinary course of operation of the Property shall be prorated on an accrual basis. Seller shall pay all such expenses that accrue prior to the Closing Date. To the extent possible, Seller and Purchaser shall obtain billings and meter readings as of the Closing Date to aid in such prorations.

(d) **Adjustments:** Prorations, if and to the extent known and agreed upon as of the Closing Date, shall be paid by Purchaser to Seller (if the prorations result in a net credit to Seller) or by Seller to Purchaser (if the prorations result in a net credit to Purchaser), by adjusting the cash to be paid by Purchaser at closing. Any such adjustments not determined or not agreed upon as of the Closing Date shall be paid by Purchaser to Seller, or by Seller to Purchaser, as the case may be, in cash as soon as practicable following the closing of escrow.

7. Condition of Property:

(a) No representations as to the condition or repair of the Property have been made by Seller or any agent of Seller except as expressly set forth in this Agreement. No agreement to alter, repair or remove the Property has been made by Seller or by any agent of Seller and except as otherwise herein provided, Purchaser shall take the Property "as is" and in the condition existing at the Closing Date, subject to the condition that the Property shall be in substantially the same condition at the Closing Date as at the time of execution of this Agreement, ordinary wear and tear excepted.

(b) Purchaser shall have a period of thirty (30) days from the date hereof in which to inspect the Property and to object, in writing to Seller, to any condition of the Property unsatisfactory to Purchaser. Seller shall eliminate any such conditions to the satisfaction of Purchaser prior to the Closing Date or, at its election, Seller may terminate this Purchase and Sale Agreement by written notice to Purchaser with fifteen (15) days after receipt of said written objections from Purchaser. Purchaser shall be deemed to have waived any objections to conditions of the Property if it does not notify Seller thereof as herein provided.

(c) Seller has not received any notices of violation or advisory action by regulatory agencies regarding environmental control matters or permit compliance with respect to the Property. To the best of Seller's knowledge, the Property is materially in compliance with applicable state and federal environmental standards and requirements affecting it.

(d) To the best of Seller's knowledge, Seller has not, during its ownership of the Property, stored, produced or disposed of any hazardous substance, including asbestos, on the Property.

(e) Seller has not transferred hazardous waste from the Property to another location that is not in compliance with applicable environmental laws, regulations, or permit requirements. To the best of Seller's knowledge, no other person has transferred hazardous waste from the Property to another location that is not in compliance with applicable environmental laws, regulations or permit requirements.

8. Casualty or Condemnation: In the event that, prior to the Closing Date, condemnation proceedings are commenced against the Property or any part thereof, then, at Purchaser's option, (i) this Agreement shall terminate and neither party shall have any further rights or obligations hereunder, or (ii) the closing shall proceed as provided pursuant to this Agreement and Purchaser shall receive any and all insurance or condemnation proceeds attributable to casualty or condemnation, which proceeds shall not be credited against Purchaser's obligation to pay the purchase price.

9. Brokers: Purchaser represents to Seller that it has not employed or dealt with any real estate brokers, sales persons or finders in connection with this sale and purchase. Seller will be responsible for the commission due to any real estate brokers, agents or finders employed by Seller.

10. Remedies: There is no earnest money in connection with this Purchase and Sale. In the event of a breach or default by either party, the other party shall be entitled to such remedies for breach of contract as may be available under applicable law.

11. Entire Agreement: This instrument is the entire, final and complete agreement of the parties pertaining to the Sale and Purchase of the Property, and supersedes and replaces all written or oral agreements heretofore made or existing by and between the parties or their representatives insofar as the Property is concerned. Neither party shall be bound by any promises, representations or agreements except as are herein expressly set forth.

12. Notices: Any notice required or permitted under this Agreement shall be in writing and shall be deemed given when actually delivered in person or forty eight (48) hours after having been deposited in the United States mail as certified or registered mail addresses as follows:

Seller: RKW Investments
 314 S.E. Southwood Drive
 Washougal, Washington 98671

Purchaser: Multnomah County Property Management
 2505 S.E. 11th Avenue
 Portland, Oregon 97202

13. Attorney Fees: In the event any controversy or claim arises under this Agreement, the prevailing party shall be entitled to its reasonable costs, disbursements and attorney fees together with all expenses which it may reasonably incur in taking such action, including, but not limited to, costs incurred in searching records, expert witnesses and consulting fees, discovery depositions whether or not introduced into evidence in the trial, hearing or other proceeding and travel expenses in any arbitration, trial or other proceeding, including any proceeding brought to enforce an award of judgment and any and all appeals taken therefrom.

14. Nonwaiver: Failure by either party at any time to require performance by the other party of any of the provisions hereof shall in no way affect the party's rights hereunder to enforce the same, nor shall any waiver by the party of the breach hereof be held to be a waiver of any succeeding breach or a waiver of this nonwaiver clause.

15. Governing Law: This Agreement shall be construed in accordance with and governed by the laws of the State of Oregon.

16. Captions: All captions and paragraph heading used herein are intended solely for convenience of reference and shall in no way limit any of the provisions of this Agreement.

17. Binding Effect: The covenants, conditions and terms of this Agreement shall extend to and be binding upon and inure to the benefit of the successors and assigns of the parties hereto.

18. Fire Protection: The property described in this instrument may not be within a fire protection district protecting structures. The property is subject to land use laws and regulations, which, in farm or forest zones, may not authorize construction or siting of a residence and which limit lawsuits against farming or forest practices as defined in ORS 30.930 in all zones. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses and existence of fire protection for structures.

19. Agreement as Offer: The execution of this Agreement by the first party to do so constitutes an offer to purchase or sell the Property and the subsequent execution of the Agreement with changes to the Agreement constitutes a counteroffer to purchase or to sell the Property. An offer of this Agreement will be null and void and withdrawn upon written notice thereof by the party which made such offer to the other party prior to such other party's acceptance of such offer by execution and delivery of this Agreement to the party which made such offer.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

SELLER:

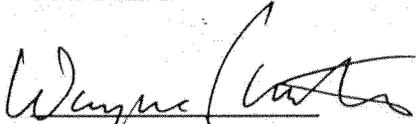
RKW Investments, a
Washington partnership
consisting of Rod Fisher,
Ken Fisher and Wayne
Plaster



Rod Fisher

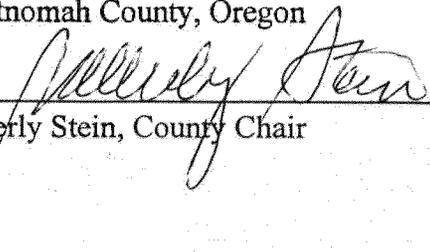


Ken Fisher


Wayne Plaster

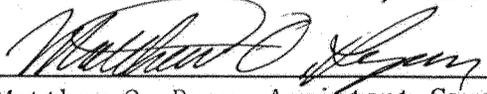
PURCHASER:

Multnomah County, Oregon

By 
Beverly Stein, County Chair

REVIEWED:

LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant Counsel

#1

PLEASE PRINT LEGIBLY!

MEETING DATE _____

8/29/86

NAME

FRANCES JOHNSON

ADDRESS

STREET

POMCOA

CITY

ZIP

I WISH TO SPEAK ON AGENDA ITEM NO. _____

R13

SUPPORT _____

OPPOSE _____

SUBMIT TO BOARD CLERK

#2

PLEASE PRINT LEGIBLY!

MEETING DATE 8/29/96

NAME Janice Sinton

ADDRESS 2600 N Williams Ave #6

STREET

PORTLAND OR 97227-1939

CITY **ZIP**

ACHP

I WISH TO SPEAK ON AGENDA ITEM NO. 3

SUPPORT X **OPPOSE** _____

SUBMIT TO BOARD CLERK _____

#3

PLEASE PRINT LEGIBLY!

MEETING DATE 8-29-96

NAME

Josephine C. - Holmes

ADDRESS

4056 N. Williams

STREET

Portland, OR 97227

CITY

ZIP

I WISH TO SPEAK ON AGENDA ITEM NO. R13

SUPPORT _____

OPPOSE X

SUBMIT TO BOARD CLERK

#4

PLEASE PRINT LEGIBLY!

MEETING DATE 8-29-96

NAME

Ouleary Mathews

ADDRESS

4103 N Albena

STREET

Portland

OR 97217

CITY

ZIP

I WISH TO SPEAK ON AGENDA ITEM NO. R13

SUPPORT _____

OPPOSE _____

SUBMIT TO BOARD CLERK _____

X

#5

PLEASE PRINT LEGIBLY!

MEETING DATE 8-29-96

NAME

Dianne Roberts

ADDRESS

19390 NE Mult Ct

STREET

PLD 97230

CITY

ZIP

I WISH TO SPEAK ON AGENDA ITEM NO.

SUPPORT _____

OPPOSE _____

SUBMIT TO BOARD CLERK

R-13

X

#6

PLEASE PRINT LEGIBLY!

MEETING DATE 8-29-96

NAME Dan Surina

ADDRESS 1111 SW 2nd Ave

STREET

Portland OR 97204

CITY **ZIP**

I WISH TO SPEAK ON AGENDA ITEM NO. R-13

SUPPORT X **OPPOSE** _____

SUBMIT TO BOARD CLERK _____

#7

PLEASE PRINT LEGIBLY!

MEETING DATE 8/29/96

NAME Joan Schnell

ADDRESS 4063 SE Gladstone

STREET

POX 97202

CITY **ZIP**

I WISH TO SPEAK ON AGENDA ITEM NO. R-13

SUPPORT **OPPOSE**

SUBMIT TO BOARD CLERK

#9

PLEASE PRINT LEGIBLY!

MEETING DATE Aug 29, 1996

NAME

Narcisca Pimental

ADDRESS

7722 N. Denver Ave

STREET

Portland, OR 97217

CITY

ZIP

PMCOA - Multi Ethnic

I WISH TO SPEAK ON AGENDA ITEM NO.

R-13

SUPPORT



OPPOSE

SUBMIT TO BOARD CLERK

#10

PLEASE PRINT LEGIBLY!

MEETING DATE 8-29-96

NAME

JIM DUNCAN

ADDRESS

3454 NE 35TH PLACE

STREET

PORTLAND

97212

CITY

ZIP

I WISH TO SPEAK ON AGENDA ITEM NO.

R-13

SUPPORT



OPPOSE

SUBMIT TO BOARD CLERK

11

PLEASE PRINT LEGIBLY!

MEETING DATE 8-29-96

NAME
ADDRESS

Virginia Seitz

20th + Division
STREET

Portland, Or
CITY

ZIP 13

I WISH TO SPEAK ON AGENDA ITEM NO. ACHP

SUPPORT

OPPOSE

SUBMIT TO BOARD CLERK

MEETING DATE: August 29, 1996
AGENDA #: R-13
ESTIMATED START TIME: 10:15

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Public Hearing/Appeal on Licensure of Adult Care Homes Administrative Rules

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

REGULAR MEETING: DATE REQUESTED: Thursday, August 29, 1996
AMOUNT OF TIME NEEDED: 1 Hour

DEPARTMENT: Aging Services DIVISION: Adult Care Home Program

CONTACT: Jean DeMaster TELEPHONE #: 248-6458
BLDG/ROOM #: 161/405

PERSON(S) MAKING PRESENTATION: Jim McConnell, Jean DeMaster, Public Testimony

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

PUBLIC HEARING Regarding Appeal of Multnomah County Aging Services Department Adult Care Home Program Administrative Rules for Licensure of Adult Care Homes also 160 copies to Jean DeMaster & Katie Gaetjens

SIGNATURES REQUIRED:

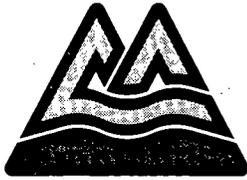
ELECTED
OFFICIAL:
(OR)
DEPARTMENT
MANAGER:

Peverly Stein

BOARD OF
COUNTY COMMISSIONERS
96 AUG 22 AM 11:09
MULTNOMAH COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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



MULTNOMAH COUNTY OREGON

AGING SERVICES DIVISION (503) 248-3646
ADULT CARE HOME PROGRAM (503) 248-3000
FAX: (503) 306-5722
421 SW 5TH, ROOM 405
PORTLAND, OR 97204-2221

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

To: Beverly Stein, Chair of the Board
Dan Saltzman, District 1 Commissioner
Gary Hansen, District 2 Commissioner
Tanya Collier, District 3 Commissioner
Sharron Kelley, District 4 Commissioner

From: Jim McConnell 
Aging Services Department

Date: 7/10/96

96 JUL 11 PM 4:00
MULTNOMAH COUNTY
OREGON
BOARD OF
COUNTY COMMISSIONERS

RE: Overview of differences between the existing and proposed Administrative Rules for Multnomah County Adult Care Homes

Enclosed are copies of the proposed Administrative Rules for Adult Care Homes as filed with the County Clerk on 6/28/96. This document contains three sets of rules:

- * Adult Foster Homes
- * Adult Foster Homes with a Limited License
- * Room and Board Facilities.

In addition to the proposed Administrative Rules for Adult Care Homes, revisions have been submitted for a revised Multnomah County Code Chapter. A copy of the proposed Code Chapter for Adult Care Home Licensure, with changes underlined, was sent to you last week.

Underlining new wording in the proposed Code Chapter was possible since not all of the sections were new. However, because the Administrative Rules were entirely re-written, this technique was not useful or practical. The proposed Administrative Rules represent an entire re-working of the existing Administrative Rules; almost any section of the proposed Rules could have been selected as an example of change. The following highlights significant proposed changes in the Administrative Rules indicating the proposed wording followed by existing language. These include rules which have generated controversy during the development of the new document. The examples presented here all refer to the Adult Foster Home set of rules; the wording changes are the same in the other two sets of rules.

Proposed changes and existing wording from the Multnomah County
Administrative Rules for Adult Care Homes

Proposed: 891-020-100: GENERAL REQUIREMENTS

020-110 The Multnomah County Adult Care Home Program shall license three different types of adult care homes. They are:

- (a) Adult Foster Homes;
- (b) Adult Foster Homes with a Limited License; and
- (c) Room and Board Facilities.

(Note: On page 10 of the proposed Administrative Rules, each type of license is clearly defined in terms of the number of residents permitted and the hours of supervision required.

Existing: 890-050-320 Issuance of Licenses

The Director shall have the authority to issue a regular, conditional, provisional, or limited license.

Existing 890-010-120 Scope of rules; License Required

(c) Multnomah County shall license all Adult Care Homes with 5 or fewer residents, as well as facilities providing room and board and care to 6 or more residents on less than a 24-hour basis, and facilities providing only room and board or only room and care to 6 or more residents....

(Notes: * In the proposed rules, the term "regular" license has been replaced by the term "adult foster home" license.

* The usage of the Limited License has not been changed.

* The role of the Conditional License has also not been changed.

However, the use of the conditional license, as proposed, would be described in the Sanctions Section of the rules. In both the existing and proposed rules, a conditional license refers to a license on which conditions have been placed which limit or restrict the scope of the license or impose additional requirements on the licensee.

* The SDSD Administrative Rules now require a strict definition of Provisional License and the proposed rules reflect that new requirement. According to the 4/1/96 SDSD Administrative Rules, a Provisional License now may only be utilized as a 60 day license issued to a qualified person in an unforeseen emergency situation when the licensed provider is no longer overseeing the operation of the adult foster home.

Proposed 891-020-400 GENERAL CRITERIA FOR THE ADULT FOSTER HOME LICENSE

020-430: Operators must ensure that either the Operator or approved Resident Manager live in the home unless there is a written exception for shift caregivers granted by the ACHP. (Note: This is a new provision required from the State Rules.)

Proposed 891-020-462: If requesting a license to operate more than one home, the Operator must supply to the ACHP a plan for all homes covering:

- (a) administrative responsibilities
- (b) job qualifications
- (c) job descriptions
- (d) staffing plans
- (e) Registered Nurse or physician monitoring

Existing 890-040-220(g): If the application is for a second or more home, a plan covering administrative responsibilities, how the owner/operator will monitor the home, staffing qualifications and additional evidence of financial responsibility.

Proposed 891-020-500 ADDITIONAL CRITERIA FOR A NEW LICENSE

020-540(f): The ACHP shall not issue an initial license unless...the applicant has...a financial reserve equal to at least the amount of two months budgeted expenses.

-020-672: Currently licensed Operators shall be able to demonstrate financial reserves equal to at least two month's operating expenses without relying on income from residents.

Existing 890-020-240: Operators at the time of initial application or when requested by the department shall provide...evidence of sufficient financial resources to operate an Adult Care Home for at least two months, not counting potential resident payments....

Proposed 891-020-900 CAPACITY OF ADULT FOSTER HOMES

020-910: Residents shall be limited to five persons unrelated to the Operator by blood, adoption, or marriage and who require care.

Existing 890-020-120 Capacity

020-120 (c) The maximum capacity of adult foster homes is five elderly, disabled, or dependent persons who are 18 years of age or older and are not related by blood or marriage to the operator.

Proposed 891-025-100 CLASSIFICATION OF ADULT FOSTER HOMES

025-125: A Class I license may be issued if the applicant (and Resident Manager, if any) complete the required training and have the equivalent of at least one year of verifiable full time experience within the

last three years providing direct care to elderly persons or persons with disabilities or a current CNA certification and the equivalent of at least four months of verifiable experience within the last three years.

025-130: A Class II license.....

*two years of experience within the last 5 years or a CNA certificate and at least 16 months of experience in the last 5 years.....

025-135: A Class III license.....

*three years of experience within the last 10 years, experience as a health care professional, and have no substantiated complaints of abuse or neglect within the last three years.

Existing 890-020-100

020-110(a) Classification of Adult Foster Homes

(A) A Class I license may be issued if the applicant or resident manager complete the training requirements....

(B) A Class II license may be issued if applicant or resident manager complete the training requirements ...and have two years' experience in providing direct care.

(C) A Class III licensethree years of experience in providing direct care and experience as a health care professional.

Proposed 891-050-200 COMMUNICATION SKILLS

050-210 Operators, Resident Managers and anyone left alone with residents shall be literate and able to demonstrate all of the following:

(a) an understanding of written and oral instructions in English, including medication instructions and doctor orders;

(b) the ability to communicate in oral and written English with residents, health care professionals, case managers and appropriate others; and

(c) the ability to respond appropriately to emergency situations at all times.

050-220 The ACHP may grant an exception for homes where the Operators, Resident Managers and caregivers do not speak English if the Operators, other caregivers, residents and their doctors all speak the same language. The home shall have an interpreter on call 24 hours a day and shall notify the local fire department of special rescue requirements.

Existing 890-020-250 Communication Skills

(a) Operators, resident managers, and other caregivers shall be capable of speaking and reading English, unless the language spoken and written by the operator or manager is also the language spoken by all residents in the home and their physician(s) and unless there is a 24-hour bilingual back up for translation in an emergency.

(b) Operators, resident managers and other caregivers shall be capable of understanding and communicate with residents, physicians, families, guardians and case managers.

(c) At all times, operators, resident managers and other caregivers shall be able to respond appropriately to emergency situations and to communicate with persons providing emergency medical, police, fire or other assistance.

Proposed 891-050-400: CRIMINAL HISTORY AND CRIMINAL RECORD CHECK

050-405 The criminal records check under this rule shall consist of:

(a) A check for a criminal record in the State of Oregon, and

(b) A national criminal record check if:

(1) The applicant or other person has resided in another state within the previous five years; or

(2) The applicant or other person has disclosed the existence of a criminal conviction in any state; or

(3) A criminal record check in the State of Oregon discloses the existence of a criminal record in any jurisdiction.

(c) A check of the record of sanctions available from SDSO....

(Note: This is a new provision which is required as it is in the SDSO Administrative Rules.)

Proposed 891-050-400: CRIMINAL HISTORY AND CRIMINAL RECORD CHECK

050-410: It shall be the responsibility of the Operator to insure that all persons aged 16 years and over who live or work in the home and frequent visitors to the home who will have contact with the residents, excluding residents and their visitors, complete, sign and submit to the ACHP a criminal record release authorization form.....(Note: This wording is designed to meet SDSO Rule requirements.)

Existing 890-020-230 (d): In order to protect the health, safety and welfare of residents, all operators, resident managers, other caregivers, and household members age 16 and over other than residents receiving care are subject to an annual criminal record clearance; other persons over 16 who are in the home on a regular basis also may be subject to such a clearance.....

Proposed 891-050-400: CRIMINAL HISTORY AND CRIMINAL RECORD CHECK

050-435: Any person who has been convicted of one or more crimes which are substantially related to the qualifications, functions or duties of an operator, resident manager or caregiver of an Adult foster Home.....shall be prohibited from operating, working in, or being in or on the premises of an Adult Foster Home.

Existing 890-020-230(a) Persons who have been convicted of one or more crimes which are substantially related to the qualifications, functions, or duties

of an operator, manager, substitute caregiver, other employee or other household member in an Adult Care Home shall be prohibited from operating, working in, or being in an Adult Care Home on a regular basis.

Proposed 891-050-450: Note: This section lists the crimes for which a person can be excluded from an Adult Foster Home. The proposed list is the same as the existing list except that the following crimes have been added: elder abuse, elder neglect, and driving under the influence of intoxicants.

Proposed 891-050-455: The ACHP shall consider persons with convictions for crimes of domestic violence or other reliable evidence that they have committed domestic violence a threat to the health, welfare, and safety of residents. Specific examples are cited. (Note: This section is new and is not included in the existing rules.)

Proposed 891-050-500 OPERATOR, RESIDENT MANAGER AND CAREGIVER TRAINING
050-506 Each year following the basic training course, Operators and Resident Managers are required to obtain at least 12 hours of ACHP approved ongoing training related to the care of elderly persons and persons with disabilities. (Note: Training hours obtained to meet the requirement for First Aid Certification can be counted in the 12 hours.)

Existing 890-020-320 Training required

020-320 (f) Each subsequent year following the Basic Training Course, the operator and resident manager are required to take at least 10 hours of approved ongoing training related to care of elderly and disabled persons in addition to any required orientations and CPR training.

Proposed 891-050-500 OPERATOR, RESIDENT MANAGER, AND CAREGIVER TRAINING

050-518: All Operators and Resident Managers shall have ACHP approved CPR certification before being licensed or beginning to work in the Adult Foster Home.

050-524: All caregivers shall have a current ACHP approved CPR certificate and First Aid Certificate before being left alone with residents. First aid and CPR certificates must be kept current.

(Note: The SDSA Rules require a basic first aid course and CPR within the

first year after obtaining an initial license for the Operator and Resident Manager.

Existing 890-020-320(a) Operators and resident managers are required to certify successful completion of Level A CPR training on an annual basis.

Proposed 891-050-600 OPERATOR AND RESIDENT MANAGER TESTING

This is a new section. Testing for Operators and Resident Managers is required in the new SDSA Rules and therefore in the County rules. The standards proposed in this section, pages 31 to 33, are identical to state standards.

Proposed 891-050-900 STAFF COVERAGE

050-975: Operators of Class II or Class III Adult Foster Homes shall insure monitoring of all residents by a Registered Nurse or physician at least every two months or more frequently if medically indicated. At a minimum, monitoring shall include review of resident records, medication management, doctors orders and resident care.

Existing 890-020-530(e): If one or more occupants of an Adult Care Home has nursing care needs, the Director may require as a condition of licensure that an Operator contract with a registered nurse.....

Proposed 891-060-100: BASIC CARE

060-128: Operators, resident managers, and caregivers shall provide care and services in a homelike atmosphere, where the dignity and rights of the residents are respected, the atmosphere is more like a home than a medical facility, positive interaction is encouraged, and the residents' independence and decision-making is protected and promoted.

Existing 890-020-490(b): Supervision, care, and services shall be provided in a homelike atmosphere, and shall be appropriate to the age and condition of the individual residents, and shall be appropriate to the qualifications and training of the operator, resident manager(s), and other caregivers.

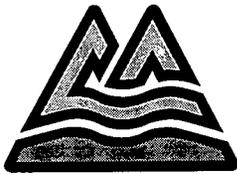
Proposed 891-100-100 INSPECTIONS

100-107 The ACHP may conduct unannounced inspections of an Adult foster Home in situations including but not limited to:

(a) licensing inspections for new and renewal licenses

(Note: SDDS Rules require an unannounced inspection prior to annual renewal of a license--SDDS 411-50-450) In practice, the ACHP conducts all inspections for new and renewal licenses as un-announced inspections. The existing rules do not address the issue of announced vs unannounced visits.

Proposed 891-400-140 Any list of Adult Foster Homes maintained or distributed by the ACHP shall include the number of substantiated complaints for each Adult Foster Home for the lesser of the preceding five years or the period beginning January 1, 1992. (Note: This is a new SDDS Rules requirement; there is no corresponding existing rule.)



MULTNOMAH COUNTY OREGON

AGING SERVICES DIVISION (503) 248-3646
ADULT CARE HOME PROGRAM (503) 248-3000
FAX: (503) 306-5722
421 SW 5TH, ROOM 405
PORTLAND, OR 97204-2221

BOARD OF COUNTY COMMISSIONERS
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In proposing the revised Multnomah County Administrative Rules, the existing Administrative Rules were completely rewritten. In the revision, not only was the wording revised; the ordering of the various sections of the text was also completely re-done. As a result, it is very difficult to compare, section by section, between the existing Administrative Rules and the proposed Administrative Rules. In the process of re-writing the Administrative Rules, the existing rules were clarified, strengthened, and streamlined.

In addition to upgrading the existing County Rules, the proposed rules also incorporate the changes which the State made into the Senior and Disabled Services Division (SDSD) Administrative Rules. These changes were necessary to ensure that the County Rules equalled or exceeded the State Rules.

The following chart details some of the changes made in the revised Administrative Rules. This is not a complete list, but does document many of the significant changes in the proposed Administrative Rules.

<u>SECTIONS OF THE PROPOSED ADMINISTRATIVE RULES</u>	<u>RELATIONSHIP TO THE STATE RULES</u>	<u>RELATIONSHIP TO EXISTING THE COUNTY RULES AND AUDIT</u>
891-005-100: AUTHORITY AND JURISDICTION	Not included in SDSD Rules	Not is existing rules. Reviews the purpose of ACHP as a regulatory program. New rules preserve "home-like" quality of homes.
891-010-100: PURPOSE OF THE ADULT CARE HOME RULES	Not included in SDSD Rules	Not in the existing rules. Clarifies purpose of rules.
891-015-100: PURPOSE OF THE ADULT CARE HOME PROGRAM	Not included in SDSD Rules	Not in the existing rules. Clarifies purpose of program.

891-018-100: RESIDENT BILL OF RIGHTS	ACHP Rules are higher	New rules are more complete
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PART 1: LICENSING AND APPLICATIONS

891-020-100: GENERAL REQUIREMENTS	ACHP rules define 3 types of licenses: *Adult Foster Home *Limited License *Room and Board	Same as existing rules
891-020-200: APPLICATION PACKET	ACHP proposed rules are more complete	ACHP proposed rules are more complete
891-020-300: ADULT CARE HOME STAFF	equal to SDS	Implements audit recommendation to better insure that all caregivers are qualified
891-020-400: LICENSE CRITERIA	ACHP higher: 2 month financial reserve	Clarifies two month reserve and its use; implements Audit recommendation
891-020-500: NEW LICENSE CRITERIA	ACHP higher: Pre-qualifying test	New ACHP Rules are higher; implements audit recommendation
891-020-600: RENEWAL LICENSE CRITERIA	ACHP higher: 2 month financial reserve	Clarifies two month financial reserve and its use; Audit Recommendation
891-020-700: PROVISIONAL LICENSE	equal to SDS	New ACHP rules implement SDS rules
891-020-800: RESIDENT MANAGER	equal to SDS	Revises existing rules
891-020-900: CAPACITY	equal to SDS	New ACHP Rules are higher
891-025-100: CLASSIFICATION	ACHP Rules are higher Class I, Class II and Class III	New ACHP Rules are higher
891-025-200: CLOSING A HOME	equal to SDS	New ACHP rules revise existing rules

891-025-300
UNLICENSED HOMES

equal to SDS

Rewording of existing
rules

PART 2: EXCEPTIONS

891-025-400
EXCEPTIONS

ACHP Rules are
more restrictive

Revision of existing
rules to implement
audit recommendation

PART 3: CONTRACTS

891-040-100: CONTRACTS

ACHP equivalent
to SDS

New ACHP Rules revise
existing rules

PART IV: STANDARDS

891-050-100: GENERAL
STAFF CRITERIA

ACHP HIGHER:
caregivers ages
18 to 20 can only
work 2 hours
alone

New rules are re-
wording of existing
rules

891-050-200:
COMMUNICATION SKILLS

EQUAL TO SDS

New rules are
higher than
existing rules

891-050-300:
COOPERATION

ACHP higher

New rules revise
existing rules

891-050-400:
CRIMINAL HISTORY/
RECORDS CHECK

equal to SDS

Implements audit
recommendations
and SDS Rules

891-050-500:
TRAINING

ACHP Rules are
higher:
*CPR before licensing
*1st Aid before licensing
*caregivers have CPR

New rules are
higher;
Implement
audit
recommendations

891-050-600:
TESTING NEW APPLICANTS

equal to SDS

ACHP new rules are
higher; not in
existing rules;
Implement audit
recommendation

891-050-700: QUALIFYING
TEST/OPERATORS

ACHP Rules are
higher

ACHP new rules are
higher; not in
existing rules;
Implement audit
recommendation

891-050-800: QUALIFYING
TEST/RESIDENT MANAGERS

ACHP Rules are
higher

ACHP new rules are
higher; not in
existing rules;
Implement audit
recommendation

891-050-900: STAFF
COVERAGE

ACHP Rules are
higher; Operators
must monitor homes

ACHP new rules are
higher; not in
existing rules

*

Meet wages and hour
laws

*

2 month medical monitoring

Part V: BASIC CARE

891-060: BASIC CARE,
SCREENING, ADMISSIONS,
CARE PLAN, MEDICATIONS,
NURSING CARE, RESTRAINTS,
RESIDENT ACTIVITIES

equal to SDS, with ACHP rules
more specific in
several places

New rules are a
revision of the
existing rules;
Implement audit
recommendations

Part VI: STANDARDS FOR OPERATIONS

891-070-100: RESIDENT
RECORDS

equal to SDS, with
ACHP more specific
on confidentiality

New rules are a
revision of the
existing rules

891-070-200: HOUSE
RULES

New ACHP Rules
are more specific

New rules are a
revision of the
existing rules

891-070-300 to 700:
POSTINGS, TELEPHONE,
MOVING A RESIDENT,
RESIDENT HEARING
RIGHTS, REFUNDS

equal to SDS,
with ACHP rules
more specific

New rules are a
revision of the
existing rules

Part VII: STANDARDS FOR FACILITIES

891-080-100 to 900

equal to SDS

Re-wording of
existing rules

Part VIII: ABUSE AND NEGLECT OF RESIDENTS

891-090-100

equal to SDS

New ACHP Rules
are higher; not
in existing rules

Part IX: INSPECTIONS--CORRECTION OF VIOLATIONS

891-100-100: INSPECTIONS	ACHP Rules are higher	New ACHP Rules are higher; not in existing rules; Implement audit recommendations on inspections and follow-up
891-100-200: CORRECTION OF VIOLATIONS	equal to SDS, with County Sanctions system	New ACHP Rules revise and expand the existing rules

Part X: COMPLAINTS

891-200-100: COMPLAINTS AND INVESTIGATIONS	ACHP AND SDS have equivalent systems	New ACHP Rules revise and expand the existing rules
891-200-200: PROHIBITION OF RETALIATION	equal to SDS	Re-wording of existing rules

Part XI: Sanctions

891-300: SANCTIONS	ACHP AND SDS have an equivalent systems, with ACHP more specific; Separate system for Hearings; ACHP has a higher standard for fines	New ACHP Rules revise and expand the existing rules; fine schedule not changed; Implement audit recommendations
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Part XII: PUBLIC INFORMATION

891-400-100: PUBLIC INFORMATION	equal to SDS	New ACHP Rules are higher; not in existing rules; Implement audit recommendations
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Part XIII: DEFINITIONS

	equivalent to SDS	New ACHP Rules are a revision of existing rules; Definition of Activities of Daily Living added
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RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS

The Aging Services Department is recommending your approval of the Administrative Rules for Adult Care Homes which are before you today.

These Administrative Rules were developed in response to four factors:

MOST IMPORTANTLY:

1) The need to ensure the health, welfare, and safety of elderly persons and persons with disabilities

IN ADDITION:

2) The need to develop a cost effective system to meet the growing housing needs of elderly persons and persons with disabilities

3) The recommendations of the Multnomah County Auditor

4) The need to upgrade the County Rules after the State upgraded its rules. To keep its exemption, the County Administrative Rules must be equal or superior to the State's Rules.

The Adult Care Home Program last appeared before the Board of County Commissioners on July 11th. At that time, the Board approved the ORDINANCE which authorizes these Administrative Rules.

We are now asking your approval of these Administrative Rules which determine:

- * the manner in which Adult Care Homes in Multnomah County are licensed,
- * the standards for the Adult Care Homes,
- * the process to obtain and maintain a license, and
- * the consequences for substandard care to residents of Adult Care Homes.

These Administrative Rules which you have before you today were initially drafted in a series of meetings with Adult Care Home Providers, Advocates for Elderly People and People with Disabilities, and representatives of the Aging Services Department, Mental Health, and Developmental Disabilities Program. We held 4 Open Meetings throughout the County to gather input on the proposed new rules. After incorporating the feedback received in those Open Meetings, the Final Draft of the Administrative Rules was developed. The Aging Services Department then held a Public Hearing on June 25th. The rules were

filed with the Clerk of the Board of County Commissioners on June 28th, 1996.

That brings us to today's Appeals Hearing on the Administrative Rules. Grover Simmons, on behalf of the Columbia Foster Home Association and the Adult Care Providers of Oregon Association, requested this Appeals Hearing.

In a nutshell, the issue here today is whether or not Multnomah County should have a set of Administrative Rules for Adult Care Homes which is at a higher standard than the State's Rules. Why would we want a higher set of Administrative rules for Multnomah County? There is only one reason. It is the same reason why the Multnomah County Auditor recommended changes to the Adult Care Home Program. The same reason that Advocates have had in proposing stricter standards. The reason is: better protection for elderly people and people with disabilities in Adult Care Homes.

It would be difficult--if not impossible--for most of the residents of Adult Care Homes in Multnomah County to attend this Hearing today. Most residents can not be here to speak for themselves. In Multnomah County, there are over 2,000 people living in Adult Care Homes today.

Who are these people? They are frail elderly people who can not longer live in their own homes. Who can no longer meet their most basic needs. They are men and women who have lost their eye sight and/or their hearing. Many of these residents can not longer walk or get around by themselves. Many have dementia, Alzheimer's Disease, or Parkinson's Disease. They have heart, lung, and kidney problems. While these individuals probably do not have a long time remaining in their lives--they certainly have the right to live with as much dignity, respect, and independence as possible. Because these individuals are so dependent, they require high standards to protect them.

About 20% of the residents of Adult Care Homes in Multnomah County are not elderly at all. They are younger people with disabilities--some as young as 18 years of age; others in their 20's and 30's. The disabilities with which these people live make it impossible for them to live independently. These individuals also require the protection of the County Rules.

The Aging Services Department recommends these Administrative Rules to you. The proposed rules:

- *re-organize the existing rules to make them easier to use;
- *re-write many of the existing County Rules to make them more understandable and clear;
- *revise sections of the existing rules to close loopholes and better define standards and procedures; and
- *incorporate required state standards.

In addition, the proposed rules:

- *implement the recommendations of the County Auditor
and
- *require an environment in Adult Care Homes which is

home-like in its atmosphere as well as safe and supportive to those who live there.

Where the County Rules have **literally** been increased **just** to the level of the State standards, there is no room for discretion or decision making at the County level. We can not decrease the strength of a County Rule if it would then be below the level of the State Rule. There is discretion at the County level in two circumstances:

(1) the County Rules exceed the State Rules

or

(2) the issue is not covered by the State Rules and the County has set its own standard.

In these two circumstances, the County rules and standards have been written at a higher level for the sole reason stated above: to protect the elderly people and people with disabilities living in the Adult Care Homes. While we have tried very hard to keep the needs of the Operators of Adult Care Homes in mind, the needs of the elderly and the disabled must come first.

In the Adult Foster Care system, the Providers play an integral role. The Administrative Rules can not ignore Provider needs and requirements. Yet, Adult Foster Care is a **regulated** industry because the residents of the Adult Care Homes are **not** independent adults who can move around easily meeting their own needs and making all of their own decisions. Most of the residents of Adult Care Homes are dependent adults. For this reason, their needs must come before those of the Providers, or regulators, of Adult Foster Care.

Multnomah County requires higher standards than are necessary in other parts of the State because the problems we face in this urban area are more complex and more difficult. For example, Operators in Multnomah County are often forced to hire Substitute Caregivers who they know only by an application and a Criminal Records check. In Oregon's small towns, Operators may be far more able to hire people well known in the community. A second example: elderly people in a small Oregon town are likely to have family members, friends, or at least friends of the family to look out for them. Many elderly people in Multnomah County Adult Care Homes have few if any visitors. These individuals rely on the County licensing requirements to ensure their safety.

Oregon has approximately 2000 Adult Care Homes--30% of those are in one County: Multnomah County. As far as we can tell, Multnomah County has a larger number of Adult Care Homes than any other County in the nation. As a national leader, we need to set a standard which we can rely on to safeguard dependent elderly people and people with disabilities.

Whether we are looking at specific, individual rules or the Administrative Rules as a whole, the Aging Services Department recommends to you that Multnomah County maintain its standards although they are higher than the State standards.

In considering these Administrative Rules today, please consider what you would want for your Mother or Father, Sister or Brother, or for yourself when you reach that age or condition.


METROPOLITAN HUMAN RIGHTS COMMISSION
City/County Advisory Committee on the Disabled

1120 SW Fifth Avenue, Rm. 516
Portland, Oregon 97204-1989

Multnomah County Board of Commissioners
1021 SW Fourth Avenue
Portland, OR 97204

248,393

August 29, 1996

RE: Multnomah County Aging Services Dept. Adult Care Home Program

Dear Commissioners Stein, Saltzman, Hansen, Collier and Kelley:

The City/County Committee on the Disabled (CCACD), as part of the Metropolitan Human Rights Commission, is currently an 18 member volunteer citizen advisory committee comprised of persons with disabilities, and organizations representing various disabilities within our community.

For over a decade, through the Disability Project, CCACD has assisted the City of Portland and Multnomah County in the interpretation of and compliance with local, state and federal laws and provided technical assistance on issues affecting the lives of persons with disabilities. From such a diverse group, we can combine our knowledge, training, experience and expertise to address issues related not only to equal employment opportunities, program and service accessibility, and barrier-free facilities, but also the removal and/or mitigation of attitudinal barriers. In this case, we wanted to open up the Adult Care Home Program to be more amenable to persons with disabilities as options in community-based care living. We introduced training components that include a) architectural and structural accessibility and b) disability sensitivity and awareness.

As an advocate for persons with disabilities and seniors, and chair of CCACD I was able to be a part of the Adult Foster Home - Citizen Review Committee from 08/94-12/94, the 1996 Revision of Adult Foster Home Licensing Rules (Oregon Administrative Rules) Committee from 09/95-11/95. These committees were comprised of persons with disabilities, seniors, advocates for persons with disabilities and seniors, service providers, DHR SDS staff, Multnomah county ASD staff, Area Agency on Aging, Ombudsmen, among others. As Multnomah county provides its own program for licensing and inspection of Adult Care Homes, the Multnomah County Administrative Rules presented to you here today *meet* and *exceed* those of the Oregon Revised Statutes and Oregon Administrative Rules. Again we were able to be involved at the forefront of important issue facing adults with disabilities and seniors in Multnomah County.

On behalf of CCACD, I would like to thank and commend ASD and the Adult Care Home Program for its proactive, thorough and comprehensive approach, its tireless and diligent efforts to address nearly every conceivable issue and/or concern as presented in these **Administrative Rules for Licensure of Adult Care Homes** in Multnomah County.

Sincerely,



Laurie P. Sitton, CCACD chair

City of Portland • Multnomah County • (503)823-5136/Voice/TDD Fax 823-0119

August 29, 1996

Good morning,

I am Jim Duncan, 3454 NE 35th Place, Portland, OR 97212.

I come before you because I want to show my support to the Administrative Rules for Licensure of Adult Care Homes during this hearing today. I have been a member of the Portland Multnomah Commission on Aging and the subcommittee on Adult Foster Care while these rules have been in development.

I am the son, advocate, and guardian for my mother who has been in foster homes in the Gresham and Troutdale areas during the last four and one-half years. Foster care is a very important service that is available to families like ours who need a place for a loved one.

One of my families biggest concerns was about security of our mother if she was to be placed in foster care. You need the assurance that the operator of a home and any staff who take care of your loved one is a good person and will provide the physical, cognitive and emotional support that is necessary to sustain the one you have turned over to their care. It is a difficult and sensitive issue to a family when you have to make the decision not to provide that care for your mother yourself and in your own home.

My families most important concerns dealt with care and safety for our mother. Would they provide good care, and care that she needed when she needed the care? Next concern was about the safety of our mother. Were these folks ones you could really trust with your mother? Or were they criminals? Until these administrative rules came forward, I have not been able to intellectually and actually answer this last question in an affirmative and certain voice. I only had a faith voice that suggested that everything was okay. Now I feel like I have a warranty on safety for my mother because these administrative rules have a section which provides criminal history and criminal record checks. I support this very much.

Thank you. Do you have any questions?

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the Matter of the Approval)
of the Adult Care Home) ORDER
Program Administrative Rules) 96-158
Filed June 28, 1996)

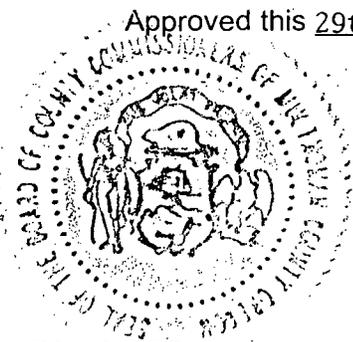
WHEREAS MCC 8.90.215 to 8.90.240 require the Board of Commissioners to conduct an appeals hearing on newly filed Adult Care Home Program Rules if a hearing is requested;

WHEREAS Adult Care Home Rules were filed with the Board , pursuant to MCC 8.90.210, on June 28, 1996;

WHEREAS a hearing was held and testimony taken on August 29, 1996;

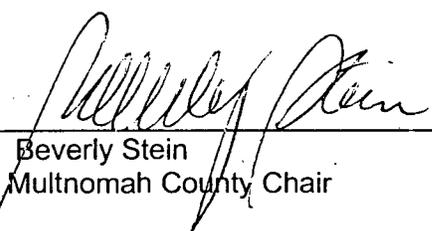
IT IS HEREBY ORDERED THAT THE REVISED Adult Care Home Program Rules are approved as filed. This Order is effective upon signing.

Approved this 29th day of August, 1996.



MULTNOMAH COUNTY, OREGON

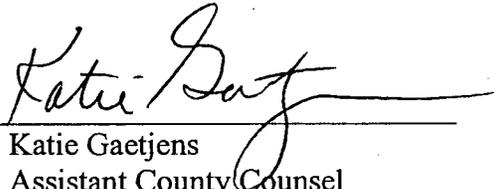
By


Beverly Stein
Multnomah County Chair

REVIEWED:

LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By


Katie Gaetjens
Assistant County Counsel

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MULTNOMAH COUNTY
AGING SERVICES DEPARTMENT
ADULT CARE HOME PROGRAM

ADMINISTRATIVE RULES
FOR
LICENSURE OF ADULT CARE HOMES
(Adult Foster Homes)

FILED June 28, 1996

If you have questions, please contact:

Adult Care Home Program
421 SW 5th Avenue
Room 405
Portland, Oregon 97204-2221
Telephone: 503-248-3000

INTRODUCTION

The Multnomah County Administrative Rules for Adult Care Homes govern the licensing and operation of Adult Care Homes in Multnomah County, Oregon. The Adult Care Home Program (ACHP) licenses Adult Care Homes and enforces the rules.

Multnomah County is an exempt county as determined by the State Department of Human Resources, Senior and Disabled Services Division. An exempt county provides a program for licensing and inspection of Adult Care Homes which is equal to or exceeds the requirements of ORS 443.705 to ORS 443.825. Exempt county licensing rules must be submitted to the Director of Senior and Disabled Services Division for review and approval prior to implementation. Multnomah County has been designated as such an exempt area on the basis of the Adult Care Home Licensure Ordinance and these rules.

891-005-100 AUTHORITY FOR AND JURISDICTION OF ADULT CARE HOME PROGRAM (ACHP) RULES

005-110 These rules are authorized by MCC 8.90.025, pursuant to the procedures set forth in MCC 8.90.160 through 8.90.260.

005-120 These rules are necessary for the administration and enforcement of the Multnomah County Adult Care Home Licensure Ordinance, found in Chapter 8.90 of Title 8 of the Multnomah County Code, Section 5.700 of Chapter 5 of the Code of the City of Gresham, Chapter 8.95 of Title 8 of the Code of the City of Portland, and Chapter 7.020 of Title 7 of the Code of the City of Troutdale.

005-130 These rules shall apply to all Adult Care Homes operating within Multnomah County.

891-010-100 PURPOSE OF THE ADULT CARE HOME RULES

010-110 These rules set forth the standards and requirements governing Adult Care Homes and are necessary to protect the health, safety and welfare of the residents of Adult Care Homes in Multnomah County. These standards and requirements shall be consistent with the homelike atmosphere required in Adult Care Homes.

010-120 Operators, Resident Managers and caregivers of Adult Care Homes shall abide by the terms of the Multnomah County Administrative Rules.

010-130 The goal of adult foster care is to provide necessary care while emphasizing the resident's independence. To reach this goal, the care provider and the resident, resident's family member or resident's legal representative shall cooperate to protect and encourage the resident's dignity, choice and decision-making. Resident needs will be addressed in a manner that supports and enables the individual to maximize abilities and function at his/her highest level of independence.

891-015-100 PURPOSE OF THE ADULT CARE HOME PROGRAM (ACHP)

The Adult Care Home Program (ACHP) has developed standards for Adult Care

Homes and the rules to be used in enforcing these standards in consultation with Operators, advocates for residents, experts in the field and others. The purpose of the Adult Care Home Program, in relation to the Multnomah County Code and these rules, is:

(a) To ensure that Adult Care Home residents are cared for in a homelike atmosphere which is friendly, safe, and secure; where the atmosphere is more like a home than a medical facility, where the resident's dignity and rights are respected, where positive interaction between members of the home is encouraged, and where the resident's independence and decision-making are protected and encouraged.

(b) To enforce the Multnomah County Administrative Rules (MCAR's) in order to protect the health, safety and welfare of residents of Adult Care Homes.

(c) To enforce the MCAR's to ensure an appropriate physical environment and at least a minimum standard of care in each home.

(d) To ensure that the public has access to the information necessary to select an appropriate Adult Care Home.

891-018-100 RESIDENTS' BILL OF RIGHTS

Each resident of an Adult Care Home in Multnomah County has a right to:

- (a) be treated as an adult with respect and dignity.
- (b) live in a safe, secure, homelike environment.
- (c) be informed of all resident rights and house rules.
- (d) be encouraged and assisted to exercise rights as a citizen, including the right to vote and to act on his or her own behalf.
- (e) be given information about his or her medical condition.
- (f) consent to or refuse treatment, medication or training.
- (g) have all medical and personal information kept confidential.
- (h) receive appropriate care and services from the Adult Care Home and access to prompt medical care as needed.
- (i) be free from mental or physical abuse, neglect, abandonment, punishment, harm or sexual exploitation.
- (j) be free to make suggestions or complaints without fear of retaliation.
- (k) be free from financial exploitation, including charges for application fees or nonrefundable deposits and solicitation, acceptance or receipt of money or property by an Operator, Resident Manager or caregiver, other than the amount agreed to for services.
- (l) be free from physical or chemical restraints except as ordered by a physician or qualified practitioner. Restraints are used only for medical reasons, to maximize a resident's physical functioning, and after other alternatives have been tried. Restraints are not used for discipline or convenience.
- (m) be free from any type of illegal discrimination.
- (n) be afforded personal privacy, the opportunity to associate and communicate privately with any person the resident chooses, to send and receive mail unopened, and to use the telephone in private.
- (o) participate in social, religious, and community activities.
- (p) to make personal decisions about such things as friends, leisure activities, choice of physician, spending personal money, food, personal schedules, and place of residence.
- (q) be allowed and encouraged to develop talents and learn new skills, relate to other residents in meaningful ways, and the choice to take part in the normal activities and upkeep of the home.
- (r) keep and use a reasonable amount of personal clothing and other belongings, and have a reasonable amount of private, secure storage space.

- (s) be free to manage financial affairs unless legally restricted.
- (t) receive a written agreement regarding the services the home shall provide and rates charged, and receive at least thirty days written notice before the home's ownership or rates change.
- (u) receive at least thirty days written notice from the Operator and an opportunity for a hearing before being involuntarily moved out of the home by an Operator, unless there is an emergency situation.
- (v) be involuntarily moved out of the home by an Operator only for the following:
 - (1) medical reasons;
 - (2) the resident's welfare;
 - (3) the welfare of other residents;
 - (4) nonpayment;
 - (5) behavior which poses an immediate threat to self or others;
 - (6) behavior which substantially interferes with the orderly operation of the home;
 - (7) the care needs of the resident exceed the ability or classification of the Operator;
or
 - (8) the home is no longer licensed.
- (w) receive complete privacy when receiving treatment or personal care.
- (x) receive visitors free from arbitrary and unreasonable restrictions.
- (y) practice the religion of his/her choice.
- (z) not be forced to work against his/her will and to be paid for agreed upon work.

**ADMINISTRATIVE RULES
FOR LICENSURE OF
ADULT FOSTER HOMES**

TABLE OF CONTENTS

ADMINISTRATIVE RULES FOR ADULT FOSTER HOMES	Page 6
PART I - LICENSING AND APPLICATIONS	Page 10
891-020-100 ■ General Requirements	Page 10
891-020-200 ■ General Criteria for Adult Foster Home Application Packets	Page 11
891-020-300 ■ General Criteria for Adult Foster Home Staff	Page 13
891-020-400 ■ General Criteria for the Adult Foster Home License	Page 13
891-020-500 ■ Additional Criteria for a New Adult Foster Home License	Page 15
891-020-600 ■ Additional Criteria for Renewal of an Adult Foster Home License	Page 16
891-020-700 ■ Provisional License	Page 17
891-020-800 ■ Operator's Responsibilities Regarding Resident Managers	Page 18
891-020-900 ■ Capacity of Adult Foster Homes	Page 18
891-025-100 ■ Classification of Adult Foster Homes (Levels of Care)	Page 19
891-050-200 ■ Closing, Moving or Selling Adult Foster Homes	Page 21
891-025-300 ■ Unlicensed Homes	Page 22
PART II - EXCEPTIONS	Page 22
891-030-100 ■ Applications for Exceptions to the Adult Foster Home Rules	Page 22
PART III - CONTRACTS	Page 24
891-040-100 ■ Contracts for Private Pay Residents	Page 24
891-040-200 ■ Operators with Medicaid Residents	Page 25
PART IV - ADULT FOSTER HOME OPERATORS, RESIDENT MANAGERS, AND CAREGIVER STANDARDS	Page 26
891-050-100 ■ General Criteria for Operators, Resident Managers and Caregivers	Page 26
891-050-200 ■ Communication Skills	Page 27
891-050-300 ■ Cooperation	Page 27
891-050-400 ■ Criminal History and Criminal Record Check	Page 28
891-050-500 ■ Operator, Resident Manager and Caregiver Training	Page 30
891-050-600 ■ Operator and Resident Manager Testing	Page 31
891-050-600 ■ Qualifying Test for New Applicants for Operator or Resident Manager	Page 31
891-050-700 ■ Testing for Operators	Page 32
891-050-800 ■ Testing for Resident Managers	Page 33
891-050-900 ■ Staff Coverage/Staff Supervision/Staffing Changes	Page 33
PART V - BASIC CARE	Page 35
891-060-100 ■ General Criteria	Page 35
891-060-200 ■ Screening Resident Care Needs Prior to Admission to the Adult Foster Home	Page 36
891-060-300 ■ Admission to the Adult Foster Home	Page 37
891-060-400 ■ Care Plan	Page 38
891-060-500 ■ Administration of Medications	Page 39
891-060-600 ■ Delegation of Nursing Care Tasks	Page 42
891-060-700 ■ Restraints	Page 42
891-060-800 ■ Meals	Page 43
891-060-900 ■ Resident Activities	Page 44

PART VI - STANDARDS FOR OPERATIONS		Page 45
891-070-100	■ Resident Records	Page 45
891-070-200	■ House Rules	Page 46
891-070-300	■ Postings	Page 47
891-070-400	■ Telephone	Page 47
891-070-500	■ Moving a Resident from the Adult Foster Home	Page 48
891-070-600	■ Resident Hearing Rights	Page 49
891-070-700	■ Refunds/Return of Personal Property	Page 50
PART VII - STANDARDS FOR FACILITIES		Page 51
891-080-100	■ General Conditions of the Home	Page 51
891-080-200	■ Health and Sanitation	Page 52
891-080-300	■ Bathrooms	Page 53
891-080-400	■ Bedrooms	Page 54
891-080-500	■ Heating and Cooling Systems and Electrical Equipment	Page 56
891-080-600	■ Doors and Locks	Page 57
891-080-700	■ Fire Safety	Page 57
891-080-800	■ Evacuation	Page 58
891-080-900	■ Storage of Flammable Liquids, Hazardous Substances and Guns	Page 59
PART VIII - ABUSE/NEGLECT		Page 60
891-090-100	■ Abuse, Neglect and Exploitation of Adult Foster Home Residents	Page 60
PART IX - INSPECTIONS - CORRECTION OF VIOLATIONS		Page 62
891-100-100	■ Inspections	Page 62
891-100-200	■ Procedures for Correction of Violations	Page 64
PART X - COMPLAINTS		Page 65
891-200-100	■ Complaints and Complaint Investigations	Page 65
891-200-200	■ Prohibiting Retaliation Against Persons Making Complaints	Page 66
PART XI - SANCTIONS		Page 67
891-300-100	■ Administrative Sanctions	Page 67
891-300-200	■ Fines	Page 69
891-300-300	■ Conditions Placed on a License	Page 70
891-300-400	■ Suspension	Page 71
891-300-500	■ Revocation/Non-Renewal/Denial	Page 72
891-300-600	■ Notification of Sanctions	Page 72
891-300-700	■ Administrative Conference	Page 73
891-300-800	■ Hearings	Page 73
891-300-900	■ Criminal Penalties	Page 75
PART XII - PUBLIC INFORMATION		Page 75
891-400-100	■ Public Information About Adult Foster Homes	Page 75
PART XIII - DEFINITIONS		Page 77
PART XIV - APPENDICES		Page 84

■ Appendix I - Activities of Daily Living Page 87

INDEX Page

**PART XV - Administrative Rules for Adult Foster Homes with a
Limited License AVAILABLE FROM THE ACHP**

**PART XVI - Administrative Rules for Room and Board
Facilities AVAILABLE FROM THE ACHP**

PART I - LICENSING AND APPLICATIONS

891-020-100

GENERAL REQUIREMENTS

020-110

A license is required for all Operators of Adult Care Homes located in Multnomah County in accordance with the Multnomah County Code and Administrative Rules for Adult Care Homes. The Multnomah County Adult Care Home Program shall license three different types of adult care homes. They are:

- (a) Adult Foster Homes;
- (b) Adult Foster Homes with a Limited License;
- (c) Room and Board Facilities.

020-120

An Adult Foster Home license is required (except as provided in MCAR 891-020-150) for any home or facility that provides residential care for compensation to five or fewer persons who are not related to the Operator by blood, adoption or marriage. Residential care is the provision of room and board and services which assist an individual in activities of daily living, such as assistance with eating/nutrition, dressing, personal hygiene, mobility, bowel and bladder control, or behavior management, including medication management and money management. The Operator, approved Resident Manager or approved substitute caregiver shall provide supervision 24 hours per day in the Adult Foster Home when one or more residents are present or are expected to be present in the home.

020-130

An Adult Foster Home Limited License is required for all homes or facilities that provide residential care for compensation to only a specific individual(s) who is not related to the Operator by blood, adoption or marriage. The Operator, approved Resident Manager or approved substitute caregiver shall provide supervision 24 hours per day in the Adult Foster Home when one or more residents are present or are expected to be present in the home. Part XV of these rules sets out the provisions for licensure of an Adult Foster Home with a limited license.

020-140

A Room and Board License is required for homes or facilities that provide only room and board for compensation to one or more adults who are elderly persons or persons with disabilities, not related to the Operator by blood, adoption or marriage and which provides no services except medication management and money management. The Operator, approved Resident Manager or approved substitute caregiver shall not be required to provide supervision 24 hours per day in the room and board facility when one or more residents are present or are expected to be present in the home. Part XVI of these rules sets out the provisions for licensure of a room and board facility.

020-150

An Adult Care Home license is not required for the following:

- (a) A home or facility, including but not limited to residential care facilities, specialized care facilities, and long term care facilities licensed by the State of Oregon in accordance with ORS 443.400 to ORS 443.455 or any other governmental agency.
- (b) A relative foster home licensed or registered by another agency to provide care to family members eligible for State Medicaid assistance.

(c) Any other house, institution, hotel or other similar living situation that supplies:

(A) room only; or

(B) where no elderly persons or persons with disabilities reside who are provided any element of residential care for compensation.

(d) A facility where all residents are related to the Operator by blood or marriage.

(e) A facility where all residents are under age 18.

020-160 Compensation includes any sort of payment to the Operator, including in-kind payment or services.

891-020-200 GENERAL CRITERIA FOR ADULT FOSTER HOME APPLICATION PACKETS

020-204 Adult Foster Home application packets shall be in writing on ACHP forms, completed and submitted by the person requesting to be licensed as the Operator and who is responsible for the operation of the home.

020-208 Each Co-Operator shall complete all application packet forms. The term Co-Operator is synonymous with Operator as both are equally responsible for the home. Co-Operators shall meet all qualifications and standards for an Operator.

020-212 Application packets for an Adult Care Home which has a Resident Manager shall include all required information about the Resident Manager.

020-216 A separate application packet is required for each location where an Adult Foster Home is operated.

020-218 Operators of Adult Foster Homes shall obtain any applicable business license.

020-220 The ACHP will not process license applications until a complete application packet is received by the ACHP.

020-224 After the ACHP receives a completed application packet and the required fee, the ACHP shall review the application packet, investigate criminal records, order appropriate inspections, carry out interviews with the applicant(s), check references and inspect the home to determine compliance with ACHP rules.

020-226 As part of the application process, the ACHP may request inspections of the Adult Foster Home from local fire department representatives, the County Sanitarian, City Building and Electrical inspectors, and other persons as determined necessary by the ACHP.

020-228 The ACHP shall grant or deny a license to an applicant within 60 days of the date the ACHP receives a complete application packet.

020-232 The ACHP shall issue a license if the Adult Foster Home and Operator, Resident Manager and caregivers are in compliance with these rules and have cooperated in the application process.

020-236 Application packets are void 60 days from the date any portion of the application packet and/or fee(s) are received by the ACHP if the application packet is not complete.

- 020-240 Failure to provide accurate and complete information may result in denial of the application.
- 020-244 An applicant shall state the maximum capacity requested including the number of respite residents, room and board occupants, day care persons, and relatives needing care. The application form shall also include the total number of other occupants in the Adult Foster Home.
- 020-248 The ACHP shall determine the maximum capacity of the Adult Foster Home during the licensure process.
- 020-252 An applicant shall state the classification being requested with information and supporting documentation regarding qualifications, relevant work experience, and training of staff as required by the ACHP.
- 020-256 The ACHP shall determine the classification of the Adult Foster Home based on the requirements in MCAR 891-025-100.
- 020-264 Applicants may withdraw applications at any time during the licensure process by notifying the ACHP.
- 020-268 Applicants may receive a refund of application fees if the application is withdrawn before any of the ACHP required inspections are completed.
- 020-272 The ACHP shall not refund application fees if an application is denied after the ACHP home inspection is completed.
- 020-276 The ACHP shall credit fees toward the Operator's future license application if the home is licensed for fewer beds than the applicant paid for at the time of application.
- 020-280 An applicant whose license has been revoked, voluntarily surrendered during a revocation process, or whose application has been denied for reasons of abuse, neglect, threat to the health, safety or welfare of any resident(s), or failure to possess the physical health, mental health, ability or good personal character necessary to be an Operator, shall not be permitted to make a new application for one year from the date the revocation, surrender, or denial is final, or for a longer period if specified in the order revoking or denying the license.
- 020-284 Information from a previous license or application shall be considered in processing a later application.
- 020-288 A license is void immediately upon issuance of a final order of revocation, a voluntary surrender by the Operator, or a change of ownership or location of the home. A void license shall be returned to the ACHP.
- 020-292 The ACHP shall not license an Operator who does not fully control all of the following:
- (a) hiring and firing of all the personnel in the Adult Foster Home;
 - (b) admission, discharge and transfer of any resident;
 - (c) daily operation of the Adult Foster Home.

891-020-300**GENERAL CRITERIA FOR ADULT FOSTER HOME STAFF**

- 020-310 No person may be an Operator, Resident Manager, shift caregiver, or substitute caregiver or otherwise be employed by the Operator or reside in or on the property of an Adult Foster Home, or be in the home on a frequent basis and have contact with the residents, except for the resident or their visitors, who have not met the requirements of the criminal record section of these rules or who have been found responsible for a disqualifying type of abuse.
- 020-320 The ACHP may prohibit any person from working or being in an Adult Foster Home if the ACHP finds that his/her presence would jeopardize the health, safety or welfare of the resident(s) in the home.
- 020-330 Operators shall insure that all Resident Managers and caregivers who work in the Adult Foster Home have the necessary skills and experience to meet the needs of the residents.
- 020-340 If Operators, Resident Managers and caregivers do not meet the standards for Operators, Resident Managers and caregivers in MCAR 891-050-100 through MCAR 891-050-975, the ACHP shall deny the application of each individual.

891-020-400**GENERAL CRITERIA FOR THE ADULT FOSTER HOME LICENSE**

- 020-406 The ACHP shall have the authority to issue an Adult Foster Home license to an approved applicant. The ACHP shall not issue a license unless the applicant and Adult Foster Home are in compliance with Multnomah County Administrative Rules.
- 020-412 The person and the Adult Foster Home that is licensed shall remain in compliance with all Multnomah County Administrative Rules for the duration of the license.
- 020-418 An Adult Foster Home license shall be valid for one year from the date the ACHP issues the license unless the license is revoked or suspended.
- 020-424 The Adult Foster Home license shall state the Operator's name and the home's address, the Resident Manager's name, type of license, maximum capacity of the home, the classification of the home and the time period for which the license is valid.
- 020-430 Operators must ensure that either the Operator or approved Resident Manager live in the home unless there is a written exception for shift caregivers granted by the ACHP.
- 020-436 By applying for and accepting an Adult Foster Home license, the Operator agrees to operate the home according to these MCAR's, including allowing unannounced licensing and monitoring visits.
- 020-442 The Operator shall post the most recent Inspection Reports available in the entry or equally prominent place and shall, upon request, provide a copy of the information to each resident of, or person applying for admission to the Adult Foster Home, or the family or legal representative of the resident or potential resident.
- 020-448 If a currently licensed Operator has more than one utility shut-off notice, or one complaint of nonpayment of rent or of lack of food or equipment, the Operator

must have at least two months of financial resources reserved.

- 020-454 The applicant shall provide the ACHP with a list of all unsatisfied judgments, liens and pending lawsuits in which a claim for money or property is made against the applicant; all bankruptcy filings by the applicant; and all unpaid taxes due from the applicant. The ACHP may require or permit the applicant to provide a current credit report to satisfy this requirement. The ACHP shall not issue an initial license to an applicant who has been adjudged bankrupt more than once. If the applicant has any unpaid judgments (other than a current judgment for support), pending lawsuits, liens or unpaid taxes, the ACHP shall require the applicant to provide proof that the applicant has the amount of resources necessary to pay those claims. If the applicant is unable to demonstrate the financial ability and resources required by these rules, the ACHP may require the applicant to furnish a financial guarantee such as a line of credit or guaranteed loan as a requirement of initial licensure.
- 020-460 Operators must own, rent or lease the home to be licensed.
- 020-462 If a licensed Operator rents or leases the premises where the Adult Foster Home is located, the Operator shall not enter into a contract that requires anything other than a flat rate for the lease or rental.
- 020-466 If requesting a license to operate more than one home, the Operator must supply to the ACHP a plan for all homes covering:
- (a) administrative responsibilities for all homes,
 - (b) staffing qualifications,
 - (c) job descriptions for Resident Managers and caregivers,
 - (d) staffing plans, and
 - (e) Registered Nurse or physician monitoring.
- 020-472 The ACHP shall not issue a license to operate an additional Adult Foster Home unless the Operator has the qualifications, abilities and capacity to operate the existing licensed home(s) and proposed home(s) and has demonstrated the ability to provide care to the residents of those homes that meet the standards in the MCAR's.
- 020-484 An exception may be granted to MCAR 891-020-460 to an organization, such as a church, hospital, non-profit association or similar organization whose purposes include provision of care and services to residents to operate an Adult Foster Home. The organization must have a Board of Directors or Board of Trustees which must designate one person who meets the qualifications and functions as the Operator of the home. This individual's responsibilities must include MCAR 891-020-292 (a), (b), and (c).
- 020-490 Operators shall have written approval from the ACHP and appropriate contracting agencies before admitting any foster child for compensation in the same home with elderly persons and/or persons with disabilities.
- 020-496 If the Operator has a Medicaid contract, the Operator cannot ask a resident to move when the resident becomes eligible for Medicaid.

ADDITIONAL CRITERIA FOR A NEW ADULT FOSTER HOME LICENSE

- 020-510 Applicants shall have attended an ACHP orientation within the last 12 months before obtaining an application packet.
- 020-520 Applicants shall pass a pre-qualifying test to demonstrate adequate communication skills before an application packet is issued by the ACHP.
- 020-530 Application packets for new Adult Foster Home Operator's licenses returned to the ACHP shall include:
- (a) A completed ACHP application form.
 - (b) A Qualifying Test certificate.
 - (c) An Initial Training certificate.
 - (d) Criminal record check authorization forms for each person aged 16 years and over who lives or works in the home or is frequently in the home and has contact with the residents.
 - (e) A physician's statement regarding the applicant's physical and mental ability to provide care.
 - (f) A current CPR and first aid certificate for the Operator and Resident Manager.
 - (g) A completed financial information form, a budget for operating the home, including payroll expense totals, and evidence of the applicant's financial ability to operate the home.
 - (h) Evidence of the home's ownership, or a copy of the rental or lease agreement. If the home is leased or rented, the name of the owner and/or landlord must be included. In addition, there must be verification that the rent is a flat rate. Financial information about rental or lease arrangements shall not become part of the public record.
 - (i) Floor plans of the home showing the location and size of all rooms, doors and windows, as well as wheelchair ramps, smoke detectors and fire extinguishers.
 - (j) Bureau of Buildings and electrical inspection approval forms where applicable.
 - (k) A staffing plan covering staff qualifications and how the home shall be supervised and monitored, including the use of substitute caregivers and other staff. If the Operator uses a Resident Manager, a written plan on coverage for Resident Manager absences must be submitted. (See Staff Coverage/Supervision.) The staffing plan shall also include the name, address and telephone number of an approved caregiver who will be available to provide care in the absence of the Operator, Resident Manager, or other caregiver.
 - (l) If needed, completed Co-Operator and Resident Manager applications.
 - (m) Adult Foster Home license application fees.
 - (n) Three references which document applicant's hands-on care experience with elderly persons or persons with disabilities. Once submitted, these references will

be kept confidential and not released to the Operator.

(o) Copy of city business license, if applicable.

020-540

The ACHP shall not issue an initial license unless:

(a) A completed application packet is received and all fees, fines and penalties have been paid.

(b) The applicant and Adult Foster Home are in compliance with these rules.

(c) The ACHP has completed an inspection of the Adult Foster Home.

(d) The ACHP has completed a criminal record check on the applicant(s), any employee of the AFH, and any person aged 16 years and over who is in the home on a frequent basis and who will have contact with the residents, other than a resident or their visitors.

(e) The ACHP has checked the record of sanctions available from its files and State registry of nursing assistants who have been found responsible for abuse.

(f) The applicant has demonstrated to the ACHP the financial ability and resources necessary to operate the Adult Foster Home. The applicant shall have a financial reserve equal to at least the amount of two months budgeted expenses.

020-550

In seeking an initial license, the burden of proof shall be on the Operator and the Adult Foster Home to establish compliance with the Multnomah County Administrative Rules.

891-020-600

ADDITIONAL CRITERIA FOR RENEWAL OF AN ADULT FOSTER HOME LICENSE

020-608

At least 60 days prior to the expiration of the license, an expiration notice and application packet for renewal will be sent to the Operator by the ACHP.

020-616

The Operator must submit a complete ACHP renewal application packet.

020-624

Submission of a renewal application packet prior to the expiration date will keep the license in effect until the ACHP takes action.

020-632

If the Operator does not submit a complete renewal application packet before the license expiration date, the ACHP shall treat the home as an unlicensed home. (Refer to MCAR 891-025-300.)

020-640

The ACHP shall review the renewal application materials and conduct an unannounced inspection of the Adult Foster Home. Prior to renewal, the ACHP shall interview Operators, Resident Managers, caregivers and residents; review Operator, Resident Manager and caregiver training documentation; review Adult Foster Home records; assess the homelike atmosphere; and inspect postings and safety features (fire safety equipment, etc.).

020-648

The Operator will be given a copy of the renewal ACHP Inspection Report at the time of the inspection citing any deficiencies and timeframes for correction, which shall be no longer than 60 days from the date of the inspection. The Operator

shall correct all deficiencies before the renewal license is approved. If any cited deficiencies are not corrected within the timeframe specified by the ACHP, the renewal application shall be denied. The ACHP may follow up with additional Licensing Reports citing deficiencies and timeframes for corrections.

020-656 The effective date of a renewal license shall be the day following the expiration date of the previous year's license.

020-664 The ACHP shall not renew a license unless:

(a) The ACHP has received a completed renewal application packet.

(b) The ACHP has completed an inspection of the Adult Foster Home.

(c) The home, Operator, Resident Manager and caregivers are in compliance with these rules.

(d) The ACHP has completed a criminal record check on the applicant(s), any employee of the Adult Foster Home and any person aged 16 years and over who is in the home on a frequent basis who will have contact with the residents, other than a resident or their visitors.

(e) All fines, penalties and fees have been paid unless there is a hearing pending regarding the fine or penalty.

(f) The ACHP has checked the record of sanctions available from its files and State registry of nursing assistants who have been found responsible for abuse.

(g) Copy of applicable city business license.

020-668 The ACHP shall consider requests for reclassification of the Adult Foster Home only at annual renewal.

020-672 Currently licensed Operators shall be able to demonstrate financial reserves equal to at least two month's operating expenses without relying on income from residents.

020-680 After the Adult Foster Home is in operation, the Operator may use the financial reserve if needed. If the financial reserve goes below the level required for two months of operation, the reserve must be replenished to the two months level within six months.

020-688 In seeking a renewal of a license when an Adult Foster Home has been licensed for less than 24 months, the burden of proof shall be upon the Operator and the Adult Foster Home to establish compliance with the rules of the ACHP.

020-692 In proceedings for renewal of a license when an Adult Foster Home has been licensed for at least 24 continuous months, the burden of proof shall be upon the ACHP to establish noncompliance with these rules.

891-020-700 PROVISIONAL LICENSE

Notwithstanding any other provision in the MCAR's, the ACHP may issue a provisional license for up to 60 days to a qualified person if the ACHP determines that an emergency situation exists after being notified that the licensed Operator

is no longer overseeing the operation of the Adult Foster Home. A person would be considered qualified if they are 21 years of age and meet the requirements of a substitute caregiver.

891-020-800

OPERATOR'S RESPONSIBILITIES REGARDING Resident Managers

020-810

Resident Managers for Adult Foster Homes shall attend orientation, the initial training course and pass the pre-qualifying test before being approved.

020-820

Adult Foster Home Operators which employ a Resident Manager shall submit a completed Resident Manager application packet, Resident Manager qualifying test certificate and fee to the ACHP before a Resident Manager's employment. The ACHP shall approve or deny the Resident Manager application and shall evaluate and may change the classification of the home based on the Resident Manager's qualifications.

020-830

If, during the period covered by the license, the Resident Manager leaves or ceases to act as the Resident Manager, the Operator must notify the ACHP. Before a new Resident Manager may start work, the Operator shall obtain approval from the ACHP. The Operator must request modification of the Adult Foster Home license to identify the change in Resident Manager.

020-840

If the ACHP determines that an unexpected and urgent staffing situation exists, the ACHP may permit, in writing, a person who has not attended orientation, completed the training or passed the qualifying test to act as a Resident Manager until training and testing are completed or for 60 days, whichever is shorter. The Operator shall provide a satisfactory explanation of the inability to find a qualified Resident Manager and must indicate that the person is at least 21 years of age and meets the requirements for a substitute caregiver for the Adult Foster Home, and that the Operator will provide adequate supervision.

891-020-900

CAPACITY OF ADULT FOSTER HOMES

020-910

Residents shall be limited to five persons unrelated to the Operator by blood, adoption, or marriage and who require care.

020-920

Respite residents are included in the licensed limit of the home.

020-930

The number of residents permitted to reside in an AFH will be determined by the ability of the staff to meet the care needs of the residents, the fire safety standards for evacuation, and compliance with the physical structure standards of these rules. Determination of maximum capacity must include consideration of total household composition including children and relatives requiring care and supervision. In determining maximum capacity, consideration shall be given to whether children over the age of five have a bedroom separate from their parents.

020-940

When there are relatives requiring care or day care residents, the allowable number of unrelated residents may continue to be the maximum capacity of five if the following criteria are met:

(a) The Operator can demonstrate the ability to evacuate all occupants within three minutes;

(b) The Operator has adequate staff and has demonstrated the ability to provide appropriate care for all residents;

(c) There is an additional 40 square feet of common living space for each person above the five residents;

(d) Bedrooms and bathrooms meet the requirements of these rules;

(e) The care needs of the additional persons are within the classification of the license and any conditions imposed on the license;

(f) The well-being of the household including any children or other family members will not be jeopardized; and

(g) If day care persons are in the home, they must have arrangements for sleeping in areas other than a resident's bed or a resident's private room or space designated as common use.

020-950 The Adult Foster Home license shall state the maximum number of unrelated residents permitted to reside in the home, and the maximum number of additional persons, including relatives receiving care, day care residents and room and board residents.

020-960 The Adult Foster Home shall not exceed maximum capacity determined by the ACHP as stated on the license.

020-970 The ACHP shall review the Adult Foster Home's maximum resident capacity at each license renewal.

020-980 The ACHP shall review and may change the maximum capacity of the Adult Foster Home if there are any indications that ACHP standards of care or the health, safety or welfare of residents is at risk.

891-025-100 CLASSIFICATION OF ADULT FOSTER HOMES (LEVELS OF CARE)

025-105 The ACHP shall determine the classification of an Adult Foster Home during the licensure process. The classification level determines the level of care the Adult Foster Home may provide to residents.

025-110 A Class I, Class II or Class III license, except as noted in MCAR 891-025-115 and MCAR 891-025-120, will be issued by the ACHP based upon compliance with these rules and the qualifications of the Operator, Co-Operator and the Resident Manager. The lowest level of qualification of the Operator, Co-Operator and Resident Manager shall prevail in classification determination.

025-115 Homes that serve only Mentally Emotionally Disabled or Developmentally Disabled residents do not receive a classification.

025-120 Adult Foster Homes with a Limited License and Room and Board Facilities do not receive a classification. (See Parts XV and XVI.)

025-125 A Class I license may be issued if the applicant (and Resident Manager, if any) complete the required training and have the equivalent of at least one year verifiable fulltime experience within the last three years providing direct care to elderly persons or persons with disabilities (for example, feeding, bathing, transferring) or a current CNA certification and the equivalent of at least four months verifiable fulltime experience within the last three years.

- 025-130 A Class II license may be issued if the Operator (and Resident Manager, if any) complete the required training and each has the equivalent of two years of full-time verifiable experience providing direct care to elderly persons or persons with disabilities within the last five years, or a current CNA certification and the equivalent of at least 16 months fulltime verifiable experience within the last five years.
- 025-135 A Class III license may be issued if the Operator (and Resident Manager, if any) both complete the required training, have no substantiated complaints of abuse or neglect within the last three years and each:
- (a) is a health care professional with a current license, such as a Registered Nurse, licensed practical nurse (LPN), physician, occupational therapist, or physical therapist;
- or
- (b) has the equivalent of three years' verifiable full-time hands-on experience within the last ten years in providing direct care to elderly persons or persons with disabilities who are dependent in four or more ADL's; and
 - (c) can provide current satisfactory references from at least two medical professionals, such as a physician and Registered Nurse, who have direct knowledge of the applicant's ability and past experience as a caregiver; and
 - (d) can demonstrate to the ACHP the ability to provide appropriate care to persons dependent in four or more activities of daily living.
- 025-140 An Operator with a Class I license may admit only residents who need assistance in four or fewer activities of daily living (ADL's). All residents must be in stable medical condition and not need skilled or continuous nursing care.
- 025-145 An Operator with a Class II license may provide care for residents who require assistance in all activities of daily living, but are not dependent in more than three activities of daily living. A Class II Operator may request an exception to provide care to one Class III resident.
- 025-150 An Operator with a Class III license may provide care for residents who are dependent in four or more activities of daily living, except that no more than one bed-care or totally dependent person may be in residence at one time.
- 025-155 Operators shall care only for residents whose impairment levels are within the classification level of the home. If the Operator wishes a more impaired resident to remain in the home, the Operator shall request in writing an exception to care for a more impaired resident.
- 025-160 Operators of Class II and Class III homes shall not admit more than one resident requiring skilled or continuous nursing care without ACHP approval. This does not include residents who only require treatments such as insulin injections or catheter changes, as long as the task was properly delegated and the residents are not in need of other skilled or continuous nursing care.
- 025-165 The ACHP may grant an exception which allows a resident whose care needs exceed the classification of the home to live in the Adult Foster Home if the Operator provides clear and convincing evidence that the following criteria are

met:

- (a) it is the choice of the resident to reside in the home;
- (b) the exception will not jeopardize the care, health, safety or welfare of any occupant;
- (c) the three minute fire evacuation standard for all occupants can be met.
- (d) the Operator is able to provide appropriate care of the resident in addition to the care of the other residents.
- (e) adequate staff are available to meet the care requirements of all occupants in the home; and
- (f) outside resources are available and obtained, if necessary, to meet the resident's care needs.

025-170 An Operators shall not admit a resident whose impairment level exceeds the license classification level of the home without prior written approval of the ACHP. The request must be made in writing.

025-175 Operators shall ensure that a Resident Manager meets or exceeds the experience and training standards for the classification of the Adult Foster Home.

025-185 The ACHP may require an RN's assessment of a resident's care needs whenever a resident's care needs change or are in question.

891-025-200 CLOSING, MOVING OR SELLING ADULT FOSTER HOMES

025-210 The Adult Foster Home license shall apply only to the person(s) and address specified on the Adult Foster Home license. A license shall not be transferred to another person or location.

025-220 If an Operator of an Adult Foster Home no longer wishes to be licensed, any potential new Operator shall apply to the ACHP for a license and be licensed before the change. The new potential Operator shall follow all ACHP application rules. The licensed Operator of the home shall not transfer operation of the home to the new Operator until the ACHP licenses the new Operator.

025-230 Operators shall give at least 30 days written notice to the resident, the resident's family member and to the resident's legal representative, before leaving, selling, leasing or transferring the Adult Foster Home business or the real property on which the Adult Foster Home is located.

025-240 If an Operator's license expires during a change in licensed Operators and the new potential Operator has not been approved for a license, the home shall be treated as an unlicensed home.

025-250 Operators selling the Adult Foster Home business must separate that transaction from the sale of the real estate.

025-260 The Operator shall inform real estate agents, prospective buyers, lessees and transferees in all written communications, including advertising and disclosure statements, that the license to operate an Adult Foster Home is not transferable

and shall refer them to the ACHP for information about licensing.

025-270 Operators shall notify the ACHP prior to a voluntary closure of a home, proposed sale or transfer of business or property and shall give residents, families, and case managers for Medicaid clients 30 days' written notice except in circumstances where undue delay might jeopardize the health, safety or well-being of residents, Operators, Resident Managers, or staff. If an Operator has more than one home, residents cannot be shifted from one home to another home without a thirty day written notice unless prior written approval is given and agreement is obtained from residents, family members and case managers.

025-280 If an Operator proposes to move a licensed Adult Foster Home to another location, the new location must be licensed by the ACHP prior to a resident being placed in the home.

891-025-300 UNLICENSED HOMES

025-310 If an Operator's license expires and no renewal application packet has been received by the ACHP, or the ACHP becomes aware of an unlicensed home providing care, the ACHP shall conduct an unannounced visit to determine the safety of the residents in the home.

025-320 The ACHP will relocate residents immediately if there is an immediate threat to their health, safety or welfare.

025-330 The ACHP may issue a 30 day written notice to all residents stating that all residents must relocate if there is no immediate threat to their health, safety or welfare. The ACHP shall monitor the home during the notice period.

025-340 The Operator of an unlicensed Adult Foster Home who is unfamiliar with the ACHP shall be informed of the licensing process.

025-350 The ACHP may impose sanctions or initiate judicial action against an unlicensed Adult Foster Home.

025-360 No person or entity shall represent themselves as an Adult Foster Home, solicit or admit a person needing care or services, or accept placement of a person without holding a current license from the Adult Care Home Program. Failure to comply with this requirement shall be grounds for administrative sanctions, which may include imposition of a fine, denial of an application for an Adult Foster Home license, and/or the initiation of legal proceedings.

025-370 The ACHP shall identify Adult Foster Homes in Multnomah County which are operating without a valid license. The ACHP shall take appropriate action to ensure that unlicensed Adult Foster Homes either become licensed or cease to operate.

PART II - EXCEPTIONS

891-030-100 APPLICATIONS FOR EXCEPTIONS TO THE ADULT FOSTER HOME RULES

030-110 Adult Foster Home license applicants or Operators must apply in writing to the ACHP for an exception to a specific requirement of the ACHP rules. The Operator must prove to the ACHP by clear and convincing evidence that such an exception does not jeopardize the care, health, welfare or safety of the residents.

Evidence must indicate that all residents' needs can be met and that all occupants can be evacuated within three minutes.

030-120

The ACHP shall not grant exceptions to certain ACHP rules, including but not limited to the rules governing:

- (a) maximum capacity requirements except as provided in MCAR 891-030-150;
- (b) mandatory inspections;
- (c) criminal history and criminal record checks (MCAR 891-050-400);
- (d) Residents' Bill of Rights;
- (e) testing requirements for Operators and Resident Managers (MCAR 891-050-600 through MCAR 891-050-850);
- (f) protection from retaliation for filing complaints;
- (g) inspection of public files;
- (h) fire safety requirements;
- (i) license application requirements; and
- (j) standards set out in MCAR 891-060-100 through MCAR 891-070-770 and MCAR 891-090-100 through MCAR 891-090-150.

030-130

The ACHP shall document the reason for granting or not granting an exception to the ACHP rules. The exception shall not be effective until granted in writing by the ACHP. Exceptions shall be granted on a case by case basis considering all relevant factors.

030-140

The ACHP shall review exceptions granted to an Adult Foster Home at each license renewal period and may deny or modify exceptions previously granted if there has been a change in the situation.

030-150

The ACHP may grant an exception to the rules to increase the maximum licensed capacity of the Adult Foster Home to allow day care residents to live in the home, if the Operator can demonstrate all of the following:

- (a) the ability to evacuate all occupants from the home to a point of safety within three minutes.
- (b) adequate staff with demonstrated ability to provide appropriate care for all residents.
- (c) an additional forty square feet of common living space for each person above the five residents.
- (d) bedrooms and bathrooms that meet ACHP facility standards.
- (e) the care needs of additional persons do not exceed the classification of the Adult Foster Home license and any conditions imposed on the license.

(f) day care residents have arrangements for daytime sleeping in areas other than a resident's bed or a resident's private room or space designated as common use.

(g) the safety of the home and the well-being and care needs of the residents, children or other family members will not be jeopardized if the ACHP grants the exception.

030-160 The decision of the ACHP regarding a request for an exception is final.

PART III - CONTRACTS

891-040-100 CONTRACTS FOR PRIVATE PAY RESIDENTS

040-110 Operators of Adult Foster Homes with private pay residents shall enter into a contract with the residents, dated and signed by the Operator and the resident or the resident's legal representative. The Operator's contract is subject to ACHP review prior to licensure. The ACHP may disapprove contracts or contract provisions which are in conflict with the ACHP rules or any law or ordinance.

040-120 Operators shall review the contract with the resident and the resident's legal representative when the resident is admitted to the home. Operators shall give a signed copy of the contract to the resident and the resident's legal representative.

040-130 The contract shall be reviewed by the Operator and the resident or the resident's legal representative at least once a year. The contract shall be updated and signed whenever the home's rate changes as a result of a change in resident care needs or if any contract provision changes.

040-140 The contract shall address, at a minimum:

(a) the specific care and services the home shall provide to the resident.

(b) the monthly rates for care and services.

(c) whether the resident's bedroom is private or shared.

(d) the due dates for payment and provisions for any late charges.

(e) the amount of refund and refund policy for any security deposits requested. The security deposit must be retained in an interest bearing account separate from the funds of the Operator.

(f) the circumstances under which the home's rates may change.

(g) the home's refund policy when a resident leaves the home before the required notice period.

(h) who shall be responsible for arranging and paying for any special services or equipment in the Adult Foster Home, including nursing delegations or care, and any fees for the resident's transportation.

(i) under what conditions the contract between Operator and resident may be ended; what notice is required from the Operator or resident to end the contract,

and that the notice requirement may be waived with the consent of both parties.

(j) the resident's right to a hearing before being moved from the home in a non-emergency situation.

(k) how the resident may recover personal property left in the home, and how and when an Operator may dispose of the resident's property if not recovered.

(l) an acknowledgement that house rules have been signed.

(m) how many days payment shall be required if a resident dies or leaves the home for medical reasons and indicates in writing the intent not to return.

(n) refunds of security deposits that allow for normal wear and tear.

040-150 If a resident's care needs change significantly, the Operator may renegotiate a higher rate to become effective in less than thirty days if the resident or the resident's legal representative voluntarily agrees to the increase.

040-160 Contracts between Operators and resident shall not require:

(a) any illegal or unenforceable provision, ask or require a resident to waive any of the resident's rights or the Operator's liability for wrongdoing.

(b) application fees or non-refundable deposits. Fees to hold a bed are permissible.

(c) if the home closes, charges to a resident beyond the date of closure or the date the resident moves from the home.

(d) advance payments for care and services beyond one month. (This does not apply to security deposits.)

(e) less than 30 days written notice of a change in the home's contract rates.

(f) payment if the resident moves out because of abuse and/or neglect which is later substantiated.

(g) payment of room charges during any period when the room has been re-rented to another person.

(h) waiver of their rights to a thirty day notice of rate increases, except for pre-established rate schedules for specified care needs.

(i) payment for more than 15 days after the resident has left the Adult Foster Home if a resident dies or leaves the home for medical reasons and indicates in writing the intent not to return.

(j) residents to pay for damages considered normal wear and tear.

891-040-200

OPERATORS WITH A MEDICAID CONTRACT

040-210

Operators who wish to serve Medicaid clients shall have a valid Medicaid contract in place and comply with the terms of the Medicaid agreement before accepting Medicaid paid residents.

040-220 The ACHP shall alert the contracting agency if an Adult Foster Home with residents who receive Medicaid payments is not in compliance with these rules.

PART IV

STANDARDS FOR OPERATORS, RESIDENT MANAGERS AND CAREGIVERS

891-050-100 GENERAL CRITERIA FOR OPERATORS, RESIDENT MANAGERS AND CAREGIVERS

050-110 For the purposes of these rules, Operators, Resident Managers and caregivers are defined as follows:

(a) **Operator** - The person licensed by the ACHP to operate the Adult Foster Home who has overall responsibility for the provision of residential care, who meets the standards outlined in these rules and who has been approved by the ACHP.

(b) **Co-Operator** - Synonymous with Operator as both are equally responsible for the home. All Co-Operators shall meet all qualifications and standards for an Operator.

(c) **Resident Manager** - A person employed by the Adult Foster Home Operator and approved by the ACHP who lives in the home and is directly responsible for daily operation of the home and care given to residents.

(d) **Caregiver** - Any person responsible for providing care and services to residents, including the Operator, the Resident Manager, and any temporary, substitute or supplemental staff or other person designated to provide care and services to residents.

(e) **Substitute Caregiver** - Any person other than the Operator or Resident Manager who is approved by the ACHP and is responsible for providing supervision, care and services to residents of an Adult Foster Home. In addition, substitute caregivers left in charge of a home for multiple 24-hour periods during a month or for any period that exceeds 48 hours, shall be required to meet the education requirements of a resident manager in a Class II and Class III home and may be required to meet the education, experience and training requirements of a resident manager if the licensing authority determines that such qualifications are necessary based on the resident impairment levels in the home.

050-120 Adult Foster Home Operators and Resident Managers shall be at least 21 years old.

050-130 Operators must live in the home which is to be licensed unless a Resident Manager lives in the home unless the ACHP grants a written exception to allow shift caregivers.

050-140 Caregivers, other than Operators and Resident Managers, shall be at least 18 years old. Caregivers under 21 shall not have sole responsibility for resident care or supervision for more than two hours during any twelve hour period.

050-150 Adult Foster Home Operators and Resident Managers shall provide evidence satisfactory to the ACHP regarding education, training, knowledge related to the population to be served, experience required for the classification of the home, and ability to operate an Adult Foster Home.

050-160 Operators, Resident Managers and caregivers shall have good physical health and mental health, good judgment, good personal character, including honesty, and the ability as determined necessary by the ACHP to provide 24-hour care for adults who are elderly persons or persons with disabilities.

050-170 Upon request of the ACHP, any Operator, Resident Manager or caregiver must obtain a statement from a physician or other qualified practitioner indicating they are physically, cognitively, and emotionally capable of providing care to residents.

050-180 Operators, Resident Managers and caregivers with a history of one or more substantiated episodes of substance abuse or mental illness must:

(a) provide evidence satisfactory to the ACHP of successful treatment/rehabilitation.

(b) submit references regarding current condition. References are confidential when received by the ACHP.

(c) be capable of operating, managing or providing care to elderly persons or persons with disabilities.

050-190 All Resident Managers and caregivers must meet applicable requirements for criminal record check and training.

050-195 Other persons who work, live or spend significant periods of time in the household, may be subject to the same inquiries or investigations described above. Such persons may also be required to provide satisfactory evidence, if requested, that their presence in the household does not jeopardize residents.

891-050-200 COMMUNICATION SKILLS

050-210 Operators, Resident Managers, and anyone left alone with residents shall be literate and able to demonstrate all of the following:

(a) an understanding of written and oral instructions in English, including medication instructions and doctor orders; and

(b) the ability to communicate in oral and written English with residents, health care professionals, case managers and appropriate others; and

(c) the ability to respond appropriately to emergency situations at all times.

050-215 At least one approved Operator, Resident Manager or caregiver who meets the requirements of this section shall be in the home and available to respond to residents' needs at all times.

050-220 The ACHP may grant an exception to MCAR 891-050-210 for homes where the Operators, Resident Managers and caregivers do not speak English if the Operators, other caregivers, residents and their doctors all speak the same language. The home shall have an interpreter on call 24 hours a day, and shall notify the local fire department of special rescue requirements.

891-050-300 COOPERATION

050-310 Operators, Resident Managers and caregivers shall cooperate with ACHP

personnel or other personnel providing services to the home or residents.

891-050-400

CRIMINAL HISTORY AND CRIMINAL RECORD CHECK

050-405

The criminal records check under this rule shall consist of:

(a) A check for a criminal record in the State of Oregon, and

(b) A national criminal record check if:

(1) The applicant or other person has resided in another state within the previous five years; or

(2) The applicant or other person has disclosed the existence of a criminal conviction in any state; or

(3) A criminal record check in the State of Oregon discloses the existence of a criminal record in any jurisdiction.

(c) A check of the record of sanctions available from the Senior and Disabled Services Division of the State of Oregon, including the list of nursing assistants who have been found responsible for abuse and whose names have been added to the registry pursuant to ORS 441.678.

050-410

It shall be the responsibility of the Operator to insure that all persons aged 16 years and over who live or work in the home and frequent visitors to the home who will have contact with the residents, excluding residents and their visitors, complete, sign and submit to the ACHP a criminal record release authorization form. This shall be completed prior to living in, working in or being in the home and on an annual basis. The form shall include name, any aliases, birthdate, social security number, gender, drivers license number, current address and address for the last five years and information about any criminal history.

050-415

Adult Foster Home Operators shall not hire a Resident Manager or caregiver whose criminal record has not been approved by the ACHP or allow family members, visitors, friends, etc. whose criminal record has not been approved to be in the home on a frequent basis and have contact with the residents.

050-420

Any Operator, Resident Manager or other caregiver may work in an Adult Foster Home pending the outcome of a national criminal record check providing that the Oregon criminal record check was clear and if he/she signs a form indicating that he/she has never had a criminal conviction.

050-425

A person with a criminal record shall provide the ACHP with all documents required to obtain a national criminal record check prior to working, residing or being in an Adult Foster Home. The person shall pay any costs necessary to obtain these documents.

050-430

The ACHP shall deny the application, revoke the license, or revoke or deny the approval of any person who falsely represents that he/she has not been arrested or convicted of a crime.

050-435

Any person who has been convicted of one or more crimes which are substantially related to the qualifications, functions or duties of an Operator, Resident Manager, or substitute caregiver of an Adult Foster Home, except as

provided in MCAR 891-050-465, not including a resident or their visitors, shall be prohibited by the ACHP from operating, working in or being in or on the premises of an Adult Foster Home.

- 050-440 The Operator shall inform all persons aged 16 years and over, including Resident Managers and caregivers, occupants of the home and frequent visitors to the home who will have contact with the residents, not including residents, resident's families or visitors, that they must notify the Operator if arrested, charged with or convicted of a crime. A licensed Operator shall notify the ACHP immediately upon learning that anyone living, working or being in the Adult Foster Home on a frequent basis who will have contact with the residents has been arrested, charged with or convicted of a crime.
- 050-445 Any person other than a resident or their visitors who has been charged with or arrested for a crime which is substantially related to the qualifications, functions or duties of an Operator, Resident Manager or substitute caregiver may be prohibited by the ACHP from operating, working in, or being in an Adult Foster Home on a frequent basis. The ACHP shall determine the actions necessary to protect the health, safety, and welfare of residents.
- 050-450 Crimes which are substantially related to the qualifications, functions or duties of an Operator, Resident Manager or substitute caregiver include, but are not limited to the following: elder abuse, elder neglect, child abuse, child neglect, incest, abandonment of a child or dependent person, homicide, assault, kidnapping, sexual offenses and offenses against public health and decency (prostitution, offenses involving narcotics, alcohol abuse and dangerous drugs, driving under the influence of intoxicants), and crimes against property (arson, burglary, forgery, theft, embezzlement or obtaining property under false pretenses).
- 050-452 Persons who have been convicted of homicide shall be permanently disqualified from operating, working in or being in an Adult Foster Home.
- 050-455 The ACHP shall consider persons with convictions for crimes of domestic violence or other reliable evidence that they have committed domestic violence a threat to the health, safety and welfare of residents in an Adult Foster Home. The following persons shall not be involved in the operation of allowed in an Adult Foster Home:
- (a) An individual with reliable evidence of a domestic violence incident or a conviction for domestic violence during the past 5 years.
 - (b) An individual with reliable evidence of more than one domestic violence incident or conviction during the last ten (10) years.
 - (c) An individual with reliable evidence of a domestic violence incident or conviction for domestic violence in addition to any other conviction within the last ten (10) years.
- 050-460 A person who is found to have a criminal record may request an administrative conference if the ACHP denies an application or their ability to work or be in the home on a frequent basis based on the criminal record.
- 050-465 If a person was convicted of a crime other than the crimes listed in MCAR 891-050-450, or if more than ten (10) years have passed since the person was convicted of a crime, the ACHP may allow a person to operate, work, or be in a

home after considering the following:

(a) The type of crime and number of offenses.

(b) Whether the victim of the crime was elderly, handicapped or dependent, or under the age of 18.

(c) Passage of time since the crime was committed.

(d) Circumstances surrounding the commission of the crime which would demonstrate that repetition is unlikely (for example, age when crime was committed).

(e) Activities since conviction or arrest such as employment, participation in therapy or education that indicate changes in behavior.

(f) Character references.

050-470 Criminal offender information shall be used only for the purposes for which it was obtained by the ACHP, and shall not be given to unauthorized persons or agencies. Unless a person gives written authorization for the release of criminal records, the ACHP may only inform an Operator that a person has been approved, or denied or that conditions are imposed on the basis of criminal offender information.

050-475 The ACHP shall make every effort to expedite completion of a criminal record check for the State of Oregon when requested by a licensed Operator because of an immediate staffing need.

891-050-500 OPERATOR, RESIDENT MANAGER AND CAREGIVER TRAINING

050-503 Operators and Resident Managers shall successfully complete the minimum ACHP approved initial training before being licensed or approved. The minimum ACHP approved initial training hours shall include but not be limited to: demonstrations and practice in physical care giving, screening for care and service needs, appropriate behavior towards residents with disabilities, issues related to accessibility for persons with disabilities and fire safety and evacuation issues.

050-506 Each year following the Basic Training Course, Operators and Resident Managers are required to obtain at least twelve hours of ACHP approved ongoing training related to care of elderly persons and persons with disabilities. Registered Nurse delegation or consultation and CPR certification shall not count towards the required training hours.

050-509 A Resident Manager who has not completed the Basic Training Course must complete the Caregiver Preparatory Training Course approved by the ACHP before providing care to any resident or being left alone with residents. The Caregiver Preparatory Training Course will include emergency procedures, medication management, personal care procedures, food preparation, home environment and safety procedures, and residents' rights.

050-512 Operators shall orient all Resident Managers and caregivers to the physical characteristics of the home, the residents of the home and their care needs using the ACHP checklist before Resident Managers and caregivers are left alone with

residents. The Operator shall keep on file a copy of each Resident Manager's and caregiver's signed and completed ACHP checklist.

- 050-515 Operators shall train the Resident Manager and caregivers to meet the routine and emergency needs of the residents.
- 050-518 All Operators and Resident Managers shall have ACHP approved CPR certification before being licensed or beginning to work in the AFH. CPR certification shall be renewed on an annual basis.
- 050-521 All Operators and residents managers shall have current First Aid Certification before being licensed or beginning to work in the AFH.
- 050-524 All caregivers shall have a current ACHP approved CPR certificate and First Aid Certificate before being left alone with residents.
- 050-527 All caregivers other than Operators and Resident Managers shall study the ACHP Caregiver Preparatory Training Course and complete the workbook with no assistance or complete the ACHP-approved initial training before working in the home. The caregiver training manual shall include but not be limited to the following topics: emergency procedures, medication management, personal care procedures, food preparation, home environment, safety procedures and residents' rights. Operators shall keep on file the substitute caregiver training certificate for all caregivers in the home where the caregiver works.
- 050-530 The ACHP may require other caregivers to complete annual training.
- 050-533 The ACHP may require Operators, Resident Managers and other caregivers to take part in additional training, including but not limited to training in major rule or program changes or fire and life safety standards.
- 050-536 Operators, Resident Managers and other caregivers shall record and keep on file ACHP training forms, certificates, attendance records and other training documentation. The Operator shall keep on file training documents for all Resident Managers and caregivers in the home where they work.

OPERATOR AND RESIDENT MANAGER TESTING

891-050-600 QUALIFYING TEST FOR NEW APPLICANTS FOR OPERATOR OR RESIDENT MANAGER

- 050-610 An applicant must pass the qualifying test before being licensed or becoming a Resident Manager. The examination shall evaluate the Operator's or Resident Manager's ability to understand and respond appropriately to emergency situations, changes in medical conditions, physician's orders and professional instructions, medication management, nutritional needs, resident's preferences, and conflict situations. The examination shall evaluate their basic understanding of the rules for Adult Foster Homes.
- 050-620 An applicant may take the qualifying test two times in a twelve month period. Failure to obtain a passing score on the qualifying test in two attempts will result in denial of the application and require the applicant to wait 12 months from the date of the last test before beginning the application process again.
- 050-630 If an applicant fails to obtain a passing score on the qualifying test and

demonstrates and documents special circumstances (e.g. language barrier, learning disability or test anxiety), the ACHP may develop an alternate means of testing that individual. If the applicant fails to demonstrate special circumstances or fails to obtain a passing score on an alternate test, as developed by the ACHP, the application shall be denied. Special consideration shall be granted only one time. If an applicant requests special consideration under language barrier, they must first demonstrate that they meet the communication skills under MCAR 891-050-200.

050-640 If an applicant is granted an alternate test and fails that test, he/she must wait 12 months from the date of that test before he/she may begin the application process again.

891-050-700 TESTING FOR OPERATORS

050-706 An Operator must pass the qualifying test before the license is renewed. The examination shall evaluate the Operator's ability to understand and respond appropriately to emergency situations, changes in medical conditions, physician's orders and professional instructions, medication management, nutritional needs, resident's preferences, and conflict situations. The examination shall evaluate their basic understanding of the rules for Adult Foster Homes. This qualifying test must be passed by the Operator only one time.

050-712 An Operator who fails to obtain a passing score on the qualifying test may repeat the test one time within 60 days of the first test.

050-718 If an Operator fails to obtain a passing score on the qualifying test the first time the test is taken, a condition on the license restricting admission will be imposed. If an Operator fails to obtain a passing score on the qualifying test the second time the test is taken, the ACHP shall revoke or not renew his/her license. In this event, the Operator may not begin the application process for 12 months from the date of the last test.

050-724 If an Operator fails to obtain a passing score on the qualifying test on his/her second attempt and demonstrates and documents special circumstances (e.g. language barrier, learning disability or test anxiety), the ACHP may develop an alternate means of testing that individual. The alternate test may only be taken one time. If an Operator requests special consideration under language barrier, they must first demonstrate that they meet the communication skills under MCAR 891-050-200.

050-730 If the Operator fails to demonstrate special circumstances or fails to obtain a passing score on an alternate test, as developed by the ACHP, the renewal application shall be denied or the license shall be revoked if it has not expired.

050-736 If an Operator fails to obtain a passing score on the qualifying test and the Resident Manager passes the qualifying test, the requirements of MCAR 891-050-718 shall apply.

050-742 If an Operator fails to obtain a passing score on the qualifying test and the Resident Manager has not yet obtained a passing score on the qualifying test, the requirements of MCAR 891-050-718 shall apply.

050-748 If neither the Operator or Resident Manager obtains a passing score on the qualifying test, the requirements of MCAR 891-050-718 shall apply.

TESTING FOR RESIDENT MANAGERS

- 050-810 A Resident Manager must pass the qualifying test before the license is renewed. The examination shall evaluate the Resident Manager's ability to understand and respond appropriately to emergency situations, changes in medical conditions, physician's orders and professional instructions, medication management, nutritional needs, resident's preferences, and conflict situations. The examination shall evaluate their basic understanding of the rules for Adult Foster Homes. This qualifying test must be passed by the Resident Manager only one time.
- 050-820 A Resident Manager who fails to obtain a passing score on the qualifying test on his/her first attempt may repeat the test one time within 60 days of the first test.
- 050-830 If a Resident Manager fails to obtain a passing score on the qualifying test on his/her first attempt, his/her status as a Resident Manager shall become probationary for a period not to exceed 60 days or the date the second test is taken. He/she may continue working as a Resident Manager in the home during this period. In addition, the Operator must demonstrate to the ACHP how the home will be adequately supervised.
- 050-840 If a Resident Manager fails the examination a second time, his/her status as a Resident Manager shall terminate. A condition on the license restricting admissions shall be imposed until a qualified Resident Manager is hired and working in the home. The current Resident Manager may continue working as a Resident Manager for a period not to exceed 30 days to ease the transition. The current Resident Manager may continue working after that 30-day period only if he/she meets the qualifications of a substitute caregiver. In this event, the Resident Manager may not begin the process to apply to be a Resident Manager for 12 months from the date of the last test.
- 050-850 If a Resident Manager fails to obtain a passing score on the qualifying test on his/her second attempt and demonstrates special circumstances (e.g. language barrier, learning disability or test anxiety), the ACHP may develop an alternate means of testing that individual. If the Resident Manager fails to demonstrate special circumstances or fails to pass an alternate test, as developed by the ACHP, his/her status as a Resident Manager shall immediately terminate. The alternate test may be taken only one time. If a Resident Manager requests special consideration under language barrier, they must first demonstrate that they meet the communication skills under MCAR 891-050-200.

STAFF COVERAGE/STAFF SUPERVISION/STAFFING CHANGES

- 050-905 An Operator must live in the home that is to be licensed or hire an approved Resident Manager to live in the home.
- 050-910 The Operator, approved Resident Manager or approved substitute caregiver shall provide supervision 24 hours per day in the Adult Foster Home when one or more residents are present or are expected to be present in the home. Supervision means protective awareness of the residents' general whereabouts and functioning, including: monitoring the activities of the residents while on the premises of the home; generally ensuring residents' health, safety and welfare; and the ability and readiness to intervene on behalf of a resident if a crisis arises.
- 050-912 A resident with developmental disabilities or mental or emotional disabilities who has an Individual Service Plan (ISP) approved by the appropriate County or State

Case Manager, may be left alone in the home for the length of time specified in the ISP. If there is no case manager, a resident with developmental disabilities or mental or emotional disabilities may be left alone in the home for the length of time specified in both the written doctors orders and care plan.

- 050-915 Operators not living in the home shall be in the Adult Foster Home at least three times a week and shall monitor the resident's health, safety and welfare; record keeping; and document these visits. Operators may appoint a currently licensed Operator or person approved by the ACHP to meet this monitoring requirement.
- 050-920 The Operator shall notify the ACHP of the name of the caregiver(s) who will be responsible anytime the Operator or Resident Manager will be out of the home more than 72 hours.
- 050-925 Operators shall give the current addresses and telephone numbers of all Resident Managers and caregivers employed by the Operator to the ACHP upon request.
- 050-930 A resident shall not provide supervision, care or services, or act as a Resident Manager or other caregiver.
- 050-935 Shift caregivers may be used in lieu of a Resident Manager only if the Operator is granted a written exception by the ACHP. Use of shift caregivers detract from the intent of a home-like environment, and may only be allowed for specific resident populations with intense care needs. The type of residents served must be a specialized population with intense care needs, such as those with Alzheimer's Disease, dementia, AIDS, or head injuries. If shift caregivers are used, they must meet the standards of a Resident Manager and the classification of the home.
- 050-940 If a Resident Manager (or shift caregiver) changes during the period the license covers, the Operator must notify the ACHP immediately and identify who will be providing care. The Operator must submit a request for a change of Resident Manager to the ACHP along with a completed Resident Manager application, a criminal record authorization, and payment of the required fee. Upon a determination that the applicant meets the requirements of a Resident Manager and the applicant has completed the ACHP's required training and passed the qualifying test, a revised license will be issued with the name of the new Resident Manager. The classification of the home will be reevaluated based on the qualifications of the new Resident Manager and may be changed accordingly.
- 050-945 If the ACHP determines an unexpected and urgent staffing situation exists, the ACHP may permit, in writing, a person who has not completed the orientation, training or passed the qualifying test to act as a Resident Manager until the orientation, training and testing are completed or for 60 days, whichever is shorter. The Operator must notify the ACHP of the situation and provide:
- (a) a satisfactory explanation of the inability to find a qualified Resident Manager.
 - (b) evidence that the person is 21 years of age.
 - (c) evidence that the person meets the requirements for a substitute caregiver working in the Adult Foster Home.
 - (d) a plan that the Operator will provide adequate supervision.

- 050-950 Operators shall compensate Resident Managers and other caregivers, including respite and substitute caregivers in compliance with all applicable provisions of Federal and State wage and hour laws.
- 050-955 Operators shall keep adequate staff necessary to maintain a stable environment and to provide quality care in the home.
- 050-960 Operators shall ensure that Resident Managers and caregivers have a clear understanding of job responsibilities, have knowledge of residents' care plans, and are able to provide the care specified for each resident, including appropriate delegation or consultation by a Registered Nurse.
- 050-965 An Operator (whether or not present in the home) is responsible for the supervision, training and conduct of Resident Managers and caregivers. This applies to Resident Managers and caregivers when acting within the scope of their employment, duties, or when they are present in the home.
- 050-970 Operators shall not leave residents alone in the home with anyone who cannot communicate adequately in English and does not meet the requirements of MCAR 891-050-200.
- 050-975 Operators of Class II and Class III Adult Foster Homes shall insure monitoring of all residents by a Registered Nurse or physician at least every two months or more frequently, if medically indicated. At a minimum, monitoring shall include review of resident records, medication management, doctors orders and resident's care.

PART V - BASIC CARE

891-060-100 GENERAL CRITERIA

- 060-107 Adult Foster Home Operators, Resident Managers and caregivers shall protect resident's rights and help residents to exercise them as listed in the Residents' Bill of Rights.
- 060-114 Operators, Resident Managers and caregivers shall provide a resident with the care and services as agreed to in the resident's care plan and as appropriate to meet his/her needs.
- 060-121 Operators, Resident Managers and other caregivers shall meet the night time care needs of the residents.
- 060-128 Operators, Resident Managers and caregivers shall provide care and services in a homelike atmosphere, where the dignity and rights of the residents are respected, the atmosphere is more like a home than a medical facility, positive interaction between occupants, Resident Managers and caregivers of the home is encouraged, and the residents' independence and decision-making is protected and promoted. Operators, Resident Managers and caregivers may prohibit visitors from visiting a resident if the visitors threaten the health, safety or welfare of the resident or other occupants. The event must be documented in the resident's records as an incident report and the ACHP licenser shall be immediately informed.
- 060-135 Operators, Resident Managers and other caregivers shall provide supervision for resident use of hot tub, sauna, and swimming pool. (Hot tubs and saunas may

be used only with written doctor approval.)

- 060-142 Residents shall have the right to consent to or refuse all medications, treatment or care. If a resident refuses medications, treatments or care, the refusal shall be immediately documented in the resident's records and appropriate persons notified, including the doctor, family, legal representative and case manager. Other persons involved in resident care, including the Resident Manager and caregiver, shall also be informed.
- 060-149 Operators shall immediately inform the resident, the resident's physician or nurse, family, legal representative, case manager, and any other appropriate people of changes in the resident's condition.
- 060-156 Operators, Resident Managers and caregivers shall promptly seek medical help, as needed, and continue to seek help until the resident receives the appropriate care and services. This includes persistent attempts to obtain doctor ordered prescriptions.
- 060-163 In the event of a serious medical emergency, the Operator/staff shall call 911 or the appropriate emergency number for their community. The physician/nurse practitioner, family or legal representative and the case manager (when applicable) shall also be called. The Operator shall have copies of Advance Directives, Do Not Resuscitate (DNR) orders and/or pertinent medical information available when emergency personnel arrive. Medical emergency means a change in medical condition that requires immediate care of a level or type that the Operator is unable to provide or behavior that poses an immediate threat to the resident or to other residents or people living in the home.
- 060-170 Operators must be able to provide or arrange for appropriate resident transportation. This does not mean the Operator has to pay for transportation.
- 060-177 If the Operator manages or handles a resident's money, it shall be maintained in a separate account record in the resident's name. The Operator shall not under any circumstances commingle, borrow from, or pledge any funds of a resident. Personal Incidental Funds (PIF) for Medicaid clients are to be used at the discretion of the client for such things as clothing, tobacco, and snacks (not part of daily diet). Operators, Resident Managers or caregivers shall not influence, solicit from, or suggest to any resident that they or their family give the Operator, Resident Manager or caregiver or the Operator's, Resident Manager's or caregiver's family money or property for any purpose. The Resident Manager, Resident Manager's family, caregiver or the caregiver's family shall not accept gifts of substantial value or loans from the resident or the resident's family.
- 891-060-200 SCREENING OF RESIDENT CARE NEEDS PRIOR TO ADMISSION TO THE ADULT FOSTER HOME**
- 060-208 Operators shall screen a potential resident for care needs using a screening form before admitting a resident to the Adult Foster Home. The screening shall determine whether the care needs of the resident fall within the license classification of the home and if the Operator can meet the care needs of the resident along with meeting the care needs of the current residents of the home.
- 060-216 The screening shall include interviews with the prospective resident in person whenever possible, and, if appropriate, the resident's family, prior caregivers, and case manager. The Operator's interview may also include any physician, nurse

or other health care professional involved in the prospective resident's care.

060-224

The Operator's screening of the resident's care needs shall include but is not limited to:

- (a) assessment of activities of daily living
- (b) diagnosis
- (c) medications
- (d) a description of the prospective resident's physical and mental condition
- (e) personal care needs
- (f) resident's ability to communicate
- (g) nursing care needs and RN delegations
- (h) nutritional needs
- (i) night care needs
- (j) personal preferences for activities and lifestyle
- (k) the prospective resident's ability to evacuate the home within three minutes along with the other home occupants.

060-230

Upon completion, a copy of the screening form shall be given to the prospective resident or his/her representative.

060-232

If the prospective resident becomes a resident in the home, the Operator's screening of a prospective resident shall be documented, a copy given to the prospective resident and any legal representative, and a copy kept with the resident's records.

060-240

Before admitting a private paying resident, the Operator shall advise the potential resident, his/her family, or his/her legal representative of the right to receive a long term care assessment. The Operator shall certify on a form provided by the ACHP that the individual has been so advised. Upon admission, the Operator shall maintain a copy of the form in the resident records.

891-060-300

ADMISSION TO THE ADULT FOSTER HOME

060-310

Upon admission to the home, the Operator shall obtain and document in resident records general information regarding the resident. The information shall include names, addresses, and telephone numbers of relatives, significant persons, case managers, and medical/mental health providers. The record shall also include the date of admission and, if available, the resident's Social Security and medical insurance numbers, birth date, and prior living situation. At an appropriate date, the Operator shall obtain mortuary information.

060-320

Upon admission to the home, the Operator shall have made every effort to obtain physician/nurse practitioner orders for medications, treatments, therapies and special diets. Any telephone orders must be followed with written signed orders

within 72 hours or the Operator must document attempts to get them. A physician, nurse practitioner, or pharmacist review of the resident's preferences for over-the-counter medications and home remedies shall also be obtained at that time and documented in the resident records. The Operator shall also obtain and place in the record any medical information available including history of accidents, illnesses, allergies, impairments or mental status that may be pertinent to the resident's care.

060-330 At the time of admission, the Operator shall ask for copies of the following documents if the resident has them: Advance Directive, letters of guardianship, letters of conservatorship, and Do Not Resuscitate (DNR) orders. The copies shall be placed in a prominent place in the resident record and sent with the resident when transferred for medical care.

060-340 At the time of admission, the Operator shall discuss with the resident and/or her/his legal representative and resident's family, if available, whether the home has a Medicaid contract, as well as the Residents' Bill of Rights, and written house rules. The discussion shall be documented by having the resident sign the house rules and the Residents' Bill of Rights. These signed documents shall be filed in the resident's record.

060-345 At the time of admission, the Operator shall list the resident possessions brought into the home.

060-350 When Operators have contracts with more than one public social service agency, including but not limited to the State of Oregon Mental Health Division – Mental Health or Developmental Disabilities Programs, Senior and Disabilities Services Division, or Children's Services Division, the Operator shall obtain written permission from each contracting agency with clients already in the home before admitting new residents from another agency.

891-060-400 CARE PLAN

060-410 The Adult Foster Home Operator shall develop a care plan for each resident. The care plan shall be developed together with the resident and, as appropriate, the resident's family, physician, nurse, the resident's legal representative, case manager, any other appropriate people, and shall include information from the screening assessment of the resident. The intent of the care plan is to accurately reflect the resident's care needs.

060-420 During the initial 14 days following the resident's admission to the home, the Operator shall continue the assessment process which includes documenting the resident's preferences and care needs. The assessment shall include observations of the resident and the review of information obtained from the screening assessment process.

060-430 The resident care plan shall be finalized within 14 days of admission to the home. The care plan shall be signed by those who have prepared the plan.

060-440 The care plan shall be updated whenever the resident's care needs change and at least every six months. All updates must be dated and signed by the Operator. The Operators shall review care plans with the resident and/or a legal representative once a year. This review shall be documented in the resident's records.

060-450

The care plan shall be a written description of a resident's needs, preferences and capabilities, including the type of care and services needed, when and who shall provide the care, how often care and services will be provided, and what assistance the resident requires for various tasks. Specific information in the care plan shall include information about the resident's:

- (a) ability to perform activities of daily living (ADL's).
- (b) need for special equipment.
- (c) communication needs: hearing, vision, sign language, non-English speaking, and speech along with any aids used.
- (d) night needs.
- (e) medical or physical health problems relevant to care and services.
- (f) cognitive, emotional, or physical disabilities or impairments relevant to care and services.
- (g) treatments, procedures or therapies.
- (h) need for Registered Nurse consultation and delegation.
- (i) need for behavioral interventions.
- (j) social/spiritual/emotional needs including lifestyle preferences.
- (k) emergency exit ability including assistance and equipment needed.
- (l) need for use of physical restraints or psychoactive medications.
- (m) dietary needs and preferences.
- (n) weekly activities or recreation schedule.
- (o) preferences in how care is given.

060-460

The resident's care plan shall include goals for maintaining and, if possible, improving or restoring the resident's level of functioning.

891-060-500

ADMINISTRATION OF MEDICATIONS

060-504

Operators, Resident Managers and caregivers who administer medications shall demonstrate an understanding of the administration of each resident's medications. Operators, Resident Managers and caregivers shall know the reason the medication is used and any specific instructions and common side effects. Drug reference material shall be kept in the Adult Foster Home and shall be readily available.

060-508

The Operator shall obtain and place a written signed order in the resident's record for any medications, dietary supplements, treatments, and/or therapies which have been prescribed by the physician/nurse practitioner.

060-510

Prescription medications shall not be given without written doctor's orders.

- 060-512 Orders must be carried out as prescribed unless the resident or the resident's legal representative refuses consent. The physician/nurse practitioner must be notified if a resident refuses to consent to an order.
- 060-516 Over-the-counter medications or home remedies requested by the resident shall be reviewed by the resident's physician/nurse practitioner or pharmacist at admission and at least annually thereafter and documented in the resident records.
- 060-520 Changes to orders may not be made without a physician/nurse practitioner's order. Attempts to call the physician/nurse practitioner to obtain the needed changes in orders must be documented in the resident's record.
- 060-524 If an Operator, Resident Manager or caregiver has good reason to believe that medical orders are harmful to a resident, the Operator, Resident Manager or caregiver shall immediately notify the physician, nurse, resident's family, case manager, and any other appropriate people to protect the health and safety of the resident.
- 060-528 Order changes obtained by telephone shall be implemented as soon as practicable. Operators shall obtain a written physician's order within 72 hours of receiving a doctor's telephone order or verbal order for a resident's medications or the Operator must document all attempts to get the order. Operators shall make and document, in the resident's progress notes, frequent and persistent attempts to obtain the written order until it is received.
- 060-532 Prescription medications ordered to be given "as needed" or "P.R.N." must have additional directions which show what the medication is for and specifically when, how much and how often it may be administered. These written directions may be given by a physician, nurse practitioner, Registered Nurse or pharmacist.
- 060-536 An Operator shall consult with the physician, nurse practitioner, Registered Nurse or mental health professional before requesting a psychoactive medication to treat a resident's behavioral symptoms. The consultation shall include a discussion of alternative measures to medication use including behavioral interventions. These medications may be used only after documenting all other alternative considerations and only when required to treat a resident's medical symptoms or to maximize a resident's physical functioning. Psychoactive medications shall never be given to discipline a resident or for the convenience of the Adult Foster Home. Psychoactive medications as defined in these rules may be used only pursuant to a prescription that specifies the circumstances, dosage and duration of use.
- 060-540 The Operator, Resident Manager and all caregivers shall know the specific reasons for the use of the psychoactive medication for an individual resident, the common side effects and when to contact the physician, nurse practitioner, or mental health professional regarding those side effects. Operators, Resident Managers and caregivers shall also know the behavioral interventions, if any, to be used along with the medication.
- 060-544 The frequency of the reassessment of the psychoactive medication use shall be determined by the physician or Registered Nurse completing the initial assessment.
- 060-546 All Operators may administer routine oral medications.

- 060-548 A resident or a relative of the resident or a Registered Nurse may administer subcutaneous, intramuscular, and intravenous injections. A licensed practical nurse can give subcutaneous and intramuscular injections. An Operator, Resident Manager or caregiver who has been delegated and trained by a Registered Nurse under provision of the Board of Nursing rules may give only subcutaneous injections. Intramuscular and intravenous injections cannot be delegated to Operators, Resident Managers and caregivers.
- 060-552 Each resident's medication container shall be clearly labeled with the pharmacist's label or be in the original labeled container or bubble pack and shall be kept in a locked, central location, separate from that of the Operator or the Operator's family. Residents shall not have access to any medications in the home unless they have an order to self medicate. Over-the-counter medications in stock bottles (with original labels) may be used in the home.
- 060-556 The Operator may set up each resident's medications for up to seven days in advance (excluding P.R.N. medications) by using a closed container manufactured for that purpose. If used, each resident shall have her/his own container with divisions for the days and times of the day the medications are to be given. The container must be clearly labeled with the resident's name, name of each medication, time to be given, dosage, amount, route and description of the medications. The container shall be stored in the locked medication area.
- 060-560 Unused, outdated or discontinued medications, except controlled substances, shall not be kept in the home and shall be disposed of according to the pharmacist's recommendations. Disposal of these medications shall be documented on the medication administration record or in the resident's record. Documentation shall include the name of the medication and the number of pills disposed or returned to the pharmacy.
- 060-564 All controlled substances to be disposed of shall be:
- (a) counted by a Registered Nurse who witnesses and documents the disposal;
 - or
 - (b) returned to the dispensing pharmacy.
- 060-568 Operators, Resident Managers and caregivers shall be responsible for making certain that all medications prescribed for a resident are fully accounted for and used only by that resident.
- 060-572 A prescription may be given only to the person for whom the medication was prescribed.
- 060-576 A current, written medication administration record shall be kept for each resident and shall identify all of the medications administered by the Operator, Resident Manager or caregiver to that resident, including over-the-counter medications and prescribed dietary supplements. The record shall indicate the medication name, dosage, route, the date and time to be given. The record shall be immediately initialed at the time of administration by the person giving the medications. Treatments and therapies must be immediately documented on the medication administration record showing times given, type of treatment or therapy, and initials of the person performing the procedure. The medication administration record shall contain a legible signature which identifies each set of initials.

060-580 A discontinued or changed medication order shall be marked and dated on the medication administration record as discontinued. The new order shall be written on a new line showing the date of order. If a resident misses or refuses a medication, treatment or therapy the initials must be circled and a brief but complete explanation shall be recorded on the back of the medication record. As needed (P.R.N.) medication shall be documented with the time, dose, the reason the medication was given, and the outcome.

060-584 A resident may self medicate only with a physician's written approval which shall be kept in the resident records. Residents shall keep self administered medications in their bedrooms in a secure place which can be locked. Operators, Resident Managers and caregivers shall not be responsible for administering or documenting medications when residents self medicate, but shall notify appropriate health care professionals if a resident cannot self-medicate safely.

891-060-600 NURSING CARE TASKS

060-610 A Registered Nurse consultation shall be obtained when a skilled nursing care task (such as insulin injections, blood sugar monitoring and ostomy care) has been ordered by a physician or other qualified practitioner. The Operator shall obtain medical professional consultation/assessment to meet the skilled nursing care needs of the resident.

060-620 When the Operator does not know or understand how to perform a nursing task, the Operator shall consult with a Registered Nurse.

060-630 The Registered Nurse may determine that a nursing care task for a particular resident is to be taught to an Operator, Resident Manager or caregiver utilizing the delegation process. The Operator, Resident Manager or caregiver shall not teach another individual the delegated task and shall not perform the task for another resident without specific delegation for that resident.

891-060-700 RESTRAINTS

060-708 For the purposes of these rules, restraints are defined as any physical device or chemical substance which restricts a resident's movement, body access or functioning (for example, vest, glove/mitten, gerichairs or full siderails on beds, sleeping medications or tranquilizers).

060-716 Chemical or physical restraints may be used only after consideration of all other alternatives. The Operator shall document the consideration and trial of all other alternatives in the resident's records. Restraints shall be used only when required to treat a resident's medical symptoms, or to maximize a resident's physical functioning. If, following the assessment and trial of other measures, it is determined that a restraint is necessary, the least restrictive restraint shall be used as infrequently as possible. All physical restraints must allow for quick release at all times.

060-724 Physical restraints may be used only after an assessment by a physician/nurse practitioner, Registered Nurse, Christian Science practitioner, mental health clinician, physical therapist or occupational therapist assessment.

060-732 A written signed order for the restraint from the physician/nurse practitioner or Christian Science practitioner shall be obtained and placed in the resident record. The order, including any P.R.N. orders, shall include specific parameters including

type, circumstances and duration of the use of the restraint.

- 060-740 Physical restraints may only be used with the resident's or resident legal representative's written consent which shall be filed in the resident's record. The Operator shall reassess their ability to provide care to the resident if the resident or legal representative refuses consent.
- 060-748 The Operator shall place the restraint assessment in the resident record. The assessment shall include procedural guidance for the correct use of the restraint, alternative less restrictive measures which shall be used in place of the restraint whenever possible, and dangers and precautions related to the use of a restraint.
- 060-756 Physical restraint use shall be recorded on the care plan showing why and when the restraint is to be used, along with instructions for periodic release. Any less restrictive alternative measures planned during the assessment and cautions for maintaining safety while restrained shall also be recorded on the care plan.
- 060-764 Residents physically restrained during waking hours must have the restraints released at least every two hours for a minimum of 15 minutes. During this period, they are to be repositioned, offered toileting, fluids, exercised or provided range of motion.
- 060-772 Physical restraint use at night is discouraged and shall be limited to unusual circumstances. If used, the restraint shall be of the design to allow freedom of movement with safety. The frequency of night monitoring for resident safety and need for assistance shall be determined in the assessment.
- 060-780 Physical restraints may not be used for discipline of a resident or for the convenience of the Operator, Resident Manager or caregiver.
- 060-788 The frequency for reassessment of the physical restraint use shall be determined by the prescriber based on the recommendations made in the initial assessment. The reassessment may be performed by the physician/nurse practitioner, Registered Nurse, Christian Science practitioner, mental health clinician, physical therapist or occupation therapist.
- 060-794 Fill side rails used to keep a resident in bed are considered restraints. Side rails or half rails, which are requested by the resident, to allow the resident to easily get in and out of bed or improve functioning are not considered restraints. Half side rails are not considered a restraint.
- 060-799 Use of restraints shall not impede the three minute evacuation of all household members.

891-060-800

MEALS

- 060-807 Three nutritious meals will be served daily at times consistent with those in the community. Each daily menu will include food from the basic food groups and fresh fruit and vegetables in season. There shall be no more than a 14-hour span between the evening meal and breakfast. Nutritious snacks and liquids shall be offered to fulfill each resident's nutritional requirements. Consideration shall be given to residents' preferences, cultural and ethnic background in food preparation. Special consideration must be given to residents with chewing difficulties and other eating limitations. Food shall not be used as an inducement to control the behavior of a resident.

- 060-814 Operators shall follow all special diets as prescribed in writing by the resident's physician/nurse practitioner or other qualified professional.
- 060-821 Operators shall not serve home canned foods unless prepared according to the latest guidelines of Oregon Department of Agriculture Extension Service. Freezing is the most acceptable method of food preservation. Milk must be pasteurized. Operators shall not serve wild game unless approved by the U.S. Department of Fish and Wildlife. All meats served must be USDA inspected.
- 060-828 Operators shall prepare and serve resident meals in the home where the residents live. Meals shall be served so that residents eat in a family style manner unless residents choose to eat alone or in their rooms. Normal eating out (for example, restaurant meals, take outs, or picnics) is permitted. Payment for meals eaten away from home for the convenience of the Operator (restaurants, senior meal sites) is the responsibility of the Operator. Meals and snacks as part of an individual recreational outing by choice are the responsibility of the resident.
- 060-835 Operators shall prepare and post a planned weekly menu of the residents meals and keep menus on file for one year. The ACHP may require additional record keeping if problems with meals or nutrition arise.
- 060-842 Food shall be stored at appropriate temperatures to prevent spoilage and to protect food from contamination and rodent or insect infestation. The home shall include a properly working refrigerator.
- 060-849 Food, utensils, dishes and glassware shall not be stored in bedrooms, bathrooms or living areas.
- 060-856 Utensils, dishes and glassware shall be washed in hot, soapy water, rinsed, and air dried if the home does not have a dishwasher, and stored to prevent contamination.
- 060-864 Food storage and preparation areas shall be clean and free of offensive odors. Equipment, eating and cooking utensils shall be clean and in good repair.

891-060-900 RESIDENT ACTIVITIES

- 060-910 Operators, Resident Managers and caregivers shall make available at least six hours of activities to residents each week, not including television and movies. The activities shall be of interest to the residents and should be appropriate to the resident's interests and abilities. Residents may choose whether or not to participate in any activity.
- 060-930 Operators, Resident Managers and caregivers shall allow and encourage residents to develop talents and learn new skills, relate to other residents in meaningful ways, and to have the choice to take part in the normal activities and upkeep of the home.
- 060-950 Operators, Resident Managers and caregivers shall directly interact with residents on a daily basis to promote a homelike environment. If the physical characteristics of the Adult Foster Home do not encourage contact between the Operator, Resident Manager, caregivers and residents the Operator must demonstrate how regular positive contact will occur.
- 060-960 Operators shall insure clear documentation of each resident's weekly six hours

of activities.

PART VI - STANDARDS FOR OPERATION

891-070-100 RESIDENT RECORDS

- 070-110 Operators, Resident Managers and caregivers shall keep accurate and up to date resident records on file in the Adult Foster Home where the resident lives.
- 070-120 Resident records maintained by the Operator shall be readily available at the Adult Foster Home to all Resident Managers and caregivers and to representatives of the ACHP conducting inspections or investigations, as well as to residents and their legal representative.
- 070-130 In all other matters pertaining to confidential records and release of information, Operators shall be guided by the principles and definitions described in OAR Chapter 411, Division 05. A copy of these rules will be made available by the Senior and Disabled Services Division upon request.
- 070-140 The resident's records shall contain the following information:
- (a) Initial screening form. (See MCAR 891-060-224.)
 - (b) General resident information form. (See MCAR 891-060-310.)
 - (c) Long Term Care Assessment form for private pay residents. (See MCAR 891-060-240.)
 - (d) Medical information, including:
 - (1) Medical history, including the resident's history of hospitalizations, accidents and injuries and relevant incident reports, and a description of any physical, emotional or mental health problems.
 - (2) Current written and signed physician/nurse practitioner orders.
 - (3) Any special diets or care instructions prescribed by a physician, including special therapies, treatments, and orders for the use of restraints or delegations.
 - (4) Guardianship letters, Oregon Directive to Physicians and/or a Power of Attorney for Health Care, if applicable.
 - (e) Medication administration records.
 - (f) The care plan.
 - (g) Copies of the current written house rules and current Residents' Bill of Rights, signed by the resident and/or his/her representative.
 - (h) A written report of all significant incidents relating to the health or safety of a resident including how and when the incident occurred, who was involved, what action was taken by Operator/staff and the outcome to the resident.
 - (i) Narrative entries describing the resident's progress documented in ink at least

once a week, dated and signed by the person writing them. Computerized progress notes shall be printed weekly and signed in ink by the person writing them.

(j) A signed copy of the Medicaid Payment Assessment form (Form SDS 512) for Medicaid pay residents.

(k) A signed copy of the contract for private pay residents.

(l) An up-to-date list of the resident's personal belongings kept in the home.

(m) If the Operator manages or handles a resident's money, the Operator shall keep a record of the resident's money. If the Operator has been authorized by a resident or resident's legal representative to handle a resident's money, a dated record of how the resident's money is spent and receipts retained for purchases over \$5.00. Receipts shall not be required for purchases made by the resident himself/herself.

(n) Any other information or correspondence about the resident.

070-150 Operators shall keep all resident records on file in the Adult Foster Home for three years.

070-160 If a resident moves from the Adult Foster Home, and with the written consent of the resident or resident's legal representative, copies of medication sheets and an updated care plan, as well as progress notes and personal information sheet shall be transferred with the resident to be used as reference only.

070-170 The falsification or omission of information from resident records shall be a violation of ACHP rules and shall subject the Operator to sanctions.

891-070-200 HOUSE RULES

070-210 Operators shall have written house rules which are in accordance with the ACHP rules. They shall include, but are not limited to, the home's policies on daily and evening visiting hours, smoking, use of intercoms, resident telephone use, mealtimes, kitchen privileges, television, bedtimes, bathing, pets, alcohol use in the home, and other expectations of or restrictions on residents. House rules shall not be in conflict with the Residents' Bill of Rights or the family atmosphere of the home.

070-220 House rules are subject to review and approval by the ACHP.

070-230 If smoking is allowed in the home, the house rules shall designate the smoking areas and shall state that smoking is never allowed in sleeping areas.

070-240 Operators shall include in the house rules daily visiting hours of at least seven hours with at least two hours after 6:00 pm. Operators shall make reasonable accommodations to visitors upon request.

070-245 House rules may deny visitors of a resident if the visitors threaten the health, safety or welfare of the resident or other occupants in the home.

070-250 A copy of the house rules shall be given to and discussed with the resident, their family member or legal representative. It shall be signed by the resident or the

resident's legal representative upon admission to the Adult Foster Home and maintained in the resident records.

891-070-300

POSTINGS

070-310

Operators shall post copies of the following in a prominent place where they can be easily seen by residents and others:

- (a) current Multnomah County Adult Foster Home License.
- (b) if a conditional license, a statement of the conditions next to the license.
- (c) Residents' Bill of Rights.
- (d) House Rules.
- (e) the home's floor plan with emergency evacuation map.
- (f) Inspection Report for the most recent annual inspection.
- (g) Licensing Report for the most recent inspection.
- (h) range of monthly rates for private pay residents.
- (i) Ombudsman poster.
- (j) name and telephone numbers of at least one emergency back up caregiver.
- (k) ACHP complaint process poster.
- (l) weekly menus.
- (m) telephone number(s) to provide 24 hour access to the Operator.

891-070-400

TELEPHONE

070-410

The home shall have a working telephone with a listed number.

070-420

The telephone shall be available and accessible in the Adult Foster Home for residents' use with reasonable accommodation for privacy for incoming and outgoing calls.

070-430

Any restrictions and limitations on the use of the telephone by residents shall be specified in the written house rules and shall not violate residents' rights.

070-440

Appropriate use of the residents' personal telephone shall not be restricted by the Operator, Resident Manager or caregiver.

070-450

Restrictions for telephone use for a specific resident shall be included in the care plan with documentation of the specific reason for the restriction, (i.e., behavior management).

070-460

Long distance service shall be available in the Adult Foster Home to residents who should pay for personal long distance telephone calls.

070-470 Residents with hearing impairments (to the extent that they cannot hear over a normal telephone) shall be provided with a telephone in the Adult Foster Home that is amplified with a volume control or is hearing aid compatible.

070-480 The Operator shall notify the ACHP, the resident's family, legal representative and any case manager of a change of the telephone number of the Adult foster Home within 24 hours of the change.

070-490 The emergency 911 number shall be posted on all telephones in the home. Emergency telephone numbers shall be posted by the telephone in the home including an emergency number to reach an Operator who does not live in the home.

891-070-500 MOVING A RESIDENT FROM THE ADULT FOSTER HOME

070-510 Operators shall not request or require a resident to move from the Adult Foster Home or move to another room in the Adult Foster Home without giving the resident, the resident's legal representative, family, case manager and any other appropriate person(s) at least 30 days written notice of the move. This excludes emergency situations where the home or resident's room no longer meets facility physical standards and situations where repairs are needed. The notice shall state the reasons for moving the resident and the resident's right to object and request a hearing.

070-520 A resident may be moved from the home or between bedrooms in a home if the move is the resident's choice or by mutual agreement of the resident and the Operator. This move requires that the resident receive 30 day written notice.

070-530 Operators shall evict residents from the home or move residents between rooms in the home for the following reasons only:

(a) resident's care needs or behavior exceed the ability or classification of the Operator.

(b) welfare of the resident or other residents.

(c) nonpayment for room or board or care or services.

(d) the home is no longer licensed or there is a voluntary surrender of a license.

(e) behavior which poses an immediate threat to self, Operator, Resident Manager, caregivers or others.

(f) behavior which substantially interferes with the orderly operation of the home.

070-540 Residents may waive an Operator's 30 day notice to move in writing.

070-550 To require a resident to give the Operator a 30 day notice prior to a move, the Operator shall include this requirement in the contract.

070-560 All written notices regarding evicting or moving a resident shall include:

(a) the resident's name.

(b) the reason for the proposed termination of residency.

- (c) the date of the proposed termination of residency.
- (d) the location to which the resident is going, if known.
- (e) the right to a hearing and to have the ACHP hold an informal conference.
- (f) the name, signature, address and telephone number of the person giving the notice.
- (g) the date of the notice.

070-570 If the resident has a medical emergency, the Operator may give less than 30 days' advance notice, but shall give the written notice as soon as possible under the circumstances. This includes situations in which the resident is hospitalized for a medical emergency and the Operator refuses to allow the resident to return to the home. Medical emergency means a change in medical condition that requires immediate care of a level or type that the Operator is unable to provide or behavior that poses an immediate threat to the resident or to other residents or people living in the home.

070-580 Residents may be evicted from the home with less than the 30 day written notice from the Operator with approval of the Director of Aging Services or his/her designee in emergency circumstances. Approval requires a finding that there is immediate threat, or that a delay would jeopardize the life, health, or safety of the resident, other residents, the Operator, employees, or other household members. Findings and approval shall be documented. Residents who move from the home under these circumstances shall not be charged beyond their last day in the home.

070-590 At the request of a resident, approval may be given for the resident to move from the home with less than 30 day written notice to the Operator or as specified in the contract with the approval of the Director of Aging Services or his/her designee. Approval requires a finding by the Director of Aging Services or his/her designee that there is immediate threat, or that a delay would jeopardize the life, health, or safety of the resident, other residents, the Operator, employees or other household members. Findings and approval shall be documented. Residents who move from a home under these circumstances shall not be charged beyond their last day in the home.

891-070-600 RESIDENT HEARING RIGHTS

070-610 A resident who has been or will be evicted or refused the right to return to a home by the Operator shall be entitled to an informal conference with the ACHP and an administrative hearing except in instances when the home is no longer licensed.

070-620 The ACHP will hold an informal conference upon request and before any hearing about an eviction. The ACHP shall send written notice of the time and place of the conference to the Operator, the resident and, at the resident's request, a family member, case manager, Ombudsman, legal representative of resident, and, if the Operator requests it, a representative from a provider association. The purpose of the informal conference is to resolve the matter without a formal hearing.

070-625 The ACHP shall issue a written determination following the conference either approving or disapproving the eviction.

070-630 If the resident is being moved from the Adult Foster Home by an Operator for a medical emergency, or to protect the welfare of the resident or other residents, as defined by rule, the hearing must be held within seven days of the move or notice to move. If a resident is being moved from the Adult Foster Home by an Operator for any other reason, the resident has a right to a hearing within ten days of the notice to move. The Operator shall hold a space available for the resident pending the decision of the hearing.

070-640 ORS 441.605(4) regarding transfer notices and hearings of long term care facilities shall apply to Adult Foster Homes.

070-650 Factors to be considered by the ACHP in a conference and the hearing officer in a hearing in evaluating an eviction to determine whether such action should be approved, conditionally approved or disapproved shall be limited to the following:

(a) Evidence of medical reasons for the action including behavior which substantially interferes with the orderly operation of the home.

(b) Evidence concerning the safety or welfare of the resident, other residents, the Operator, employees or other members of the household.

(c) Evidence of non-payment of monies agreed upon for room, board and/or care.

(d) Evidence that the resident's care needs exceed the ability or classification of the Operator.

(e) Transfer trauma to the resident.

070-660 After reviewing the evidence submitted at the hearing, the hearings officer may sustain, modify, or overrule the ACHP's determination approving an Operator's eviction or may approve, conditionally approve, or disapprove an eviction.

891-070-700 REFUNDS/RETURN OF PERSONAL PROPERTY

070-710 The Operator shall refund any money owed to the resident, the resident's family or legal representative within 30 days of when the resident dies or permanently leaves the home.

070-720 Operators shall make a resident's personal property available within seven days after the resident leaves the home. If the resident does not claim his or her personal property within seven days of leaving the home, the Operator shall give written notice to the resident or legal representative and allow 30 days before disposing of the resident's personal property.

070-730 The Operator may charge a reasonable fee for storage of a private pay resident's belongings beyond 15 days if the contract/admission agreement includes fees for storage.

070-740 The Operator has an obligation to act in good faith to reduce the charge by seeking a new resident to fill the vacancy. The Operator shall refund to the resident who moves any rent for days after the date the room is re-rented.

070-750 If the home closes, the Operator waives the right to collect any fees beyond the date of closure or the resident's departure, whichever is sooner.

- 070-755 The Operator shall not charge a resident for payment for more than 15 days after the resident has left the Adult Foster Home after a resident dies or leaves the home for medical reasons and indicates in writing the intent not to return.
- 070-760 If a resident dies or leaves an Adult Foster Home due to substantiated neglect or abuse or due to conditions of immediate threat of life, health or safety, the Operator shall not charge the resident beyond the resident's last day in the home.
- 070-770 If the ACHP orders the relocation of resident(s) and/or the refund of money to a resident, Operators shall refund the money owed to the resident within 30 days.

PART VII
STANDARDS FOR ADULT FOSTER HOME FACILITIES

891-080-100 GENERAL CONDITIONS OF THE HOME

- 080-107 The Adult Foster Home shall meet all applicable zoning, building and housing codes, and state and local fire and safety regulations for a single family residence. It is the responsibility of the Adult Foster Home Operator to ensure that all applicable local codes have been met.
- 080-121 The home shall be inspected for fire safety using these rules and standards by an inspector designated by the ACHP or by the local fire department. The ACHP may require any additional standards that are recommended by the State Fire Marshall or his/her designee, for a single family residence.
- 080-128 The buildings of the Adult Foster Home shall be of sound construction and kept clean and in good repair. The grounds shall be kept clean and well maintained.
- 080-130 Manufactured homes must have been built since 1976 and designed for use as a home rather than a travel trailer. The manufactured homes shall have a manufacturer's label permanently affixed don the taillight end of the unit itself which states it meets the requirements of the Department of Housing and Urban Development. The required label shall read as follows:

"As evidenced by this label No. ABC000001, the manufacturer certifies to the best of the manufacturer's knowledge and belief that this mobile home has been inspected in accordance with the requirements of the Department of Housing and Urban Development and is constructed in conformance with the Federal Mobile Home Construction and Safety Standards in effect on the date of manufacturer. See date plate."

If such a label is not evident on a mobile home unit, and the Operator believes his/her unit meets the required specifications, he/she must take the necessary steps to secure verification of compliance from the manufacturer.

Mobile homes built since 1976 meet the flame spread rate requirements and do not have to have paneling treated any further.

- 080-135 The interior and furnishings of the Adult Foster Home shall be kept clean and in good repair. Walls, ceilings and floors shall be finished to permit frequent washing, cleaning or painting. There shall be no accumulation of clutter, garbage, debris, rubbish or offensive odors.
- 080-142 All interior walls of the Adult Foster Home shall be at least equivalent to a smoke

barrier design. Buildings will be constructed with wall and ceiling flame spread rates at least substantially comparable to wood lath and plaster or better. The maximum flame spread of finished materials shall not exceed Class III (76-200) and smoke density shall not be greater than 450. If more than 10 percent of combined wall and ceiling areas in a sleeping room or exitway of the Adult Foster Home is composed of readily combustible materials such as acoustical tile or wood paneling, such material must be treated with an approved intumescent surface coating or removed.

080-149 Interior and exterior stairways and steps of the Adult Foster Home shall have properly installed handrails. The yard, approved exits and stairs of the Adult Foster Home shall be accessible and appropriate to the condition of the residents.

080-156 Interior hallways of the Adult Foster Home shall be at least 32" wide. They shall be wide enough to accommodate wheelchairs or walkers if used by the resident(s). Each room, stairway and exitway shall be free of barriers which impede evacuation.

080-163 Each room, stairway and exitway of the Adult Foster Home shall be equipped with working lights and kept adequately lighted, based on the resident's needs. Light bulbs shall be shatterproof or protected with appropriate covers.

080-170 There shall be at least 150 square feet of common living space and sufficient appropriate furniture in the home to accommodate the recreational and socialization needs of all the occupants at one time. Common space shall not be located in an unfinished basement or garage(s) unless such space was constructed for that purpose or has otherwise been legalized under permit. There shall be additional space required if wheelchairs are to be accommodated. An additional 40 square feet of common living space will be required for each day care person or relative receiving care.

080-177 The Adult Foster Home shall be furnished to meet the needs of the residents.

080-184 Swimming pools, hot tubs, spas, or saunas shall not be accessible to residents without supervision. They shall also be equipped with safety barriers and devices designed to prevent accidental injury to the residents.

080-191 Operators shall keep first aid supplies and a first aid manual available at all times.

080-193 The address of the Adult Foster Home shall be easily visible from the street.

080-195 Smoking is not permitted in any bedroom of the Adult Foster Home including that of a resident, Operator, Resident Manager, caregiver, boarder, or family member.

080-197 Operators shall submit a copy of a revised floor plan of the Adult Foster Home to the ACHP whenever it changes or before remodeling is begun.

891-080-200 HEALTH AND SANITATION

080-210 Operators shall use a public water supply for the Adult Foster Home if available. If a non-municipal water source is used, a sample shall be collected by the licensor or sanitarian and tested at the Operator's expense for coliform bacteria yearly and records shall be retained for three years. Corrective action shall be taken to ensure potability.

- 080-220 Septic tanks or other non-municipal sewage disposal system shall be in good working order.
- 080-230 Commodes shall be emptied frequently and cleaned daily.
- 080-240 Garbage and refuse shall be suitably stored in readily cleanable, rodent proof, covered containers. Garbage must be removed at least once a week.
- 080-250 Operators shall store soiled linens and clothing in closed containers kept separate from the bedrooms and the kitchen, dining and food preparation and storage areas. Clothing and bed linens soiled by human waste shall be placed in closed containers, emptied daily and promptly laundered. Soiled paper products used for cleaning incontinent residents shall be immediately disposed of in waterproof bags or containers.
- 080-260 Sanitation for household pets and other domestic animals shall be adequate to prevent health hazards. Proof of rabies or other vaccinations required by a licensed veterinarian shall be maintained on the premises for household pets. Pets not confined in enclosures must be under control and must not present a danger to residents or visitors.
- 080-270 Operators shall keep the home free of insects and rodents. Immediate action shall be taken if the home becomes infested to protect the health and safety of residents. Screens shall be installed on doors and windows used for ventilation.
- 080-280 Operators shall regularly clean surfaces, floors and rugs. Personal property shall be stored in a neat and orderly manner to keep the home free of clutter and obstructions.
- 080-290 Universal precautions for infection control shall be followed in resident care. Hands and other skin surfaces must be washed immediately and thoroughly if contaminated with blood or other body fluids.
- 080-299 Operators, Resident Managers and caregivers shall take precautions to prevent injuries caused by needles, scalpels, and other sharp instruments or devices during procedures. After they are used, disposable syringes and needles, scalpel blades, and other sharp items must be placed in puncture-resistant containers for disposal. The puncture-resistant containers must be located as close as practical to the use area. Containers holding sharp objects or medical waste shall not be stored in food preparation areas. Disposal shall be according to local regulations and resources (ORS 459.386 through ORS 459.405).

891-080-300 BATHROOMS

- 080-310 Bathrooms shall be kept clean and free from objectionable odors.
- 080-320 The Adult Foster Home shall have at least one toilet, one sink, one tub or shower and one mirror for each six household occupants including residents, day care persons, room and board occupants, and the Operator and/or caregiver's family excluding children under two years old). A sink shall be located near each toilet, and a toilet and sink shall be located on each floor occupied by residents.
- 080-330 Bathrooms shall have grab bars for toilets, tubs, and/or showers for resident's safety and have barrier-free access to toilet and bathing facilities. Alternative arrangements for non-ambulatory residents must be appropriate to the needs of

the resident for maintaining good personal hygiene.

080-340 Bathrooms shall have a finished interior, with floors, walls, tubs/showers, toilets, sinks and mirrors in good repair.

080-350 Bathrooms shall be adequately ventilated with a window and window covering or other means of bringing in fresh air from the outside. A window must have a surface area of not less than one twentieth of the floor area of the bathroom with a minimum of three square feet and a minimum clear opening of one and 1/2 square feet.

080-360 Bathrooms shall allow for privacy and have a door which opens to a hall or common use room, unless the bathroom is used only by a resident who occupies a bedroom adjacent to that bathroom. Residents shall not have to walk through another person's bedroom to get to a bathroom.

080-370 Hot and cold water shall be available at each tub, shower, and sink in sufficient supply to meet the needs of the residents. Hot water temperature shall be supervised for persons unable to regulate water temperature.

080-380 Shower enclosures shall have nonporous surfaces. Glass shower doors shall be tempered safety glass. Tubs and shower shall have nonslip floor surfaces. Shower curtains shall be kept clean and in good condition.

080-390 The Operator shall provide adequate supplies of toilet tissue for each toilet and soap for each sink. Residents shall be provided with individual towels and wash cloths which are laundered in hot water at least weekly. Appropriate racks or hooks shall be available for drying bath linens. If individual cloth hand towels are not provided, roller dispensed hand towels or individually dispensed paper towels shall be provided for residents.

891-080-400 BEDROOMS

080-407 Bedrooms for all household occupants shall:

(a) have been constructed as a bedroom when the home was built or remodeled under permit.

(b) be finished with walls or partitions of standard construction which go from floor to ceiling.

(c) have a door which opens directly to a hallway or common use room without passage through another bedroom or common bathroom.

(d) be adequately ventilated and lighted with at least one openable window which meets fire regulations.

(e) be at least 70 square feet of usable floor space for one resident or 120 square feet for two residents excluding any area where a sloped ceiling does not allow a person to stand upright.

(f) have ceiling heights of not less than 7 feet 6 inches covering at least one half of the area of the room.

080-414 Bedrooms shall not contain furnaces, laundry tubs, washers, dryers, freezers,

dishwashers or other common use equipment.

- 080-421 The Adult Foster Home shall have at least one bedroom for use by the Operator, Resident Manager or other caregivers. Operators, Resident Managers and caregivers shall not share bedrooms with residents or sleep in common living areas or rooms not approved as bedrooms. All other occupants shall be housed in bedrooms meeting the criteria described in this section.
- 080-428 No more than two people shall occupy a bedroom, not including children under five years old.
- 080-435 Resident bedrooms shall be in close enough proximity to the Operator to alert the Operator to night time needs or emergencies, or shall be equipped with a call bell or intercom. Intercoms shall not violate the resident's right to privacy and must have the capability of being turned off by or at the resident's request.
- 080-442 Use of interior video monitors detracts from a home-like environment and Operators shall not use them in resident bedrooms, bathrooms or living areas.
- 080-449 Bedrooms shall be on ground level for residents who are non-ambulatory, have impaired mobility, or are cognitively impaired. Residents on the second floor or in the basement must demonstrate their capability to self exit. Lifts or elevators are not an acceptable substitute for a resident's capability to ambulate stairs.
- 080-456 Sleeping rooms located on a second floor or in a basement shall have an approved emergency means of exit. Split level homes shall be evaluated according to accessibility, emergency exit and evacuation capability of residents. Bedrooms located on stories above the second floor shall not be used for sleeping purposes.
- 080-463 Bedrooms shall be adequately heated with a permanent source of heat.
- 080-470 Each bedroom shall have sufficient separate closet space, a private dresser and secure storage space for each resident's clothing and personal effects including hygiene and grooming supplies. Residents shall be allowed and encouraged to keep and use reasonable amounts of personal belongings.
- 080-477 Drapes or shades for windows shall be in good condition and allow privacy for residents.
- 080-484 There shall be an individual bed at least 36 inches wide for each resident consisting of a mattress and springs, or the equivalent, in good condition. Cots, rollaways, bunks, trundles, daybeds with restricted access, couches, and folding beds may not be used by residents. Each bed shall have clean bedding in good condition consisting of a bedspread, mattress pad, two sheets, a pillow, a pillowcase, and blankets adequate for the weather. Sheets and pillowcases shall be laundered at least weekly, and more often if soiled. Waterproof mattress covers will be used for incontinent residents. Day care persons may use a cot or rollaway bed if bedroom space is available which meets the requirements of these rules. Resident beds may not be used by day care persons.
- 080-491 All bedrooms in the home shall have at least one window or exterior door to permit venting and for emergency escape or rescue. This escape and rescue window or door shall:

(a) Be easily openable from the inside without the use of keys, tools, or any special knowledge or effort.

(b) Provide a clear opening of not less than 5.7 square feet (821 square inches). The minimum net clear opening height dimension shall be 24 inches (by 34 inches wide); the minimum net clear opening width dimension shall be 20 inches (by 41 inches high). Windows with a clear opening of not less than 5.0 square feet or 720 square inches with sill heights of 48 inches may be accepted when approved by the State Fire Marshal or designee.

(c) Have a finished sill height not more than 44 inches from the floor level, or not more than 48" if the sill height met applicable code requirements at the time the bedroom was constructed and if an exception is granted by the ACHP. For sill heights above 48 inches, application may be made for a building permit to install a permanently attached step(s) (minimum width 30 inches, rise of 4 to 8 inches, and run of 9 to 12 inches) or other aids to window exit which are constructed so the sill height is no more than 44 inches from the top of the step(s). Upon approval of the permit and final inspection, the ACHP may grant an exception, but only if the step(s) or aids are readily accessible and not used for storage, and only if their use is within the demonstrated evacuation capability of the residents of the room. In no case can residents who are non-ambulatory or have limited mobility use such bedrooms.

(d) Be free of any obstacles that would interfere with the window being used as an emergency exit.

891-080-500

HEATING AND COOLING SYSTEMS AND ELECTRICAL EQUIPMENT

080-510 Heating and electrical equipment, including wood stoves, shall be installed in accordance with manufacturer's specifications and all applicable fire and safety regulations. Such equipment shall be used and maintained properly and be in good repair.

080-520 Room temperatures shall be at a safe and comfortable temperature for the residents. The Operator shall have ventilation, fans or air conditioning available for use in hot weather, and keep the rooms at a comfortable and safe temperature for the residents at all times. When residents are home, minimum temperatures shall be no less than 70 degrees Fahrenheit during waking hours and 60 degrees Fahrenheit during sleeping hours.

080-530 Operators shall not use unvented portable oil, gas or kerosene heaters. Sealed electric transfer heaters or electric space heaters with tip-over shut-off capability may be used only if approved by the State Fire Marshall's guidelines. State Fire Marshall guidelines refer to Appendix I-E of the Uniform Fire Code of the State of Oregon which are available from the ACHP.

080-540 Operators shall not use extension cords in place of permanent wiring.

080-550 Portable air conditioners shall not block the exit window and shall be UL listed and used only in accordance with manufacturer's instructions.

080-560 Protective glass screens or metal mesh curtains attached top and bottom are required on fireplaces. The installation of a non-combustible heat resistant safety barrier shall be installed 36 inches around woodstoves to prevent accident or injury to residents.

080-570 Fireplaces shall not be used to burn trash. If the fireplace is used, chimneys shall be properly maintained and cleaned yearly so no accumulation of creosote or combustible residue can accumulate.

080-580 Operators who do not have a permit verifying proper installation of an existing woodstove shall have the woodstove inspected by a qualified inspector, Certified Oregon Chimney Sweep Association member, or Oregon Hearth Products Association member and follow their recommended maintenance schedule.

891-080-600 DOORS AND LOCKS

080-610 Exit and interior doors of the Adult Foster Home shall have simple and easy to operate hardware that cannot be locked to prevent exit. Hasps, sliding bolts, hooks and eyes and double key deadbolts shall not be used. There shall be no more than two locks per door, including a lock in the handle. All hardware shall be mounted no more than 48 inches from the floor. All locks must be openable from the inside without the use of a key, tool, special knowledge or effort or more than one motion.

080-620 Adult Foster Homes with one or more residents who are prone to wander out of doors shall have an activated door alarm system to alert the Operator, Resident Manager and caregivers of an unsupervised exit by a resident.

080-630 Storm windows or doors, bars, grills, grates or similar devices may be installed on escape and rescue windows or doors only if such devices are equipped with approved release mechanisms which can be easily opened from the inside without the use of a key, tool, special knowledge or effort or more than one motion.

891-080-700 FIRE SAFETY

080-710 Operators shall post an up-to-date evacuation plan for the Adult Foster Home with the locations of each bedroom, all windows and doors, the location of smoke detectors, fire extinguishers, and any sprinkler shut-offs. The evacuation plan shall clearly indicate the path occupants shall use to evacuate the home in an emergency.

080-720 Smoke detectors shall be installed in accordance with the manufacturer's specifications and be installed in each bedroom, in hallways or access areas that adjoin bedrooms, family room or main living area where residents congregate, any interior designated smoking area, and in basements. Smoke detectors shall be installed at the top of each stairway. Ceiling placement of smoke detectors is recommended. Detectors shall be equipped with a device that warns of low battery when battery operated or with a battery back-up if hard wired.

080-730 All smoke detectors shall contain a sounding device or be interconnected to other detectors in order to provide an alarm which is loud enough in all sleeping rooms to wake occupants who are not hearing impaired.

080-740 Bedrooms used by hearing impaired residents must be equipped with a visual/audio or vibration alerting smoke alarm to wake the residents when they are asleep.

080-750 The Operator shall maintain exits, detectors and extinguishers in functional condition. If there are more than two violations of failure to maintain battery

operated detectors in working condition in a 12 month period of time, hard-wiring of the detectors into the electrical system shall be required.

- 080-760 At least one fire extinguisher classed as 2A-10BC shall be mounted in a visible and readily accessible location on each floor, including basements. Extinguishers shall be recharged every six years. Extinguishers shall be mounted with the top no higher than five (5) feet above the floor. Fire extinguishers shall be checked at least once a year by a technician qualified in fire extinguisher maintenance. All recharging and hydrostatic testing shall be completed by a qualified agency properly trained and equipped for this purpose. All fire extinguishers shall be tagged with the date of the last inspection and/or service.
- 080-770 Operators shall keep at least one plug in rechargeable flashlight readily accessible on each floor of the home for emergency lighting.
- 080-780 If an Operator allows smoking in the Adult Foster Home, smoking regulations shall be adopted to allow smoking only in designated areas. Smoking shall be prohibited in sleeping areas, areas where oxygen is used, or in areas where flammable materials are stored. Ashtrays of noncombustible material and safe design shall be provided in areas where smoking is permitted.
- 891-080-800 EVACUATION**
- 080-808 An evacuation plan to be used in the event of an emergency shall be developed and rehearsed with all occupants.
- 080-816 Operators, Resident Managers and all caregivers shall be required to demonstrate the ability to evacuate all occupants from the facility within three minutes to the closest point of safety outside the home. Drills will be held at least once every 30 days in the first year of operation and at least every 60 days thereafter, with at least one drill practice per year occurring during sleeping hours. A record shall be maintained of evacuation drills. Records of drills shall be maintained for three years and include date, time for full evacuation, names of residents requiring assistance for evacuation, and signature of person conducting the drill.
- 080-820 Within 24 hours of arrival, any new resident, Resident Manager or caregiver shall be shown how to respond to a fire alarm, shown how to participate in an evacuation drill from the home in an emergency, and receive an orientation to basic fire safety. New Resident Managers and caregivers will also be oriented in how to conduct a fire drill.
- 080-824 If there are continual problems in demonstrating this evacuation time, conditions shall be applied to the license which include, but are not limited to, reduction of the capacity of the home, adding staff, relocating one or more residents, moving residents within the home, changing the classification of the home, hard wiring smoke detectors into the home's electrical system, installing a sprinkler system, increasing the number of fire drills, installing fire barriers, increased smoke detector systems or alarms or increased fire and life safety protection.
- 080-832 All residents shall participate in fire drills unless the Operator believes a resident may be harmed by participation in a fire drill and a written assessment from a physician or Registered Nurse is on file stating that such participation is medically contraindicated for the resident. In the event the resident cannot participate, substitutes for such residents of similar size shall be used in conducting fire drills to determine Operator's, Resident Manager's or caregiver's evacuation capability.

- 080-840 Operators shall not place residents who are unable to walk without assistance or not capable of self-preservation in a basement, split-level, second story or other area of the Adult Foster Home that does not have an exit at ground level. Such residents shall be given ground level rooms.
- 080-848 Stairs shall have a riser height of between 6-8 inches and tread width of between 8 - 10 ½ inches.
- 080-856 All common use areas of the Adult Foster Home and exitways must be barrier free and corridors and hallways shall be a minimum of 32 inches wide or as approved by the authority having jurisdiction. Any bedroom window identified as an exit shall be free of any obstacles, at least the width of the window, that would interfere with it being an exit.
- 080-864 There must be two safe means of exit. Operators whose sleeping rooms are above or below the first floor may be required to demonstrate a fire exit drill from that room, using the secondary exit and still evacuate all the occupants in three minutes, at the time of licensure, renewal, or inspection.
- 080-872 There shall be a wheelchair ramp from a minimum of one exterior door if non-ambulatory persons live in the home. All wheelchair ramps shall be constructed under appropriate permit. Wheelchair ramps shall have non-skid surfaces, handrails, and have a maximum slope of 1 inch rise in each 12 inches of distance. The maximum rise for any run without a platform shall be 30 inches. Operators shall bring existing ramps into revised compliance.
- 080-880 An Adult Foster Home located more than five miles from the nearest fire station or those of unusual construction may be required to have a complete fire alarm system installed which meets the requirements of the NFPA 72A and 72E and with approved automatic reporting to the local jurisdiction providing fire protection.
- 080-888 Operators whose homes are located in areas where there is a danger of natural disasters which require rapid evacuation such as forest fires or flash floods, must be aware of community resources for evacuation assistance.
- 891-080-900 STORAGE OF FLAMMABLE LIQUIDS, HAZARDOUS SUBSTANCES, AND GUNS**
- 080-910 Flammable and combustible liquids and hazardous materials shall be safely and properly stored in original, properly labeled containers or safety containers and secured in areas to prevent tampering by residents or vandals. Storage of flammable liquids is prohibited in living areas.
- 080-920 Cleaning supplies, poisons, insecticides, etc. shall be stored in original labeled containers, safely away from bedrooms, food preparation and storage areas, dining areas and medication storage areas. Kitchen cleaning supplies may be kept in a separate enclosed space in the kitchen.
- 080-930 Guns must be stored, unloaded, in a locked cabinet. The gun cabinet must be located in an area of the home that is not readily accessible to residents. Ammunition shall be stored and locked in a separate location from the gun.

891-090-100

ABUSE, NEGLECT AND EXPLOITATION OF ADULT FOSTER HOME RESIDENTS

090-110

Operators, Resident Managers and caregivers shall exercise all reasonable precautions against conditions which could threaten the health, safety or welfare of Adult Foster Home residents. Anyone who lives or works in an Adult Foster Home shall not inflict, allow to be inflicted, or expose residents to abuse, neglect or exploitation. Abuse, neglect or exploitation is a violation of ACHP rules and may subject the offender to civil and/or criminal proceedings. Operators shall be responsible for preventing abusive or neglectful treatment or exploitation of any resident by any occupant in the AFH.

090-120

Abuse of an Adult Foster Home resident means any verbal or physical action or mistreatment which causes or threatens to cause physical or mental pain, injury or discomfort to a resident which is inconsistent with resident needs or prescribed resident care.

090-130

Neglect is a kind of abuse which includes any action or inaction which causes or threatens to cause physical or mental harm to a resident which is inconsistent with resident needs and prescribed resident care. Neglect may be intentional, unintentional, careless, through reckless endangerment, inadequate monitoring of residents by an Operator, Resident Manager or caregiver, or because of ignorance, indifference, incompetence, poor health, inadequate experience, training or skill.

090-140

Abuse or neglect may result from the conduct of an Operator, Resident Manager, caregiver or other household member towards a resident of the home.

090-145

Abuse or neglect shall include but is not limited to the following:

(a) willful infliction of physical pain or injury, including physical assaults such as hitting, choking, pushing, shoving, pinching, kicking, scratching, or using any kind of unreasonable force.

(b) any physical injury caused by other than accidental means or which appears to be different from the explanation given for the injury.

(c) punishment, including but not limited to food, clothing, eyeglasses, hearing aids, walkers or wheelchairs.

(d) using psychoactive medications or physical restraints, without a written order or contrary to a written order from a physician or qualified practitioner, or to discipline or punish a resident; or for the convenience of the Adult Foster Home.

(e) abandonment, including deserting or leaving a resident without adequate care or supervision.

(f) use of derogatory or inappropriate names, phrases, or profanity, verbal abuse, unnecessary yelling, harassment, ridicule, threats, coercion, menacing behavior or intimidation, cursing or inappropriate sexual comments.

(g) emotional abuse, mistreatment, or any pattern of psychologically destructive

behavior (for example, rejecting, isolating, terrorizing, ignoring or corrupting a resident). This includes the emotional impact on a resident of Operators, Resident Managers and caregivers or other household members or visitors abusing each other while on the premises of the Adult Foster Home.

(h) sexual abuse or exploitation, including but not limited to:

(1) inappropriate language or physical contact between an Operator, Resident Manager, caregiver or other household member and a resident,

(2) inappropriate language or inappropriate physical contact between nonconsenting residents,

(3) the failure of an Operator, Resident Manager or caregiver to discourage sexual advances of residents toward the Operator or caregiver, or

(4) failure of the Operator, Resident Manager or caregiver to discourage inappropriate language or inappropriate sexual contact between nonconsenting residents.

(i) withholding or failure to provide adequate food, shelter, clothing, supervision, socialization, care or services necessary to ensure the health, safety and welfare of residents.

(j) withholding or failing to seek adequate medical attention and care.

(k) improper administration, supervision and safe guarding of medications, including failure to follow medication orders.

(l) failure to provide bedding or adequate changing of bedding or clothes.

(m) failure to help with a resident's daily personal grooming and regular bathing, as needed.

(n) failure to make a reasonable effort to discover what care is necessary for the wellbeing of a resident.

(o) failure to provide and maintain a safe, sanitary, and secure home.

(p) failure to provide the staffing needed to care for the residents; failure to adequately train and supervise Resident Managers and caregivers.

(q) Placing unreasonable restrictions which violate rights guaranteed to the resident by the Bill of Rights.

090-148

Exploitation means any act or absence of action that deprives or threatens to deprive the resident of personal resources or entitlements, and that is inconsistent with resident needs or prescribed resident care. Exploitation includes financial exploitation or mismanagement, including, but not limited to:

(1) taking or disposing of any funds or property belonging to a resident.

(2) buying property from or selling property to a resident.

- (3) becoming a resident's legal representative, or attorney in fact.
- (4) commingling the resident's funds with the Operator's, Resident Manager's, caregiver's or another person's funds.
- (5) borrowing from or loaning money to residents; pledging any resident's funds.
- (6) spending a resident's personal funds inappropriately or without authorization from a resident or resident's family member.
- (7) entering into inappropriate financial arrangements with a resident.
- (8) adding an Operator's, Resident Manager's, caregiver's or a member of the their family's name to a resident's bank account, legal contract or property or credit cards.
- (9) making unreasonable rate increases.
- (10) requiring more than 30 days advance payment for care.
- (11) witnessing a will in which an Operator, Resident Manager, or caregiver or Operator's, Resident Manager's or caregiver's family is a beneficiary.
- (12) requesting or requiring the Medicaid-funded residents to pay more than state authorized Medicaid rates.
- (13) perfecting or foreclosing a lien in violation of ORS Chapter 87.
- (14) theft or misuse of money or gifts intended for the residents.
- (15) charging excessive rates for care or services.

090-150 Operators, Resident Managers, caregivers and any person with reasonable cause to believe that abuse, neglect or exploitation has taken place in an Adult Foster Home shall immediately make a report to the ACHP or a local law enforcement agency.

PART IX - INSPECTIONS - CORRECTION OF VIOLATIONS

891-100-100 INSPECTIONS

100-107 The ACHP may conduct unannounced inspections of an Adult Foster Home, in situations including but not limited:

- (a) licensing inspections for new and renewal licenses.
- (b) to determine if deficiencies noted in a home have been corrected.
- (c) to monitor compliance with ACHP rules and standards.
- (d) to monitor resident care.
- (e) to determine if a home is operating without a license.

(f) whenever the ACHP receives a complaint of violations to the ACHP rules.

- 100-114 The Operator will be given a copy of the licensing and monitoring Inspection Report at the time of the inspection identifying any areas of non-compliance and specifying a time frame for correction set by the ACHP. The timeframe shall not exceed 60 days from date of inspection. The ACHP may follow up with an additional an Licensing Report citing deficiencies and timeframes for corrections.
- 100-121 In the course of an investigation, the ACHP may require that an RN conduct an assessment of the nursing care needs of any residents of an Adult Foster Home to evaluate the level of nursing care required by the resident(s), and/or the classification of the Operator/home, and/or the appropriate ability of personnel to be providing nursing care.
- 100-128 ACHP staff shall have full access and authority to examine and copy facility and resident records. The ACHP shall also have access to inspect the entire physical premises, including Operator/family areas, including the buildings, grounds, equipment and any vehicles.
- 100-135 The ACHP inspection shall also include the private living area of the Operator, Resident Manager and caregiver and their families only to the extent to determine fire, sanitation and safety hazards or to respond to a specific complaint.
- 100-142 The ACHP shall have authority to interview, tape record and photograph Operators, Resident Managers, caregivers, residents, and other household members. Interviews shall be conducted in private and kept confidential. Any photos taken or tape recordings made during inspections and interviews may not be subject to public access if they include confidential information but may be used in enforcement hearings.
- 100-149 Operators must inform and authorize all Resident Managers and caregivers of their duty to permit the ACHP to enter the home at any time to carry out inspections, interviews and monitoring.
- 100-156 The ACHP shall conduct unannounced inspections without advance notice to the Operator, Resident Manager or caregiver of the home. The ACHP shall not give advance notice of any inspection if the ACHP believes that notice might obstruct or seriously diminish the effectiveness of the inspection or enforcement of these administrative rules. The ACHP may also conduct announced inspections.
- 100-163 If Operators, Resident Managers or caregivers deny the ACHP access for inspections or interviews, the ACHP shall inform the Operator, Resident Manager or caregiver of the requirements of the rules and may, if access is still denied, obtain a search warrant and impose administrative sanctions.
- 100-170 If an Operator denies access to the home during an investigation of a complaint of abuse or neglect, the ACHP may obtain the help of law enforcement agents to gain immediate access to the home and residents.
- 100-177 ACHP inspectors shall respect the private possessions of Operators, Resident Managers, caregivers, residents and other household members when carrying out inspections.
- 100-184 Operators, Resident Managers and caregivers shall permit state or local health and safety inspectors, Bureau of Buildings inspectors or other inspectors to enter

and inspect the home.

100-191 The State Long Term Care Ombudsman or designee has access to all resident and facility records. This does not include Certified Ombudsman volunteers who only have access to facility records relevant to caregiving as well as resident records with written permission from the resident, the resident's family or legal representative.

891-100-200 PROCEDURES FOR THE CORRECTION OF VIOLATIONS

100-210 If the ACHP determines that there has been a violation of any ACHP rule, the ACHP shall notify the Operator of:

- (a) the violation,
- (b) the rule violated,
- (c) correction procedures,
- (d) timelines for correction of the problem, where applicable,
- (e) a written warning or sanction, as needed, to protect the health, safety and welfare of residents,
- (f) the right to an administrative conference,
- (g) the right to a hearing if a sanction is imposed, and
- (h) the right to request an exception as provided in MCAR 891-030-100, if applicable.

100-220 Operators shall correct any violation as soon as possible but in no case beyond the timeline specified by the ACHP.

100-230 For violations that present an immediate threat to the health, safety or welfare of residents, the notice of violation shall order the Operator to correct the violations no later than 24 hours after receipt of the notice of violation. The ACHP shall inspect the home after the 24-hour period to determine if the violations have been corrected as specified in the notice of violation.

100-240 In cases other than those involving the health, safety or welfare of a resident, the ACHP shall prescribe a reasonable time for elimination of a violation which shall not exceed 30 days after notice of the violation (except as provided in MCAR 891-100-250).

100-250 If it is determined by the ACHP that the correction is not possible within 30 days, the ACHP may approve a reasonable time in excess of 30 days.

100-260 If there is an immediate threat to the residents, the ACHP may immediately suspend the license and make arrangements to move the residents.

PART X - COMPLAINTS

891-200-100 COMPLAINTS AND COMPLAINT INVESTIGATIONS

- 200-105 The ACHP shall provide the Adult Foster Home with a complaint poster that the Operator shall post in a conspicuous place. The complaint poster shall list the ACHP telephone numbers and explain how to make a complaint.
- 200-110 The ACHP shall cause all complaint investigations to begin within two hours if the complaint alleges that a resident has been injured, abused or neglected, and that there is an immediate threat to any resident, or that a resident has died or been put in a hospital because of abuse or neglect.
- 200-115 The ACHP shall cause investigations of other complaints to begin by the end of the next working day or at a time appropriate to the nature of the complaint.
- 200-120 The ACHP shall take immediate actions to protect the health, safety and welfare of residents when the ACHP receives a complaint of abuse or neglect, regardless of whether the investigative report is completed, and whenever the ACHP finds that abuse or neglect is placing or could place a resident in danger or cause the resident physical or mental harm before the danger could be eliminated by regular enforcement procedures.
- 200-125 The ACHP shall cause all complaint investigations to be completed, including a written report, within 60 days unless a concurrent criminal investigation requires more time or unless the complaint investigation cannot be completed due to Operator noncooperation or other circumstances beyond the ACHP's control.
- 200-130 The ACHP shall initiate appropriate action within 30 days of the completion of the investigative report.
- 200-135 If the ACHP cannot meet the time requirements in MCAR 891-200-125 and MCAR the 891-200-130, Director of Aging Services or his/her designee may grant an extension to these requirements.
- 200-140 The ACHP's failure to meet the time frame guidelines in this section shall not affect the ACHP's ability to protect the health, safety and welfare of the residents.
- 200-145 The ACHP investigations shall include
- (a) unannounced visits to the home.
 - (b) observing, recording, photographing or copying of all relevant evidence.
 - (c) interviewing all available persons identified by any source as having relevant knowledge of circumstances about the complaint, including the alleged perpetrator(s) and alleged victim(s), if possible. Interviews shall be conducted in private and treated as confidential.
- 200-150 Complaint investigators shall interview the Operator and shall advise the Operator of the nature of the complaint and give the Operator the opportunity to submit any relevant information.
- 200-155 The ACHP shall not to release information about the content of the complaint

investigation until the complaint investigation is completed.

200-160 In investigation reports, the identity of the resident(s), the complainant, and any witnesses shall be kept confidential. The Operator's name and name of any other person identified as the perpetrator of a rule violation is not confidential.

200-165 A report shall include: the Operator's name and Adult Foster Home address, the investigator's name, observations, a review of relevant documents and records, a summary of witness statements, and a conclusion.

200-170 The investigative report shall list each allegation and shall state whether each allegation was found to be true (more likely than not to have occurred or substantiated), found to be false (more likely than not to have not occurred or unsubstantiated), or found unable to be determined true or false (unable to substantiate).

200-175 The ACHP shall mail a copy of the completed investigative report within seven (7) days of completion to the following people:

(a) the person who made the complaint, if known, unless the complainant requests anonymity.

(b) the resident(s) involved and any person designated by the resident to receive the information.

(c) the Operator of the Adult Foster Home involved.

(d) the Long Term Care Ombudsman.

(e) the State Senior and Disabled Services Division.

200-180 The ACHP shall inform the persons receiving the complaint report of the right to give additional information about the report to the ACHP within seven (7) days of receipt.

200-185 The ACHP shall review responses and may reopen the investigation based on the new information.

200-190 The investigative report, and any responses shall become part of the public complaint file.

200-199 Any person shall have the right to inspect files of public complaint investigation reports and to make photocopies at reasonable cost.

891-200-200 PROHIBITING RETALIATION AGAINST PERSONS MAKING COMPLAINTS

200-210 The Adult Foster Home Operator shall not retaliate against any resident after the resident or someone acting on his/her behalf has filed a complaint by increasing charges, decreasing services, rights or privileges, threatening to increase charges or decrease services, rights or privileges, by taking or threatening to take any action to coerce or compel the resident to leave the Adult Foster Home or by abusing or threatening to harass or abuse a resident in any manner.

200-220 An Operator, Resident Manager or other caregiver shall not retaliate against any complainant, witness or employee of an Adult Foster Home for making a report

or being interviewed about a complaint or being a witness. Retaliation can include restriction of access to the home, to a resident, or dismissal or harassment of an employee.

200-230 The complainant shall have immunity from any civil or criminal liability with respect to the making or content of a complaint made in good faith. Immunity under this subsection does not protect self-reporting Operators, Resident Managers or caregivers from liability for the underlying conduct that is alleged in the complaint.

200-240 Operators, Resident Managers and caregivers shall not make or cause to be made a bad faith complaint.

PART XI - SANCTIONS

891-300-100 ADMINISTRATIVE SANCTIONS

300-110 ACHP sanctions may include but are not limited to:

- (a) fines.
- (b) conditions on a license.
- (c) denial, suspension, revocation or non-renewal of a license.

300-120 The ACHP shall deny, revoke, or refuse to renew a license where it finds:

- (a) There exists a threat to the health, safety or welfare of any resident.
- (b) There is reliable evidence of abuse, neglect or exploitation of any resident.
- (c) There has been significant non-compliance with these rules;
- (d) There is significant non-compliance with local regulations and ordinances or any other state or federal law or rule applicable to the health and safety of residents and caring for residents in an Adult Foster Home.
- (e) The applicant or Operator has been convicted of one or more crimes described in MCAR 891-050-450 or MCAR 891-050-455.
- (f) The Operator knowingly employs Resident Managers and caregivers, or allows household members, or any other person (excluding the residents and their visitors) to live in, work in, or be in the Adult Foster Home who have been convicted of one or more crimes as described in MCAR 891-050-450.
- (g) The applicant or Operator provides false information regarding their criminal history.
- (h) An applicant whose license has been revoked, voluntarily surrendered during a revocation process, or whose application has been denied for reasons of abuse, neglect, threat to the health, safety or welfare of any resident(s), or failure to possess the physical health, mental health, ability or good personal character necessary to be an Operator and the time frame specified in the order revoking or denying the license has not passed.

(i) An Operator or applicant has failed to pass the Operator's Qualifying Test within the last twelve months.

300-130

The ACHP may impose sanctions if an applicant, Operator, Co-Operator, Resident Manager or caregiver:

(1) is not in compliance with the rules of the Adult Care Home Program.

(2) is non-compliant with local codes, ordinances, state or federal law, or rules applicable to the care of residents of Adult Foster Homes.

(3) has given fraudulent or misleading information to the ACHP or other government agency.

(4) has a prior license denial, suspension, revocation or has been refused a license renewal in Multnomah County or any other county or state.

(5) is associated with a person whose license for a foster home or residential care facility was denied, suspended, revoked or refused to be renewed due to abuse or neglect of the residents, creating a threat to the residents or failure to possess physical health, mental health or good personal character, unless the applicant or Operator can demonstrate to the ACHP by clear and convincing evidence that the person does not pose a threat to the residents. For purposes of this rule, an applicant or Operator is "associated with" a person if the applicant or Operator:

(a) Resides with the person.

(b) Employs the person in the Adult Foster Home.

(c) Receives financial backing from the person for the benefit of the Adult Foster Home.

(d) Receives managerial assistance from the person for the benefit of the Adult Foster Home.

(e) Allows the person to have access to the Adult Foster Home.

(f) Rents or leases the Adult Foster Home from the person.

(6) has obstructed the investigation of a complaint, interview or any action meant to administer or enforce ACHP rules or laws.

(7) has accumulated complaints that threaten the health, safety or welfare of residents.

(8) has a medical, psychiatric or psychological problem or an alcohol or drug use problem which interferes with the ability to provide good care or to operate an Adult Foster Home.

(9) has had a complaint, that upon initial review indicates evidence of immediate threat to the health, safety or welfare of residents.

(10) has knowingly failed to file an application or to report information required by the ACHP rules.

- (11) has failed to pay a fine within time limits specified by the ACHP.
- (12) has operated or continues to operate an unlicensed Adult Foster Home.
- (13) fails to comply with an administrative sanction, including a condition imposed on a license.
- (14) has previously surrendered a license while under investigation or administrative sanction.
- (15) has denied access to ACHP staff to enter the home.
- (16) such other circumstances as may be established by the ACHP.

891-300-200

ACHP FINES

- 300-210 The ACHP may levy fines against an Operator who violates the Multnomah County Administrative Rules.
- 300-220 If an Operator does not fully correct a violation which has resulted in a fine within the specified timeframe, the fines may be increased.
- 300-230 The ACHP shall consider the following factors in setting the fine amounts for specific rule violations:
 - (a) the degree of harm caused to residents, if any.
 - (b) whether the violation threatens or threatened the health, safety or welfare of residents.
 - (c) the seriousness, frequency and duration of the rules violation, and the violator's intent.
 - (d) past history of violations of rules or laws and corrections taken in response to rule violations.
- 300-240 The ACHP may levy fines of up to \$1000.00 for each separate violation including multiple violations of the same rule. The ACHP may levy additional fines up to \$250.00 per day up to \$1000.00 per violation for continuing violations until the violation is discontinued.
- 300-250 The ACHP shall impose a mandatory fine of not less than \$250.00 for an Operator's failure to have an approved Resident Manager or caregiver on duty 24 hours a day in the Adult Foster Home.
- 300-260 The ACHP shall impose a mandatory fine of not less than \$250.00 on an Operator who admits a resident to the home knowing the resident's care needs exceed the Operator's license classification.
- 300-270 The failure to pay a fine within time limits specified by the ACHP, shall result in an automatic penalty of up to \$250.00 per day to a maximum of \$1,000.00, until the fine and penalties are paid in full.
- 300-280 If the ACHP levies a fine against an Operator, the ACHP shall give a notice to the Operator that provides the following information:

- (a) the violation,
- (b) a reference to the particular section of rule or statute involved,
- (c) a brief statement of the circumstances of the violation,
- (d) the amount of the fine,
- (e) the date the fine is due,
- (f) penalties if the fine is not paid,
- (g) a notice that failure to pay the fine shall subject the violator to further legal action,
- (h) a statement of the right to request a hearing, and
- (i) that the notice will become a final order if no hearing is requested in twenty days.

300-290 An Operator shall have twenty days from the date of the notice to request a hearing in writing. If a timely written request is not received, the fine shall become a final order.

300-299 Unless the fine is paid within ten days after the order becomes final, the order constitutes a judgment and may be recorded by the County Clerk which becomes a lien upon the title to any interest in real property owned by the Operator.

891-300-300 CONDITIONS PLACED ON A LICENSE

300-310 The ACHP shall have the authority to place conditions on a license that limit the scope of the license or impose additional requirements on the Operator. License conditions are effective immediately and are the final order of the ACHP unless later rescinded through the hearings process.

300-320 The ACHP may place conditions on a license when the ACHP finds:

- (a) the Operator is not in full compliance with ACHP rules

and/or

- (b) a threat exists to the health, safety or welfare of the residents that may be remedied by placing a condition on the license.

300-330 Conditions on a license must directly relate to a risk of harm or potential harm to residents and may include but are not limited to:

- (a) restricting the total number of residents and occupants of the home.
- (b) restricting the number of residents or impairment level of residents within a classification level whom the Operator may care for.
- (c) restricting the type of care the home may provide.
- (d) requiring additional staff or staff qualifications to meet the resident's care

needs.

(e) requiring additional training of Operator/staff to meet specific resident care needs.

(f) restricting admissions due to failure of the Operator or Resident Manager to pass the qualifying test as required by these rules.

(g) restricting admissions when there is a threat to the current residents of the home and admitting new residents would compound that threat.

(h) restricting the opening of additional Adult Foster Homes.

(i) restricting the Operator from allowing persons on the premises who may pose a threat to resident safety or welfare.

(j) requiring an Operator to notify the ACHP when accepting a resident with skilled or continuous nursing care needs, or when a resident develops such needs.

(k) requiring an Operator to contract with a Registered Nurse if one or more residents of an Adult Foster Home have nursing care needs.

(l) requiring that a resident with nursing care needs be relocated from an Adult Foster Home.

300-340 The ACHP may place conditions on a license for a specified period of time. At the end of that period, the ACHP shall determine if the conditions are still appropriate and may continue the conditions. The ACHP shall consider the reasons for the condition at the time of license renewal to determine if the conditions are still appropriate. The condition's effective date and expiration date shall be put on the license.

300-350 Operators may request that the condition be removed if the Operator believes that the reason for the condition has been remedied.

891-300-400 SUSPENSION

300-410 If a license is suspended for reasons other than immediate threat to the health, safety or welfare of the resident(s), the Operator shall be entitled to a hearing preceding the effective date of the suspension if the Operator requests a hearing in writing within 20 days of the date of the notice. If no written request for a timely hearing is received, the ACHP shall issue a final order by default. The ACHP may designate its file as the record for purposes of default.

300-420 If the ACHP finds that there is an immediate threat to the health, safety or welfare of the residents, the ACHP shall issue a written order suspending the license effective immediately. A hearing shall follow the suspension if requested in writing by the Operator within 20 days of the order.

300-430 An Operator may also request an administrative review of an ACHP order to suspend their license based on immediate threat to residents. If the ACHP receives such a request from the Operator in writing within 10 days of the order, the ACHP shall review the decision within five business days. This review shall be limited to the issue of whether the finding of immediate threat is supported by the evidence. The review shall include all materials related to the findings of

immediate threat, including any written documentation submitted by the Operator. If the finding of immediate threat is supported, the suspension shall remain in effect.

300-440 If the ACHP does not sustain the finding of immediate threat, the suspension shall be lifted. A suspension may not be reimposed unless and until a final order has been issued pursuant to the hearing process in MCAR 891-300-800 through MCAR 891-300-891 or until the Operator's right to request a hearing under these provisions has expired.

300-450 In the event the license is suspended or a threat to the resident safety is identified, the ACHP may notify the resident, the resident's family, the resident's legal representative, the case manager and other persons involved in resident care. For protection of the residents, the ACHP may arrange for them to move.

891-300-500 REVOCATION/NON-RENEWAL/DENIAL

300-510 The ACHP shall revoke a license if the conditions listed in MCAR 891-300-120 are found to exist in the Adult Foster Home. The ACHP may revoke a license if the conditions listed in MCAR 891-300-130 are found to exist in the Adult Foster Home.

300-515 Denial, non-renewal or revocation of a license by the ACHP shall be preceded by a hearing if requested by the operator, unless the license is denied, not renewed or revoked for the reason of an immediate threat to the life, health, safety or welfare of a resident. If an immediate threat exists, the denial, revocation or non-renewal shall be effective upon order of the ACHP. In this case, a hearing shall follow the denial, non-renewal or revocation if requested by the operator.

300-520 A license in the revocation or non-renewal process will remain in effect during an administrative hearing process even if the license expires before the hearing and/or a final order is issued unless the license is revoked or not renewed due to immediate threat to the resident(s).

300-530 If a license is revoked, not renewed or denied, the ACHP may arrange for residents to move for their protection.

300-540 An Operator whose license has been revoked or an applicant whose application has been denied shall not be permitted to make a new application for one year from the date the revocation or denial is final or for a longer period specified in the order revoking or denying the license.

891-300-600 NOTIFICATION OF SANCTIONS

300-610 The ACHP shall give Operators written notice of any sanctions imposed. The ACHP shall deliver the notice in person or by certified or registered mail.

300-620 The notice of a sanction shall state:

(a) the sanction imposed, the reasons for the sanction, and a description of the circumstances of the violation.

(b) the rule(s) violated.

(c) the effective date of the sanction and the time frame for correcting the

violation(s), if applicable.

(d) that the ACHP may impose additional sanctions, if applicable, if violations continue or reoccur.

(e) the availability of help relocating residents, if needed, and the Operator's duty to help with any resident relocation.

(f) the right to appeal the ACHP order or sanction, and how to request a hearing.

(g) the authority for the hearing.

(h) that the ACHP files on the subject of the contested case automatically become part of the contested case record upon default for the purposes of proving a prima facie case.

(i) that the notice of the sanction shall become a final order if the Operator does not request a hearing within the specified time.

300-630 A copy of the complaint investigation report or inspection report shall be attached to the sanction notice, if applicable, unless previously provided to the applicant or Operator.

891-300-700 ADMINISTRATIVE CONFERENCES

300-710 The ACHP may require attendance by an Operator at a conference prior to or as part of the imposition of a sanction. The purpose of the conference is to discuss the problems, rule violation(s) and/or sanctions, and review means to achieve satisfactory and timely compliance with the rules.

300-720 An Operator may request an administrative conference at any time after notice of problems, rule violations or sanctions.

300-730 An Operator's request for an administrative conference does not extend the effective date of a sanction or time limit for correction of a problem unless the Operator requests and the ACHP grants a change in the date the sanction shall be effective.

891-300-800 HEARINGS

300-814 An Operator may appeal a sanction given by the ACHP. To appeal, the Operator must file a written request for a hearing with the ACHP within 20 days of the date of the notice except as provided in MCAR 891-300-290. The written request shall include the reason(s) for the hearing and the issues to be heard. If the timely request is not received, the ACHP's order shall become final. The ACHP may designate its file as the record for purposes of default. The ACHP may designate its file as the record for purposes of default.

300-821 For purposes of these rules, a hearing is defined as an administrative proceeding conducted by an independent hearing officer, with definite issues of fact or of law to be tried, in which witnesses are heard and evidence is presented.

300-828 Hearings shall be conducted by an independent hearing officer who shall hear witnesses, take in evidence presented and determine issues of fact and of law based on the evidence presented.

- 300-835 Hearings shall be conducted in accordance with these rules and with the Oregon Attorney General's Model Rules for contested case proceedings when these rules do not address a procedural issue. Any party may be represented by an attorney.
- 300-842 The ACHP shall provide copies of relevant correspondence, reports and other information to the hearings officer.
- 300-849 The entire proceeding shall be recorded by tape recorder or court reporter. The record will be transcribed only if a writ of review is filed pursuant to ORS 34.010 to ORS 34.100.
- 300-856 A party may receive a copy of the tape recording upon payment of copying costs. Costs of transcription of the court reporter's record shall be paid by the party requesting the transcript.
- 300-863 Evidence, including hearsay evidence, of a type commonly relied upon by reasonably prudent persons in the conduct of serious affairs shall be admissible in a hearing requested by an Operator to appeal an administrative sanction or an order disapproving an eviction, or in a hearing requested by a resident or person acting on a resident's behalf to contest an eviction. There are four types of admissible evidence:
- (a) Knowledge of the agency. The Director of Aging Services or any authorized representatives may take "official notice" of conclusions developed in an investigation as a result of intensive experience of the agency in its specialized field of activity. This includes judgments based upon investigation findings, as well as notice of a technical and scientific nature. Such notice shall be so indicated in the proceedings.
 - (b) Testimony of witnesses, including the parties, about the matter in dispute. Any witness testifying is subject to cross examinations by other parties and the hearings officer.
 - (c) Written or visual material. This material includes complaints, reports, notices, letters, other records, notes, maps, diagrams and other written or visual material. Such material may include signed written statements and videotaped interviews of parties or witnesses not present at the hearing.
 - (d) Experiments, demonstrations and similar means used to prove a fact.
- 300-870 Once a hearing is concluded, there shall be no continuance or reopening of the hearing to offer additional evidence unless any party can show that the additional evidence was not known to the party at the time of the hearing and that reasonable diligence would not have discovered the evidence prior to the conclusion of the hearing.
- 300-877 In reaching a decision, the hearings officer shall only consider evidence which has been admitted, and shall evaluate the weight of all such evidence in light of the presentations of the parties during the hearing.
- 300-884 After reviewing the evidence submitted at the hearing, the hearings officer may sustain, modify, or overrule the ACHP's imposition of an administrative sanction or an order disapproving an eviction, or may approve, conditionally approve, or disapprove an eviction. Nothing in this section shall prevent the hearings officer from remanding the matter to the ACHP following the conclusion of the hearing

and prior to issuing an order for the ACHP's review and recommendation in light of evidence presented. The final order shall be issued by the hearings officer not later than 45 days after the termination of the hearing. The final order is effective when issued. The final order shall notify the Operator of the right to appeal to the Circuit Court under ORS 34.010 to ORS 34.100.

300-891 Review of the hearing officer's final order shall be taken solely and exclusively by writ of review in the manner set forth in ORS 34.010 to ORS 34.100.

891-300-900 CRIMINAL PENALTIES

300-910 Operating an Adult Foster Home without a license is punishable as a Class C misdemeanor.

300-920 Refusing to allow access and inspection of a home by ACHP staff or for state or local fire inspections is a Class B misdemeanor.

300-930 The ACHP may ask a court to prohibit a person from:

(a) operating an Adult Foster Home without a license.

(b) operating an Adult Foster Home after notice of license suspension or revocation and after a reasonable amount of time has been given for placement of residents in other homes or facilities but placement has not been accomplished.

PART XII - PUBLIC INFORMATION

891-400-100 PUBLIC INFORMATION ABOUT ADULT FOSTER HOMES

400-110 The ACHP shall maintain current information about all licensed Adult Foster Homes in Multnomah County. The ACHP shall make all information that is not confidential available to prospective residents and members of the public.

400-120 The information in the public file shall include:

(a) the location of the Adult Foster Home and the name and mailing address of the Operator if different.

(b) the Adult Foster Home license and an example of the private pay or Medicaid contract.

(c) the date the Operator was first licensed to operate the home and the home's license classification.

(d) the date of the last licensing inspection and fire inspection, the name and telephone number of who performed the inspection, and a summary of the inspection findings.

(e) copies of all non-confidential portions of complaint investigations filed by home and date, ACHP findings and actions taken by the ACHP, and responses of the Operator or person making the complaint, if any.

(f) any conditions placed on the license, license suspensions, denials, revocations, fines, rule exceptions granted, or other current ACHP actions involving the home.

(g) whether care in the home is given primarily by the licensed Operator, a Resident Manager, or by some other arrangement.

(h) a brief description of the physical characteristics of the home.

- 400-130 The registry maintained by the Adult Care Home Program shall be regularly updated to indicate homes which have been issued a regular, limited, conditional or provisional license, homes which have been issued a renewal license, and homes which have newly applied for a license. This registry shall be available to the public upon request.
- 400-140 Any list of Adult Foster Homes maintained or distributed by the ACHP shall include the number of substantiated complaints for each of the Adult Foster Homes for the lesser of the preceding five years or the period beginning January 1, 1992.
- 400-150 The ACHP shall report on a quarterly basis to SDSD the number of exceptions for residents whose care needs exceed the classification of the home granted during the preceding quarter.
- 400-160 The ACHP will make every effort to ensure that public file information is as user friendly and easy to read as possible.

PART XIII - DEFINITIONS

The terms used in the ACHP Administrative Rules are defined as follows. All terms are listed alphabetically.

ACHP - Adult Care Home Program

Abuse - Abuse of an Adult Foster Home resident means any verbal or physical action or mistreatment which causes or threatens to cause physical or mental pain, injury or discomfort to a resident. This includes withholding or failure to provide adequate food, shelter, clothing, supervision, socialization, care or services necessary to ensure the health, safety and welfare of residents.

Activities of Daily Living (ADL) - Those personal functional activities required by an individual for continued well-being including eating/nutrition, dressing, personal hygiene, mobility, toileting and behavior management. See Appendix I.

- (a) "Independent" means the resident can perform the ADL without help.
- (b) "Assistance" means the resident is able to do part of an ADL, but cannot do it entirely alone.
- (c) "Dependent" means the resident is unable to do any part of an ADL, it must be done entirely by someone else.

Adult Care Home (ACH) - Any home or facility that provides room and/or board and/or care for compensation to persons who are not related to the Operator by blood, adoption or marriage except as provided in MCAR 891-020-140. For the purpose of this rule, adult care home does not include any house, institution, hotel or other similar living situation that supplies room and board only, or room only, or board only, if no resident thereof requires any element of care. Adult Foster Homes are classified as Class I, II or III. The Adult Care Home Program licenses three types of homes. The categories of adult care homes licensed by the ACHP include Adult Foster Homes, Adult Foster Homes with a Limited License, and Room and Board Facilities.

Adult Care Home Program (ACHP) - The regulatory part of the Aging Services Department of Multnomah County, Oregon, that oversees the enforcement of ACHP rules in adult care homes in Multnomah County.

Adult Foster Home - Any home or facility that provides residential care for compensation to five or fewer persons who are not related to the Operator by blood, adoption or marriage except as provided in MCAR 891-020-140. Residential care is the provision of room and board and services which assist an individual in activities of daily living, such as assistance with eating/nutrition, dressing, personal hygiene, mobility, bowel and bladder control, or behavior management, including medication management and money management. Twenty-four hour supervision is required.

Adult Foster Home with a Limited License - A home or facility that provides residential care for compensation to only a specific individual(s) who is not related to the Operator by blood, adoption or marriage. Twenty-four hour supervision is required. Part XV of these rules sets out the provisions for licensure of an Adult Foster Home with a limited license.

Advance Directive - The legal document signed by the resident giving instructions for health care should he/she no longer be able to give directions regarding his/her wishes. The directive gives the resident the means to continue to control his/her own health care in any circumstances.

Applicant - Any person who submits a completed set of application materials to the ACHP to obtain a

license to operate an Adult Foster Home in Multnomah County and who is owner of the business.

ASD - Aging Services Division, A Multnomah County office responsible for a variety of social services provided to elderly persons and persons with disabilities residing in Multnomah County.

Behavioral Interventions - Those interventions which will modify the resident's behavior or the resident's environment.

Board - The Operator's provision of meals to a resident on a predictable and/or regular basis.

Board of Nursing Rules - The standards for Registered Nurse Teaching and Delegation to Unlicensed Persons according to the statutes and rules of the Oregon State Board of Nursing, ORS 678.010 to 678.445 and OAR Chapter 851, Division 45 (page 33).

Care - The provision of room, board, services and assistance with activities of daily living, such as assistance with bathing, dressing, grooming, eating, money management, recreation or medication management, except that assistance with self-medication is not included as part of care for purposes of these rules. Care also means services that encourage maximum resident independence and enhance quality of life.

Care Plan - The written description of a resident's needs, preferences, and capabilities, including by whom, when and how often care, services, and/or supervision will be provided. Care plan includes ISP (Individual Service Plan) and Mental Health Care Plan.

Caregiver - Any person responsible for providing supervision, care and services to residents of an Adult Foster Home under the jurisdiction of the ACHP other than the Operator or certified Resident Manager and who is approved by the ACHP.

Case Manager - A person employed by the Aging Services Division or other social service agency who oversees the care and service provided to a resident from various social and health care services.

Classification - The ACHP's determination during licensure of what level of care an Adult Foster Home may provide. The ACHP classifies Adult Foster Homes as Class I, II or III homes. Note: Room and Board facilities and Adult Foster Homes with a Limited License are not classified as Class I, II or III.

Client - A resident in an Adult Foster Home for whom SDS or MHDDS pays for care or for whom case management services are provided.

Clutter - An accumulation of material which impedes or obstructs a person's progress through a room, restricts use of a room and which may present a fire or safety hazard.

Cognitive - Pertaining to the mental state and thought and deliberative processes of the mind.

Compensation - Payments in cash, in-kind, or in labor, by or on behalf of a resident to an Operator or common fund in exchange for room and/or board and/or care and/or services, including any supervision, care and services specified in the care plan. Compensation does not generally include the voluntary sharing of expenses between or among roommates.

Complaint - An allegation that an Operator has violated these rules or an expression of dissatisfaction relating to the condition of the Adult Foster Home or the resident(s).

Compliance - Meeting the requirements of ACHP rules, orders, or any applicable laws, codes, regulations or ordinances.

Conditions - Restrictions or additional requirements placed on a license by the ACHP as a sanction.

Co-Operator - Co-Operator is synonymous with Operator as both are equally responsible for the home. All Co-Operators shall meet all qualifications and standards for an Operator.

Criminal History - Records and related data, including fingerprints, received, compiled, and disseminated by the Oregon State Police and any other local and national law enforcement agencies for purposes of identifying criminal offenders and alleged offenders and pertaining to such persons records of arrest, the nature and disposition of criminal charges, sentencing, confinement and release.

Day Care Resident - A resident who receives care, assistance, and supervision but who does not stay overnight.

Delegation - The process by which a Registered Nurse teaches and supervises a skilled nursing task.

Department - Multnomah County Aging Services Division

Director - The Director of the Department of Aging Services of Multnomah County, Oregon, or his or her designee.

Disabled - A person with physical, cognitive or emotional impairment which limits the person in one or more activities of daily living.

Discrimination - Differential treatment or denial of normal privileges to persons because of their race, age, sex, sexual orientation, nationality or religion.

Elderly Person or Aged - Any person age 65 or older who is in need of care.

Exitway - A continuous and unobstructed path of travel, separated by other spaces of the home by a fire or smoke barrier, through which a person can safely exit to the outside of the home. This includes room spaces, doorways, hallways, corridors, passageways, balconies, ramps, stairs, enclosures, lobbies, escalators, horizontal exits, courts and yards.

Family Member - For the purposes of these rules, a husband, wife, domestic partner, natural parent, child, sibling, adopted child, adoptive parent, stepparent, stepchild, stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, grandchild, aunt, uncle, niece, nephew or first cousin.

Fire Barrier - A continuous surface, such as a wall, ceiling or floor, designed to limit the spread of fire and restrict smoke movement, including doors which are tight fitting solid core wood, and which are equipped with a closing device such as spring loaded hinges and which meet all applicable laws, codes and rules.

Flame Spread Rating - A measure of how fast flames will move across the surface of a material. (See Appendix II.)

Frequent - One or more times in a seven day period of time.

Hearing - An administrative proceeding conducted by an independent hearing officer with definite issues of fact or of law to be tried, in which witnesses are heard and evidence is presented.

Home - The physical structure in which residents live. Synonymous with Adult Foster Home.

Homelike - A friendly, safe, secure environment where the atmosphere of the Adult Foster Home is

more like a home than a medical facility, where the resident's dignity and rights are respected, interaction between members of the home is encouraged, and the resident's independence and decision-making is protected and encouraged.

House Rules - An Operator's written rules about the home's policies, including but not limited to visiting hours, smoking, telephone use, pets and other matters, all subject to ACHP approval and consistent with ACHP rules.

Immediate Threat (Imminent Danger)- A danger which could reasonably be expected to cause death, or to cause harm to a person's physical or mental well-being as a result of abandonment, abuse, neglect, exploitation, hazardous conditions, or threatening behavior, or to pose a threat to the life, health, safety or welfare of residents, Resident Managers, caregivers or other occupants in the immediate future, or before such danger could be eliminated through the regular enforcement procedures.

Inspection - An on-site evaluation of the physical environment and related records of an Adult Foster Home in order to determine whether the facility is in compliance with applicable laws, codes and rules prior to issuing or renewing a license, or in order to monitor ongoing compliance of the facility, or in order to determine the validity of a complaint.

Interview - An evaluation of the Operator, Resident Managers, caregivers, occupants, social environment, operations, and related records of an Adult Foster Home in order to determine whether the Operator, Resident Manager(s) and other caregivers, and their training, practices, and care, are in compliance with applicable laws, codes and rules prior to issuing or renewing a license, or in order to monitor ongoing compliance of the facility, or in order to determine the validity of a complaint, or in order to determine if a resolution can be achieved without a hearing when a hearing has been requested to contest an eviction.

Investigation - The ACHP's process of finding out whether or not a violation of ACHP rules has occurred through interviews, on-site visits and other methods of inquiry.

Legal Representative - A person who has the legal authority to act for the resident. On matters involving care, this is a legal guardian, a health care representative under an Advance Directive, or Power of Attorney for Health Care. On financial matters, this is a legal conservator, an agent under a power of attorney, or a representative payee.

Long Term Care Assessment Form - The form provided by the ACHP and signed by a resident who privately pays for care that he/she has been advised that he/she may have an assessment at no charge to provide the individual with his/her placement options. The Operator shall maintain a copy of the form in the resident records.

MCAR(s) - For the purpose of this document, MCAR(s) refers to Multnomah County Administrative Rule(s) for Licensure of Adult Care Homes.

Medical Emergency - A change in medical condition that requires immediate care of a level or type that the Operator is unable to provide or behavior that poses an immediate threat to the resident or to other residents or people living in the home.

Neglect - Neglect of an Adult Foster Home resident means any action or inaction which causes or threatens to cause physical or mental harm to a resident. Neglect may be intentional, unintentional, careless, through reckless endangerment, inadequate monitoring of residents by an Operator, or because of ignorance, indifference, incompetence, poor health, inadequate experience, training or skill. In these rules, neglect is addressed under Abuse.

Non-injectable Medications - Pills, ointments, suppositories, narcotics, controlled substances, over the counter medications, and any treatments or therapies. Such medications do not include moisturizing lotions or medicated shampoos.

Nurse - A person licensed to practice nursing by the Oregon State Board of Nursing as a Practical Nurse (LPN), Registered Nurse (RN), and an RN certified as a Nurse Practitioner, under authority of ORS Chapter 678 in accordance with OAR Chapter 851.

Nursing Assistant - A person who assists licensed nursing personnel in the provision of nursing care and who has been certified by an approved training program in accordance with rules adopted by the Oregon State Board of Nursing in OAR Chapter 851. Nursing assistants may be known as, but are not limited to, Certified Nurses Aide (CNA), a nurses aide, home health aide, geriatric aide, or psychiatric aide.

Nursing Care - The practice of nursing by a licensed nurse, including tasks and functions relating to the provision of nursing care that are taught or delegated under specified conditions by a Registered Nurse to persons other than licensed nursing personnel, which is governed by ORS Chapter 678 and rules adopted by the Oregon State Board of Nursing in OAR Chapter 851.

Occupant - Anyone residing in or using the facilities of the Adult Foster Home including all residents, Operators, Resident Managers, caregivers, friends or family members, day care persons, and boarders.

Ombudsman - The State Long-Term Care Ombudsman or an individual designee appointed by the Ombudsman to serve as a representative of the Ombudsman Program in order to investigate and resolve complaints on behalf of the Adult Foster Home residents.

Operator - The person licensed by the ACHP to operate the Adult Foster Home who has overall responsibility for the provision of residential care, who meets the standards outlined in these rules and who has been approved by the ACHP.

Senior and Disabled Services Division (SDSD) - A division of the Department of Human resources for the State of Oregon.

Physical Restraint - Any manual method or physical or mechanical device, material, or equipment attached to, or adjacent to, the resident's body which the resident cannot easily remove and restricts freedom of movement or normal access to his/her body. Physical restraints include, but are not limited to, leg restraints, soft ties or vests, hand mitts, wheelchair safety bars, lap trays, any chair that prevents rising, and gerchairs. Side rails (bed rails) are considered restraints when they are used to prevent a resident from getting out of a bed. When a resident requests a side rail (e.g. for the purpose of assisting with turning), the side rail is not considered a restraint.

Physician - A person who has been licensed to practice medicine by the Oregon State Board of Medical Examiners, under authority of ORS Chapter 677.

Point of Safety - For the Purpose of these rules, a location which is away from the building and away from the fire area.

P.R.N. (pro re nata) Medications and Treatments - Those medications and treatments which have been ordered by a qualified practitioner to be given as needed.

Provisional License - A 60-day license issued to a qualified person in an unforeseen emergency situation when the licensed Operator is no longer overseeing the operation of the Adult Foster Home. A person must meet the standards of these rules except for completing the training and testing requirements.

Psychoactive Medications - Various medications used to alter mood, anxiety, behavior or cognitive processes. For the purpose of these rules, they include, but are not limited to, antipsychotics, sedatives, hypnotics, and antianxiety medications.

Relative - See Family Member

Relative Foster Homes - Homes licensed by the State of Oregon that provide care to elderly family members or family members with disabilities eligible for State Medicaid assistance. The ACHP does not license relative foster homes in Multnomah County.

Reside - To make the home a person's residence on a frequent or continuous basis.

Resident - Any person who is receiving room, board, care, and services for compensation in an Adult Foster Home on a 24-hour basis.

Resident Rights - Civil, legal or human rights, including but not limited to those rights listed in the Adult Care Home Residents' Bill of Rights.

Resident Manager - A person employed by the Adult Foster Home Operator and approved by the ACHP who lives in the home, is responsible for daily operation of the home and care given to residents, and must comply with ACHP rules.

Residential Care - The provision of room and board and services which assist an individual in activities of daily living, such as assistance with eating/nutrition, dressing, personal hygiene, mobility, bowel and bladder control, or behavior management, including medication management and money management.

Respite Resident - A person who receives residential care for a period of 14 days or less or who only stays overnight.

Restraints - Any physical device or chemical substance which restricts a resident's movement, body access or functioning (for example, vest, glove/mitten, gerichairs or full siderails on beds, or sleeping medications). Chemical restraints are those that limit movement or physical functioning. Restraints may not be used in a Class I home.

Retaliation - Increasing charges, decreasing services, rights or privileges, threatening to increase charges or decrease services, rights or privileges, by taking or threatening to take any action to coerce or compel the resident to leave the facility or by abusing or threatening to harass or abuse a resident in any manner.

Room - The provisions of a place for a person to sleep on a regular basis.

Room and Board - The provision of meals, a place to sleep, laundry and housekeeping for compensation to persons who do not need activities of daily living care services.

Room and Board Facility - A home or facility that provides only room and board for compensation to one or more adults who are elderly persons or persons with disabilities, not related to the Operator by blood, adoption or marriage and which provides no residential care except medication management and money management. Less than 24 hour supervision may be provided. Part XVI of these rules sets out the provisions for licensure of a room and board facility.

Self Administration of Medication - The act of a resident placing a medication in or on his/her own body. This means the resident manages and takes his or her own medications, in that the resident identifies the medication and the times and manners of administration, and places the medication internally or externally on his/her own body without assistance.

Self Preservation - In relation to fire and life safety, the ability of residents to respond to an alarm without additional cues and to reach a point of safety on their own.

Services - Living accommodations and meals provided by the Operator and non-care related tasks such as housekeeping, laundry, transportation or recreation performed by an Operator or employee for the benefit of the residents.

Sexual Exploitation - See MCAR 891-090-140 - Sexual Abuse and Exploitation

Shall - Must.

Shift Caregiver - A caregiver who, only by written exception of the ACHP, is responsible for providing care for regularly scheduled periods of time, such as 8 or 12 hours, in homes where there is no Operator or Resident Manager living in the home.

Smoke Barrier - See Fire Barrier.

Substitute Caregiver - Any Person responsible for providing supervision, care and services to residents of an Adult Foster Home under the jurisdiction of the ACHP other than the Operator or certified Resident Manager and who is approved by the ACHP.

PART XIV APPENDICES

APPENDIX I - ACTIVITIES OF DAILY LIVING

Activities of daily living are those personal functional activities required by an individual for continued well-being, i.e., Eating, Dressing, Personal Hygiene, Mobility, Bowel and Bladder Control, and Behavior Management. Each prospective or current resident must be evaluated as either dependent, assistance or independent for each activity of daily living.

1. EATING/NUTRITION (When used in connection with this ADL.)

- (a) Dependent person means a person needs to be fed virtually all foods and fluids.
- (b) Assistance person means a person can maintain an adequate food and fluid intake according to their dietary needs with only minimal or substantial assistance.
- (c) Independent person means a person eats without assistance and can maintain an adequate food and fluid intake according to their dietary needs with or without mechanical aids.

2. DRESSING (When used in connection with this ADL.)

- (a) Dependent person means the person is substantially unable or unwilling to assist in getting dressed and undressed or in staying dressed.
- (b) Assistance person means the person needs minimal or substantial assistance in selecting appropriate clothing, tying shoes, fastening buttons, etc..
- (c) Independent person means the person is able to dress, select clean and appropriate clothing, tie shoes, fasten buttons, etc..

3. PERSONAL HYGIENE (Daily bathing, shaving, oral care and grooming hair.) (When used in connection with this ADL.)

- (a) Dependent person means the person is unable to do any activity associated with personal hygiene.
- (b) Assistance person means the person needs minimal or substantial assistance with activities associated with personal hygiene and is able to partially bathe self.
- (c) Independent person means the person does personal hygiene activities without assistance, with mechanical aids if needed.

4. MOBILITY (When used in connection with this ADL.)

- (a) Dependent person means the person is unable to move from one place to another without depending on another person to move them.
- (b) Assistance person means the person controls and moves extremities but needs minimal or substantial assistance changing position or sitting in a wheelchair. The person may be able to walk or transfer with the help of another, including going to bathroom or commode.
- (c) Independent person means the person controls movement at will, may need devices to lift, turn, pull, balance and sit up. The person can also rise from bed and can get from one place to another without help from another person.

5. **BOWEL AND BLADDER** (The ability to get to or from bathroom or commode relates to mobility, rather than toileting.) (When used in connection with this ADL.)
- (a) **Dependent person** means a person does not demonstrate bowel and/or bladder control and cannot manage own cleanliness or external care of a catheter or appliance.
 - (b) **Assistance person** means a person has occasional loss of bowel and/or bladder control and cannot manage own clean-up or external care of a catheter or appliance and requires minimal or substantial assistance.
 - (c) **Independent person** means a person is continent or, if incontinent, can manage personal clean-up, or can manage external care of catheter or appliances.
6. **BEHAVIOR** (Behavior includes money management and medication management and the response to the environment and is not included in any of the other activities of daily living.) (When used in connection with this ADL.)
- (a) **Dependent person** means a person cannot interact with persons or the physical environment or take medications appropriately or manage their own money without at least daily behavior monitoring to intervene or prevent extreme behavior.
 - (b) **Assistance person** means a person who does not always interact appropriately with other persons, take medications appropriately or manage their own money and may be withdrawn, afraid, or insecure and require minimal or substantial assistance from others.
 - (c) **Independent person** means a person interacts with persons and physical environment, take medications appropriately or manage their own money without the need for behavior monitoring by others.