

ANNOTATED MINUTES

Thursday, September 7, 2006 - 9:00 AM
Multnomah Building, First Floor Commissioners Conference Room 112
501 SE Hawthorne Boulevard, Portland

EXECUTIVE SESSION

Chair Diane Linn convened the meeting at 9:00 a.m., with Vice-Chair Lonnie Roberts and Commissioner Serena Cruz Walsh present, Commissioner Maria Rojo de Steffey arriving at 9:01 a.m., and Commissioner Lisa Naito arriving at 9:09 a.m.

E-1 The Multnomah County Board of Commissioners will meet in Executive Session Pursuant to ORS 192.660(2)(e) and/or (h). Only Representatives of the News Media and Designated Staff are allowed to attend. News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Session. No Final Decision will be made in the Session. Presented by Agnes Sowle. 15-30 MINUTES REQUESTED.

EXECUTIVE SESSION HELD.

There being no further business, the meeting was adjourned at 9:15 a.m.

Thursday, September 7, 2006 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR

***UPON MOTION OF COMMISSIONER ROBERTS,
SECONDED BY COMMISSIONER CRUZ, THE
CONSENT CALENDAR (ITEMS C-1 THROUGH C-7)
WAS UNANIMOUSLY APPROVED.***

NON-DEPARTMENTAL

- C-1 Appointment of Barry Mattern to the Multnomah County COMMUNITY HEALTH COUNCIL

DEPARTMENT OF COMMUNITY SERVICES

- C-2 RESOLUTION Authorizing the Issuance of a Deed to Richard Anderson

RESOLUTION 06-151

- C-3 RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to Michael F. Eyres

RESOLUTION 06-152

DEPARTMENT OF HEALTH

- C-4 Amendment 1 to Intergovernmental Expenditure Agreement 4600000186 with the City of Gresham Regarding Ambulance/Emergency Medical Service within Gresham

- C-5 Amendment 1 of Intergovernmental Expenditure Agreement 4600000188 with the City of Portland Regarding Ambulance/Emergency Medical Service within Portland

- C-6 Amendment 3 Renewal to Intergovernmental Revenue Contract 0410533 with the State of Oregon Department of Human Services, Wherein Multnomah County will Continue to Serve as Regional Lead Agency to Provide Leadership and Staffing for Hospital and Health System Emergency Preparedness in the Six-County Northwest Oregon Region

DEPARTMENT OF COUNTY HUMAN SERVICES

- C-7 ORDER Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

ORDER 06-153

REGULAR AGENDA
PUBLIC COMMENT

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

GEOFF THOMPSON AND ANGELO SIMIONE COMMENTS REQUESTING THAT LAND USE PLANNING BE DIRECTED TO CHANGE THE HEARING DATE ON THE VIEW POINT INN CONDITIONAL USE APPLICATION FROM OCTOBER 13, 2006 TO SEPTEMBER 29, 2006 IN ORDER TO ACCOMMODATE ATTORNEY JOHN GROEN'S SCHEDULE; AND THAT LAND USE PLANNING REIMBURSE THE \$1,600 KELLY ENGINEERING FEE FOR A REVISED VIEW POINT INN TRANSPORTATION IMPACT STUDY FEE NECESSITATED DUE TO CHANGES IN ENTERING AND EXITING THE PROPERTY.

DEPARTMENT OF HEALTH

R-1 Budget Modification HD-04 Appropriating \$82,609 in Additional Revenue for the Health Departments Regional Emergency Preparedness Program

COMMISSIONER ROBERTS MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL OF R-1. KATHRYN RICHER EXPLANATION. BUDGET MODIFICATION UNANIMOUSLY APPROVED.

DEPARTMENT OF COMMUNITY SERVICES

R-2 Intergovernmental Expenditure Agreement 4600006301 with the City of Portland Relating to the Sellwood Bridge Rehabilitation or Replacement Project

COMMISSIONER ROJO MOVED AND COMMISSIONER ROBERTS SECONDED, APPROVAL OF R-2. IAN CANNON EXPLANATION. AGREEMENT UNANIMOUSLY APPROVED.

DEPARTMENT OF COUNTY MANAGEMENT

- R-3 Budget Modification DCM-02 Authorizing Reclassification of Positions in Facilities & Property Management and Information Technology, as Determined by the Class/Comp Unit of Central Human Resources

COMMISSIONER ROJO MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL OF R-3. BOB THOMAS EXPLANATION AND RESPONSE TO QUESTIONS OF COMMISSIONER CRUZ AND CHAIR LINN. BUDGET MODIFICATION UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

- R-4 Authorizing Settlement of Employment Claim of Lyubov Dzhur, BOLI Complaint DPEMDP060222-10275

COMMISSIONER CRUZ MOVED AND COMMISSIONER ROBERTS SECONDED, APPROVAL OF R-4. AGNES SOWLE EXPLANATION. AUTHORIZATION UNANIMOUSLY APPROVED.

- R-5 Authorizing Settlement of Employment Claim of Lori Buckwalter, BOLI Complaint MTEMSSO060509-10682

COMMISSIONER CRUZ MOVED AND COMMISSIONER ROBERTS SECONDED, APPROVAL OF R-5. AGNES SOWLE EXPLANATION. AUTHORIZATION UNANIMOUSLY APPROVED.

DEPARTMENT OF COMMUNITY JUSTICE

- R-6 NOTICE OF INTENT to Apply for Federal Project Safe Neighborhood Funds to Support Educational Advocacy for Delinquent Youth who are Involved in Gangs

COMMISSIONER ROBERTS MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL OF R-6. ROBB FREDIA-COWIE EXPLANATION. NOTICE OF INTENT UNANIMOUSLY APPROVED.

R-7 NOTICE OF INTENT to Apply for Federal Project Safe Neighborhood Funds to Promote Successful Transition of Gang Offenders Back into the Community

COMMISSIONER CRUZ MOVED AND COMMISSIONER ROBERTS SECONDED, APPROVAL OF R-7. ROBB FREDA-COWIE EXPLANATION AND RESPONSE TO A QUESTION OF COMMISSIONER ROJO, ADVISING THAT THE RECIDIVISM RATE WAS LESS THAN 10% FROM A SIMILAR THREE YEAR GRANT PROJECT THAT ENDED LAST SPRING. NOTICE OF INTENT UNANIMOUSLY APPROVED.

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

Thursday, September 7, 2006 - 9:55 AM
(OR IMMEDIATELY FOLLOWING REGULAR MEETING)
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BOARD BRIEFING

B-1 Update on Multnomah County Sheriff's Office Policy and Operational Issues: Cost to Corrections for External Medical Care. Presented by Chief of Staff Christine Kirk, Chief Deputy Ron Bishop, and Business Services Director Larry Aab. 15 MINUTES REQUESTED.

CHRISTINE KIRK INTRODUCED LT. JEFF WHEELER AND LARRY AAB AND EXPLAINED THAT SHERIFF BERNIE GIUSTO AND CHIEF DEPUTY RON BISHOP ARE ATTENDING THE MEMORIAL SERVICE OF DEPUTY BRAD HORNER THIS MORNING WHO DIED FROM AN OFF DUTY DIVING ACCIDENT. CHRISTINE KIRK, LT. JEFF WHEELER AND LARRY AAB PRESENTATIONS AND RESPONSE TO BOARD QUESTIONS ON ISSUES INCLUDING DATA ON MEDICAL TRANSPORT OF INMATES; JAIL BED POPULATION DATA; ACCOUNTING OF

OVERTIME AND STRAIGHT TIME; HOSPITAL DUTY; IMPACT OF CHANGES IN JAIL BED CAPACITY; RELATIONSHIPS BETWEEN HOURS OF MEDICAL COVERAGE PER BED; OVERALL COST AND IMPACT ON INVERNESS JAIL AND DETENTION CENTER BUDGETS; NON-BUDGETED OVERTIME; AND CHANGES IN BOOKING AND SCREENING PROCEDURES TO REDUCE COSTS.

There being no further business, the meeting was adjourned at 10:19 a.m.

BOARD CLERK FOR MULTNOMAH COUNTY, OREGON

Deborah L. Bogstad



Multnomah County Oregon

Board of Commissioners & Agenda

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BOARD OF COMMISSIONERS

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SEPTEMBER 7, 2006 BOARD MEETING

FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:00 a.m. if needed Executive Session Pursuant to ORS 192.660(2)(e) and/or (h)
Pg 3	9:30 a.m. Opportunity for Public Comment on Non-Agenda Matters
Pg 3	9:35 a.m. Agreement with Portland: Sellwood Bridge Rehabilitation or Replacement Project
Pg 4	9:45 a.m. Notices of Intent to Apply for Federal Project Safe Neighborhood Funds to Support Educational Advocacy for Delinquent Youth who are Involved in Gangs and to Promote Successful Transition of Gang Offenders Back into the Community
Pg 4	9:55 a.m. Update on Multnomah County Sheriff's Office Policy and Operational Issues: Cost to Corrections for External Medical Care

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

Friday, 11:00 PM, Channel 30

Saturday, 10:00 AM, Channel 30

Sunday, 11:00 AM, Channel 30

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Thursday, September 7, 2006 - 9:00 AM
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IF NEEDED EXECUTIVE SESSION

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-

Thursday, September 7, 2006 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
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REGULAR MEETING

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

- C-1 Appointment of Barry Mattern to the Multnomah County COMMUNITY HEALTH COUNCIL

DEPARTMENT OF COMMUNITY SERVICES

- C-2 RESOLUTION Authorizing the Issuance of a Deed to Richard Anderson
- C-3 RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to Michael F. Eyres

DEPARTMENT OF HEALTH

- C-4 Amendment 1 to Intergovernmental Expenditure Agreement 4600000186 with the City of Gresham Regarding Ambulance/Emergency Medical Service within Gresham

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DEPARTMENT OF COUNTY HUMAN SERVICES

C-7 ORDER Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

REGULAR AGENDA - 9:30 AM

PUBLIC COMMENT - 9:30 AM

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

DEPARTMENT OF HEALTH - 9:30 AM

R-1 Budget Modification HD-04 Appropriating \$82,609 in Additional Revenue for the Health Departments Regional Emergency Preparedness Program

DEPARTMENT OF COMMUNITY SERVICES - 9:35 AM

R-2 Intergovernmental Expenditure Agreement 4600006301 with the City of Portland Relating to the Sellwood Bridge Rehabilitation or Replacement Project

DEPARTMENT OF COUNTY MANAGEMENT - 9:40 AM

R-3 Budget Modification DCM-02 Authorizing Reclassification of Positions in Facilities & Property Management and Information Technology, as Determined by the Class/Comp Unit of Central Human Resources

NON-DEPARTMENTAL - 9:43 AM

- R-4 Authorizing Settlement of Employment Claim of Lyubov Dzhur, BOLI Complaint DPEMDP060222-10275
- R-5 Authorizing Settlement of Employment Claim of Lori Buckwalter, BOLI Complaint MTEMSSO060509-10682

DEPARTMENT OF COMMUNITY JUSTICE - 9:45 AM

- R-6 NOTICE OF INTENT to Apply for Federal Project Safe Neighborhood Funds to Support Educational Advocacy for Delinquent Youth who are Involved in Gangs
- R-7 NOTICE OF INTENT to Apply for Federal Project Safe Neighborhood Funds to Promote Successful Transition of Gang Offenders Back into the Community

Thursday, September 7, 2006 - **9:55 AM**
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Multnomah Building, First Floor Commissioners Boardroom 100
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BOARD BRIEFING

- B-1 Update on Multnomah County Sheriff's Office Policy and Operational Issues: Cost to Corrections for External Medical Care. Presented by Chief of Staff Christine Kirk, Chief Deputy Ron Bishop, and Business Services Director Larry Aab. 15 MINUTES REQUESTED.



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 09/07/06
 Agenda Item #: E-1
 Est. Start Time: 9:00 AM
 Date Submitted: 08/31/06

BUDGET MODIFICATION: -

Agenda Title: Executive Session Pursuant to ORS 192.660(2)(e) and/or (h)

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

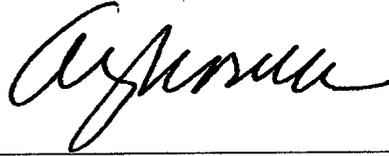
Date Requested:	<u>September 7, 2006</u>	Time Requested:	<u>15 -30 mins</u>
Department:	<u>Non-Departmental</u>	Division:	<u>County Attorney's Office</u>
Contact(s):	<u>Agnes Sowle</u>		
Phone:	<u>503 988-3138</u>	Ext.:	<u>83138</u>
		I/O Address:	<u>503/500</u>
Presenter(s):	<u>Agnes Sowle and Invited Others</u>		

General Information

1. **What action are you requesting from the Board?**
 No Final Decision will be made in the Executive Session.
2. **Please provide sufficient background information for the Board and the public to understand this issue.**
 Only Representatives of the News Media and Designated Staff are allowed to Attend. Representatives of the News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Executive Session.
3. **Explain the fiscal impact (current year and ongoing).**
4. **Explain any legal and/or policy issues involved.**
 ORS 192.660(2)(e) and/or (h)
5. **Explain any citizen and/or other government participation that has or will take place.**

Required Signatures

**Department/
Agency Director:**



Date: 08/31/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 09/07/06
 Agenda Item #: C-1
 Est. Start Time: 9:30 AM
 Date Submitted: 08/22/06

BUDGET MODIFICATION: -

Agenda Title: **Appointment of Barry Mattern to the Multnomah County Community Health Council**

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

Date Requested: 9/7/2006 **Time Requested:** Consent Calendar
Department: Non-Departmental **Division:** Chair's Office
Contact(s): Chair Diane Linn, Andy Smith
Phone: 503/988-3308 **Ext.** 83308 **I/O Address:** 503/600
Presenter(s): N/A

General Information

1. What action are you requesting from the Board?

Request the Board approve the appointment of Barry Mattern to the Multnomah County Community Health Council

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

The Community Health Council (CHC) assists and advises the County Health Department in promoting its vision of healthy people in healthy communities. The CHC supports and guides the Health Department in its mission to provide comprehensive health care that is quality driven, affordable and culturally competent to the people of Multnomah County. The CHC provides input and feedback for development, implementation and evaluation of Health Department programs including, but not limited to all programs funded through the Federal Bureau of Primary Health Care. The CHC also serves as the Citizen Budget Advisory Committee for the County Health Department. Members range from 9 to 25 members – consumers of County health programs constitutes the majority; remaining members are health care providers and representatives of the community. Members are appointed to three-year terms by the County Chair from nominees selected by the current Council with approval of the Board of County Commissioners. Kate Yen is

the County's Community Health Council Coordinator.

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

No current year/ongoing fiscal impact.

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

No legal and/or policy issues involved.

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

N/A

Required Signatures

**Department/
Agency Director:**



Date: 8/22/2006

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 09/07/06
 Agenda Item #: C-2
 Est. Start Time: 9:30 AM
 Date Submitted: 08/04/06

BUDGET MODIFICATION: -

Agenda Title: **RESOLUTION Authorizing the Issuance of a Deed to Richard Anderson**

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

Date Requested:	<u>September 7, 2006</u>	Time Requested:	<u>Consent Item</u>
Department:	<u>Community Services</u>	Division:	<u>Tax Title</u>
Contact(s):	<u>Gary Thomas</u>		
Phone:	<u>503-988-3590</u>	Ext.	<u>22591</u>
Presenter(s):	<u>Gary Thomas</u>		
I/O Address:	<u>503/4/TT</u>		

General Information

1. What action are you requesting from the Board?

The Tax Title Section is requesting the Board to approve the issuance of a deed to Richard Anderson.

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

The subject property is a lot with a shop building on it approximately 50' x 100' that came into county ownership through the sale of the lot by the City of Portland to Multnomah County in November 1965 for \$10.00. When the County purchased the lot it was vacant. The shop building presently on it was constructed in 1977. In August 1969 Multnomah County sold the subject lot to Thomas Boothby on an installment contract for \$500. The terms of the contract were a \$100 down payment with monthly payments of \$15.00. The length of the contract was not specified. If payments were made on a regular basis the contract should have been satisfied in 1972. The ownership of the property was changed to Thomas & Edith Boothby at a later date.

In June of this year Richard Anderson, the son of Thomas & Edith Boothby, contacted our office regarding the Assessment and Taxation records that show Multnomah County Tax Title as owners

of the property with the Boothbys as contract purchasers. Both Mr. and Mrs. Boothby are deceased. Mr. Anderson was in the process of placing two other nearby properties into his name when he came across the property still showing in ownership of the County. The Tax Title Section completed research to find out more information about the subject parcel. Researching the county's deed records and Tax Title records it was determined that the property did not come into county ownership through tax foreclosure but rather the above mentioned purchase from the City of Portland.

It is possible that the Multnomah County Facilities Management Section, where Tax Title at one time was located, may have sold the property to the Boothbys and in a house cleaning matter placed the property in the Tax Title database sometime in the 1980's but this is merely speculation. Little information is shown in the Tax Title database about the property. The only notable bit of information is shown in the "Status" section of the database where the word "deed" is shown. Of note, normally the word "deed" is not placed in this section unless a contract has been satisfied.

My understanding is that the process used in previous years when a land sale contract was satisfied was for the County to send the deed to the contract purchaser with the direction for the purchaser to record the deed. It is not known for sure that directions to record the deed were included with every deed sent to the contract purchaser. In some cases, for any number of reasons, the purchasers neglected to record the deed. Perhaps the Boothbys failed to record the deed, but since the deed cannot be provided there is no concrete evidence that this happened although it is assumed that is the case.

Mr. Anderson submitted a letter in which he mentions that his parents were fiscally responsible about their obligations and is confident that they would have come to him if they were having any financial difficulties. Property taxes have been paid on the property since it was purchased by the Boothbys in 1965. He also states that it is unfortunate that this matter was not brought to his attention when his parents were both living so that the issue involving the un-recorded deed could have been resolved.

This matter was placed before the Board Staff by Matt Ryan and I at a meeting held on Tuesday, July 11th. After taking the matter to the respective Commissioners no objections were brought forward to Tax Title regarding the deeding of the property to Richard Anderson.

The attached plat map, Exhibit A, shows the location of the property in relation to the other two parcels that the Boothbys owned and that are now in the name of Richard Anderson. Exhibit C, an aerial photo, shows the parcel in relation to the adjacent properties.

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

The issuance of the deed to Richard Anderson will remove the County's name from the property and place it in the correct ownership.

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

No legal issues are expected.

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

No citizen or government participation is anticipated.

EXHIBIT B



Properties owned by Boothbys

Subject parcel

EXHIBIT D

LEGAL DESCRIPTION:

LOT 17, BLOCK 1, WILMER ADD

ADJACENT PROPERTY ADDRESS: Vacant lot near N Tyler & N Fessenden
TAX ACCOUNT NUMBER: R309333
GREENSPACE DESIGNATION: No designation
SIZE OF PARCEL: Approximately 5,000 square feet
ASSESSED VALUE: \$67,980

ITEMIZED EXPENSES

BACK TAXES & INTEREST:	\$-0-
TAX TITLE MAINTENANCE COST & EXPENSES:	\$-0-
RECORDING FEE:	\$26.00
SUB-TOTAL	\$26.00
TOTAL EXPENSES	\$26.00

Required Signatures

**Department/
Agency Director:** Robert A Maestra **Date:** 08/03/06

Budget Analyst: _____ **Date:** _____

Department HR: _____ **Date:** _____

Countywide HR: _____ **Date:** _____



MULTNOMAH COUNTY TAX TITLE

PO Box 2716 ~ Portland, OR 97208-2716 ~ (503) 988-3590

Interoffice Memo

Date: July 5, 2006
To: Board Staff
From: Gary Thomas, Tax Title
Re: 1969 County Land Sale Contract; for which no records are available except a copy of the recorded contract; and no final deed to the buyers was ever recorded. Buyers are now deceased, their son claims Contract was paid off and requests that the County execute a deed to him.

Recently, Tax Title received an inquiry from Richard Anderson, the son of Thomas & Edith Boothby, deceased, regarding a lot with a shop on it that he would like to place solely in his name. The property is referenced on the attached plat map as TL15000. In August 1969, Multnomah County sold TL15000 on an installment contract to Thomas Boothby for \$500. The terms of the contract were a \$100 down payment with monthly payments of \$15.00. The length of the contract was not specified. If payments were made on a regular basis the contract should have been satisfied by 1972.

By way of background, a little history might be helpful. The City of Portland at one time in the 1940's owned both TL15000 & TL15100. In 1953, the City of Portland sold Multnomah County TL 15100 for \$250. The deed says that the consideration is the division to be made according to an agreement between the County and City of the amount for which the County is selling the property. On January 6, 1955 the County sold TL15100 to the Roberts for \$250.

In fact both tax lots were a single tax account number which is probably why reference is made in the deed to "division" which had to happen in order to sell the lot by itself. In November 1965 the City of Portland sold TL15000, the subject property, to Multnomah County for \$10.00. The consideration was explained similarly to how it was explained for the sale of TL 15100. The Roberts, purchasers of TL15100 from Multnomah County in 1955 sold the lot to Boothby on 5/26/69. At one time the Boothbys owned Tax Lots 15100 and 15200, and were buying TL15000 on contract. I understand Mr. Anderson inherited TL15100 and TL15200, and now he wants the title to TL15000 free and clear.

As far as I can determine from researching our foreclosure records neither of the properties referenced above was ever foreclosed for back taxes. For example, there is no reference in the contract for TL #15000 that makes reference to foreclosed property. Traditionally, when foreclosed properties are sold on contract reference is made to how the parcel came into County ownership.

Mr. Anderson sent me the attached letter regarding this matter. In the letter he mentions when he came into a County office in 1997 and recorded a deed on all the properties the Boothby's owned adding his name at the suggestion of their attorney. Mr. Anderson notes at that time no one from the County said anything about the County still showing as owners of TL 15000, since both of his parents were alive at the time if they had been told this matter could have possibly been resolved in 1997. Again in 1998 Mr. Anderson came into the County office to add "survivor" to the deeds. **What Mr. Anderson in his letter is most likely referring to here, is going to the County Recorder's Office where it is neither the function nor the responsibility of a clerk recording documents to advise the public on title matters (let alone the fact that a clerk does not have the ability or training to do so).**

The property is shown on the Assessment & Taxation records as follows:

Owner: MULTNOMAH COUNTY TAX TITLE>
TO ANDERSON, R &
BOOTHBY, T R & BOOTHBY, E A
585 SW 67TH PL
PORTLAND, OR 97225

This entry shows the County to be the owner of the property but with the Boothbys and Anderson as the buyers on a contract. The Tax Title database has little information about the parcel. As noted earlier there is no record of the property being foreclosed for delinquent taxes. The County's Facilities Management Section, where Tax Title was at one time located, may have sold the property to the Boothbys and in a house cleaning matter placed it in the database in the 1980's, but this is merely speculation. In the "Status" section of the Tax Title database General Information Sheet (attached) the word "deed" is shown. Of note, normally the word "deed" is not placed in this section unless a contract has been satisfied.

My understanding is that the process used in past years when a land sale contract was satisfied was for the County to send the deed to the contract purchaser with the direction for the purchaser to record the deed. In some cases, for any number of reasons, purchasers neglected to record the deed. Perhaps the Boothbys failed to record the deed, but since the deed cannot be provided there is no concrete evidence that this happened. There is also some history of non-completed contracts "falling through the cracks" and not being pursued for default. But again has there is no record we do not know what exactly happened.

TAX TITLE REQUEST OF THE COUNTY BOARD:

I have discussed the matter with the County Attorney's Office, and was advised that at this point the matter is probably best resolved by the County Board of Commissioners hearing from Mr. Anderson and the County staff, and have the Board decide how to proceed. As noted above, the only evidence that can be provided that shows the contract was paid off is the Tax Title database sheet showing "deed" under status and the letter from Mr. Anderson testifying to the character of his parents and his opinion that the contract would have been paid off. We are therefore placing this matter before the Board of County Commissioners to seek direction with Mr. Anderson's request.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing The Issuance Of A Deed To Richard Anderson

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired the real property described below from the City of Portland in November of 1965 for \$10.00.
- b. In 1969, the County sold the property on a land sale installment contract, for total price of \$500.00; payable at the rate of \$15.00 per month; and that contract was recorded at Book 697 and Page 63, of the Multnomah County Deed records.
- c. The buyer on the above referenced contract was Thomas Roy Boothby.
- d. In June of this year, Richard Anderson, the son of Thomas Roy and Edith Boothby (both now deceased), contacted Multnomah County's Tax Title Office regarding the Assessment and Taxation records that show the County as the owner of the property, but identifies Mr. Anderson along with his deceased parents as the contract purchasers.
- e. Mr. Anderson is the sole heir to his parents with respect to the interests in the real property described below.
- f. The property has an assessed value of \$67,980 on the County's current tax roll. The County's tax records show the Boothby's and now Mr. Anderson since their death have paid the real property taxes on the above described property, and those taxes are current.
- g. The County has been unable to locate any records of the 1969 transaction other than the recorded contract. Mr. Anderson as well as been unable to produce any other records of the land sale transaction to date.
- h. In the County's tax record database, however there is a written indication that a deed was at one time issued by the County. Under the County's electronic records keeping system that written indication is usually entered when the County has executed a deed to an outside party.
- i. Mr. Anderson claims his parents paid off the contract and probably received the deed years ago but may not have understood that they were obligated to record the deed. He now seeks the County to issue a replacement deed to him as the successor in interest to his deceased parents.

- j. Tax Title requests that a replacement deed be issued to Richard Anderson to correct the ownership records.

The Multnomah County Board of Commissioners Resolves:

1. The Chair on behalf of Multnomah County is authorized to execute a Bargain and Sale deed conveying to Richard Anderson the real property described as follows:

Lot 17, Block 1, WILMER ADDITION TO THE CITY OF ST. JOHNS, OREGON, in the City of Portland, County of Multnomah and State of Oregon.

Subject to Exceptions and reservations contained in deed by the City of Portland, recorded November 30, 1965, in Deed Book 431, Page 173, as follows: EXCEPTING THEREFROM any portion that may have been conveyed to or taken by the City of Portland for street purposes and reserving all easements, if any, that may have been granted to or reserved by said City of Portland, including easements for sewer and water pipe line purposes.

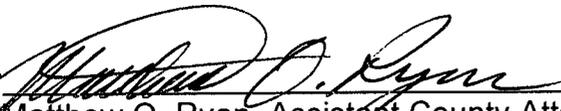
ADOPTED this 7th day of September, 2006.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

Until a change is requested, all tax statements
Shall be sent to the following address:
RICHARD ANDERSON
585 SW 37TH PL
PORTLAND OR 97225

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

Bargain and Sale Deed D072086 for R309333

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

Lot 17, Block 1, WILMER ADDITION TO THE CITY OF ST. JOHNS, OREGON, in the City of Portland, County of Multnomah and State of Oregon.

Subject to Exceptions and reservations contained in deed by the City of Portland, recorded November 30, 1965, in Deed Book 431, Page 173, as follows: EXCEPTING THEREFROM any portion that may have been conveyed to or taken by the City of Portland for street purposes and reserving all easements, if any, that may have been granted to or reserved by said City of Portland, including easements for sewer and water pipe line purposes.

The true consideration for this conveyance is \$500.

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

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 7th day of September 2006, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Matthew O. Ryan, Assistant County Attorney

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 7th day of September 2006, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/09

Until a change is requested, all tax statements
shall be sent to the following address:
RICHARD ANDERSON
585 SW 37th PL
PORTLAND OR 97225

After recording, return to:
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BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn

Diane M. Linn, Chair



AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

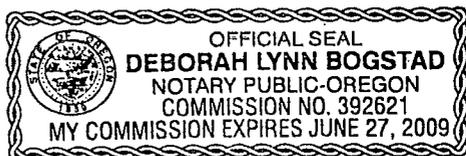
By _____
John S. Thomas, Deputy County Attorney

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 7th day of September 2006, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

Deborah Lynn Bogstad

Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/09



BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 06-151

Authorizing the Issuance of a Deed to Richard Anderson

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired the real property described below from the City of Portland in November of 1965 for \$10.00.
- b. In 1969, the County sold the property on a land sale installment contract, for total price of \$500.00; payable at the rate of \$15.00 per month; and that contract was recorded at Book 697 and Page 63, of the Multnomah County Deed records.
- c. The buyer on the above referenced contract was Thomas Roy Boothby.
- d. In June of this year, Richard Anderson, the son of Thomas Roy and Edith Boothby (both now deceased), contacted Multnomah County's Tax Title Office regarding the Assessment and Taxation records that show the County as the owner of the property, but identifies Mr. Anderson along with his deceased parents as the contract purchasers.
- e. Mr. Anderson is the sole heir to his parents with respect to the interests in the real property described below.
- f. The property has an assessed value of \$67,980 on the County's current tax roll. The County's tax records show the Boothby's and now Mr. Anderson since their death have paid the real property taxes on the above described property, and those taxes are current.
- g. The County has been unable to locate any records of the 1969 transaction other than the recorded contract. Mr. Anderson as well as been unable to produce any other records of the land sale transaction to date.
- h. In the County's tax record database, however there is a written indication that a deed was at one time issued by the County. Under the County's electronic records keeping system that written indication is usually entered when the County has executed a deed to an outside party.
- i. Mr. Anderson claims his parents paid off the contract and probably received the deed years ago but may not have understood that they were obligated to record the deed. He now seeks the County to issue a replacement deed to him as the successor in interest to his deceased parents.
- j. Tax Title requests that a replacement deed be issued to Richard Anderson to correct the ownership records.

The Multnomah County Board of Commissioners Resolves:

1. The Chair on behalf of Multnomah County is authorized to execute a Bargain and Sale deed conveying to Richard Anderson the real property described as follows:

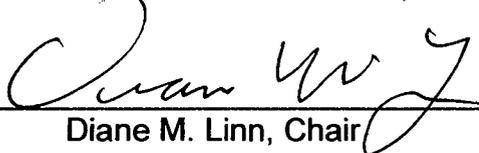
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ADOPTED this 7th day of September, 2006.



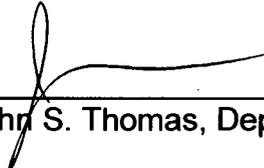
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

John S. Thomas, Deputy County Attorney

Until a change is requested, all tax statements
Shall be sent to the following address:
RICHARD ANDERSON
585 SW 37th PL
PORTLAND OR 97225

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

Bargain and Sale Deed D072086 for R309333

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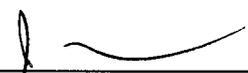
IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 7th day of September 2006, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

John S. Thomas, Deputy County Attorney

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 7th day of September 2006, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/09



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 09/07/06
 Agenda Item #: C-3
 Est. Start Time: 9:30 AM
 Date Submitted: 08/09/06

BUDGET MODIFICATION: -

Agenda Title: **RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to Michael F. Eyres**

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

Date Requested:	<u>September 7, 2006</u>	Time Requested:	<u>Consent Item</u>
Department:	<u>Community Services</u>	Division:	<u>Tax Title</u>
Contact(s):	<u>Gary Thomas</u>		
Phone:	<u>503-988-3590</u>	Ext.	<u>22591</u>
		I/O Address:	<u>503/4/TT</u>
Presenter(s):	<u>Gary Thomas</u>		

General Information

1. What action are you requesting from the Board?

The Tax Title Section is requesting the Board to approve the private sale of a tax foreclosed property to MICHAEL F. EYRES.

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

The subject property is a mostly square shaped parcel that came into county ownership through the foreclosure of delinquent tax liens on December 2, 1987. The parcel is approximately 45' x 57.43' and contains approximately 2,850 square feet. The lot is surrounded by improved properties on all sides and is adjacent to and takes up a good portion of the backyard of 5136 NE Prescott St. We propose to sell the property to the owner of 5136 NE Prescott St.

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

Written confirmation from the City of Portland was obtained (Exhibit D) stating that it is unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.

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

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

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

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

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

No citizen or government participation is anticipated.

EXHIBIT B



5136 NE Prescott

Subject Lot

**EXHIBIT C
PROPOSED PROPERTY LISTED FOR PRIVATE SALE**

LEGAL DESCRIPTION:

A part of Tract 5, IRVINGTON ACREAGE TRACT, a plat of record situated in the S.W. ¼ of Section 19, T 1N, R 2E, W.M., City of Portland, Multnomah County, Oregon.

Beginning at a point in the south line of N.E. Prescott Street, which point is S 0° 27' 20" from the center of Section 19, 1N 2E; thence N 89° 39' 10" W along the south line of N.E. Prescott Street, 57.43'; thence S 0° 27' 20" W parallel with the half section line, 132.09'; thence S 89° 41' 40" E 57.43' to the half section line; thence N 0° 27' 20" E 132.05' to the point of beginning.

EXCEPT that part of Tract 5 described in that contract to Stephen L. Mattheisen and Donald E. Plye by Book 1488 page 1032, recorded December 5, 1980, and further described as:

Beginning at a point in the south line of N.E. Prescott St, which point is S 0° 27' 20" W. 30.00 feet from the center of said Section 19; thence N 89° 39' 10" W. along the south line of N.E. Prescott St a distance of 57.43 feet; thence S 0° 27' 20" W parallel with the half section line a distance of 87.07 feet; thence S 89° 39' 10" E parallel with the south line of N.E. Prescott St a distance of 57.43 feet to the half section line; thence N 0° 27' 20" E along the half section line a distance of 87.07 feet to the point of beginning.

ADJACENT PROPERTY ADDRESS:	5136 NE Prescott St.
TAX ACCOUNT NUMBER:	R189466
GREENSPACE DESIGNATION:	No designation
SIZE OF PARCEL:	Approximately 2,850 square feet
ASSESSED VALUE:	\$4,000

ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE

BACK TAXES & INTEREST:	\$803.67
TAX TITLE MAINTENANCE COST & EXPENSES:	\$184.00
RECORDING FEE:	\$26.00
SUB-TOTAL	\$1,013.67
MINIMUM PRICE REQUEST OF PRIVATE SALE	\$5,500.00

EXHIBIT D



City of Portland
Bureau of Development Services
Land Use Services Division

1900 SW Fourth Ave., Suite 5000
Portland, Oregon 97201
Telephone: (503) 823-7300
TDD: (503) 823-6868
FAX: (503) 823-5630
www.portlandonline.com/bds

July 5, 2006

Gary Thomas
MULTNOMAH COUNTY TAX TITLE
PO Box 2716
Portland, OR 97208

Re: **06-140650 PR**

Zoning Confirmation for property located at NE Prescott Street and NE 52nd Avenue.
Legally described as TL 200 BLOCK 5, IRVINGTON ACREAGE TR, State Identification #
1N2E19CA 00200, Tax Account # R189466.

Dear Gary Thomas:

You have requested zoning information for the above-referenced property. The property is located in the R5 - Residential 5,000 zone (Chapter 33.110 of the Portland Zoning Code), with a "h" Aircraft Landing Overlay Zone (Chapter 33.400).

- The R5 zone is intended to foster the development of single-dwelling residences on lots having a minimum area of 3,000 square feet, with minimum width and depth dimensions of 36 and 50 feet, respectively. Newly created lots must have a minimum density of 1 lot per 5,000 square feet of site area.
- The "h" overlay limits the height of structures and vegetation in the vicinity of the Portland International Airport; a height contour map is available for review in the Development Services Center.

These chapters, as well as the entire Zoning Code, can be found on line at www.portlandonline.com/auditor/index.cfm?c=28197. The effective date of the specific regulations is found at the top of each page.

A search of Land Use Review history was conducted for this site and no case files were found regarding the creation of this property.

In your application, you asked specifically whether or not the lot is suitable for the construction of placement of a dwelling.

When primary structures are allowed is stated in the Single Family Dwelling Zones (Chapter 33.110.212 of the Portland Zoning Code).

- The regulations of this section allow for development of primary structures on lots and lots of record, but do not legitimize plots that were divided after subdivision and partitioning regulations were established. The regulations also allow development of primary structures on lots that were large enough in the past, but were reduced by condemnation or required dedication for right-of way.

The terms "Lot" and "Lot of Record" are provided in the Definitions (Chapter 33.910 of the Portland Zoning Code).

Zoning Confirmation for
July 5, 2006
Page 2 of 2

- **Lot.** A lot is a legally defined piece of land other than a tract that is the result of a land division. This definition includes the State definition of both lot, (result of subdividing), and parcel, (result of partitioning).
- **Lot of Record.** A lot of record is a plot of land:
 - Which was not created through an approved subdivision or partition;
 - Which was created and recorded before July 26, 1979; and
 - For which the deed, or other instrument dividing the land, is recorded with the appropriate county recorder.

Per information you provided, this property was created by deed in 1980. According to the code cited above, the property does not meet the standards of Chapter 33.110.212 or the definition of "Lot" or "Lot of Record" as provided on Chapter 33.910 and is thereby not suitable for the construction of an allowed primary structure.

This confirmation is based on information provided by you, as well as our review of zoning regulations, building records and land use case history. No site visit was conducted as part of this confirmation. The above information is current, but zoning regulations change over time; these changes may affect the use and/or development of the property. Please contact me Marty Stockton at (503) 823-3493 if you have additional questions.

Sincerely,


Marty Stockton
City Planner

Enclosure: Site Map

Required Signatures

**Department/
Agency Director:**

M. Cecilia Johnson

Date: 08/10/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing the Private Sale of a Tax Foreclosed Property to MICHAEL F. EYRES.

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired the real property described in Exhibit A through the foreclosure of liens for delinquent real property taxes.
- b. The property has an assessed value of \$4,000 on the County's current tax roll.
- c. Written confirmation from the City of Portland was obtained stating that the subject property is unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d. MICHAEL F. EYRES has agreed to pay \$5,500, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

The Multnomah County Board of Commissioners Resolves:

1. Upon Tax Title's receipt of the payment of \$5,500 the Chair on behalf of Multnomah County, is authorized to execute a Bargain and Sale deed conveying to MICHAEL F. EYRES, the real property described in the attached Exhibit A.

ADOPTED this 7th day of September, 2006.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

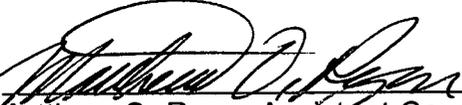
By 
Matthew O. Ryan, Assistant County Attorney

Exhibit A (Resolution)

LEGAL DESCRIPTION:

A part of Tract 5, IRVINGTON ACREAGE TRACT, a plat of record situated in the S.W. ¼ of Section 19, T 1N, R 2E, W.M., City of Portland, Multnomah County, Oregon.

Beginning at a point in the south line of N.E. Prescott Street, which point is S 0° 27' 20" from the center of Section 19, 1N 2E; thence N 89° 39' 10" W along the south line of N.E. Prescott Street, 57.43'; thence S 0° 27' 20" W parallel with the half section line, 132.09'; thence S 89° 41' 40" E 57.43' to the half section line; thence N 0° 27' 20" E 132.05' to the point of beginning.

EXCEPT that part of Tract 5 described in that contract to Stephen L. Mattheisen and Donald E. Plye by Book 1488 page 1032, recorded December 5, 1980, and further described as:

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Multnomah County Deed No.: D072087

Tax Account No.: R189466

Until a change is requested, all tax statements
shall be sent to the following address:
MICHAEL F. EYRES
5136 NE PRESCOTT ST
PORTLAND OR 97218-2144

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

Bargain and Sale Deed D072087 for R189466

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to MICHAEL F. EYRES, Grantee, the real property in the attached Exhibit A.

The true consideration for this conveyance is \$5,500.

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

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 7th day of September 2006, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 7th day of September 2006, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/09

Exhibit A (Deed D072087)

LEGAL DESCRIPTION:

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Beginning at a point in the south line of N.E. Prescott Street, which point is S 0° 27' 20" from the center of Section 19, 1N 2E; thence N 89° 39' 10" W along the south line of N.E. Prescott Street, 57.43'; thence S 0° 27' 20" W parallel with the half section line, 132.09'; thence S 89° 41' 40" E 57.43' to the half section line; thence N 0° 27' 20" E 132.05' to the point of beginning.

EXCEPT that part of Tract 5 described in that contract to Stephen L. Mattheisen and Donald E. Plye by Book 1488 page 1032, recorded December 5, 1980, and further described as:

Beginning at a point in the south line of N.E. Prescott St, which point is S 0° 27' 20" W. 30.00 feet from the center of said Section 19; thence N 89° 39' 10" W. along the south line of N.E. Prescott St a distance of 57.43 feet; thence S 0° 27' 20" W parallel with the half section line a distance of 87.07 feet; thence S 89° 39' 10" E parallel with the south line of N.E. Prescott St a distance of 57.43 feet to the half section line; thence N 0° 27' 20" E along the half section line a distance of 87.07 feet to the point of beginning.

Until a change is requested, all tax statements
shall be sent to the following address:
MICHAEL F. EYRES
5136 NE PRESCOTT ST
PORTLAND OR 97218-2144

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

Bargain and Sale Deed D072087 for R189466

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to MICHAEL F. EYRES, Grantee, the real property in the attached Exhibit A.

The true consideration for this conveyance is \$5,500.

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

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 7th day of September 2006, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn

Diane M. Linn, Chair

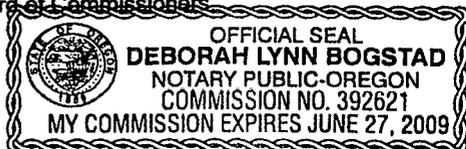
AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By *John S. Thomas*

John S. Thomas, Deputy County Attorney

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 7th day of September 2006, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.



Deborah Lynn Bogstad

Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/09

Exhibit A (Deed D072087)

LEGAL DESCRIPTION:

A part of Tract 5, IRVINGTON ACREAGE TRACT, a plat of record situated in the S.W. ¼ of Section 19, T 1N, R 2E, W.M., City of Portland, Multnomah County, Oregon.

Beginning at a point in the south line of N.E. Prescott Street, which point is S 0° 27' 20" from the center of Section 19, 1N 2E; thence N 89° 39' 10" W along the south line of N.E. Prescott Street, 57.43'; thence S 0° 27' 20" W parallel with the half section line, 132.09'; thence S 89° 41' 40" E 57.43' to the half section line; thence N 0° 27' 20" E 132.05' to the point of beginning.

EXCEPT that part of Tract 5 described in that contract to Stephen L. Mattheisen and Donald E. Plye by Book 1488 page 1032, recorded December 5, 1980, and further described as:

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Multnomah County Deed No.: D072087
Tax Account No.: R189466

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 06-152

Authorizing the Private Sale of a Tax Foreclosed Property to MICHAEL F. EYRES

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired the real property described in Exhibit A through the foreclosure of liens for delinquent real property taxes.
- b. The property has an assessed value of \$4,000 on the County's current tax roll.
- c. Written confirmation from the City of Portland was obtained stating that the subject property is unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d. MICHAEL F. EYRES has agreed to pay \$5,500, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

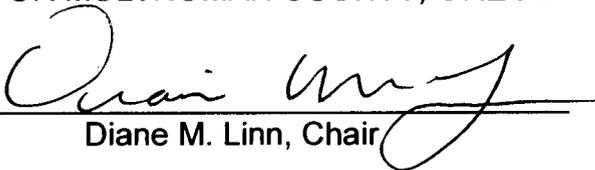
The Multnomah County Board of Commissioners Resolves:

1. Upon Tax Title's receipt of the payment of \$5,500 the Chair on behalf of Multnomah County, is authorized to execute a Bargain and Sale deed conveying to MICHAEL F. EYRES, the real property described in the attached Exhibit A.

ADOPTED this 7th day of September, 2006.



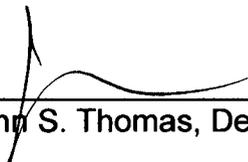
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

John S. Thomas, Deputy County Attorney

Exhibit A (Resolution)

LEGAL DESCRIPTION:

A part of Tract 5, IRVINGTON ACREAGE TRACT, a plat of record situated in the S.W. ¼ of Section 19, T 1N, R 2E, W.M., City of Portland, Multnomah County, Oregon.

Beginning at a point in the south line of N.E. Prescott Street, which point is S 0° 27' 20" from the center of Section 19, 1N 2E; thence N 89° 39' 10" W along the south line of N.E. Prescott Street, 57.43'; thence S 0° 27' 20" W parallel with the half section line, 132.09'; thence S 89° 41' 40" E 57.43' to the half section line; thence N 0° 27' 20" E 132.05' to the point of beginning.

EXCEPT that part of Tract 5 described in that contract to Stephen L. Mattheisen and Donald E. Plye by Book 1488 page 1032, recorded December 5, 1980, and further described as:

Beginning at a point in the south line of N.E. Prescott St, which point is S 0° 27' 20" W. 30.00 feet from the center of said Section 19; thence N 89° 39' 10" W. along the south line of N.E. Prescott St a distance of 57.43 feet; thence S 0° 27' 20" W parallel with the half section line a distance of 87.07 feet; thence S 89° 39' 10" E parallel with the south line of N.E. Prescott St a distance of 57.43 feet to the half section line; thence N 0° 27' 20" E along the half section line a distance of 87.07 feet to the point of beginning.

Multnomah County Deed No.: D072087

Tax Account No.: R189466

Until a change is requested, all tax statements
shall be sent to the following address:
MICHAEL F. EYRES
5136 NE PRESCOTT ST
PORTLAND OR 97218-2144

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

Bargain and Sale Deed D072087 for R189466

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to MICHAEL F. EYRES, Grantee, the real property in the attached Exhibit A.

The true consideration for this conveyance is \$5,500.

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

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 7th day of September 2006, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
John S. Thomas, Deputy County Attorney

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 7th day of September 2006, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/09

Exhibit A (Deed D072087)

LEGAL DESCRIPTION:

A part of Tract 5, IRVINGTON ACREAGE TRACT, a plat of record situated in the S.W. ¼ of Section 19, T 1N, R 2E, W.M., City of Portland, Multnomah County, Oregon.

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Multnomah County Deed No.: D072087

Tax Account No.: R189466



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 09/07/06
 Agenda Item #: C-4
 Est. Start Time: 9:30 AM
 Date Submitted: 08/14/06

BUDGET MODIFICATION: -

Agenda Title: **Amendment 1 to Intergovernmental Expenditure Agreement 4600000186 with the City of Gresham Regarding Ambulance/Emergency Medical Service within Gresham**

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

Date Requested:	<u>September 7, 2006</u>	Time Requested:	<u>N/A</u>
Department:	<u>Health Dept.</u>	Division:	<u>EMS</u>
Contact(s):	<u>Bill Collins</u>		
Phone:	<u>503 988-3220</u>	Ext.	<u>83220</u>
		I/O Address:	<u>160/7</u>
Presenter(s):	<u>Consent Calendar</u>		

General Information

1. What action are you requesting from the Board?

Approval of Amendment 1 to Intergovernmental Expenditure Agreement 4600000186 with the City of Gresham Regarding Ambulance/Emergency Medical Service within Gresham

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

The County currently contracts with Gresham Fire to provide them with medical supervision for their EMT and paramedics. In addition County reimburses them for disposable supplies used in the care of EMS patients. The ammedment will add funds to the contract to facilitate joint medical training with other EMS providers.

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

Adds \$22,489 to the current contract. Funds are a pass thru from the ambulance contract They are currently budgeted

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

none

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

none

Required Signatures

**Department/
Agency Director:**

Lillian Shuly
_____ /wl

Date: 08/14/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

MULTNOMAH COUNTY CONTRACT APPROVAL FORM (CAF)

Pre-approved Contract Boilerplate (with County Attorney signature) Attached Not Attached Contract #: 4600000186
 Amendment #: 1

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

Department: Health Division/ Program: Emergency Medical Services Date: 06/12/06
 Originator: Bill Collins Phone: x83220 Bldg/Room: 160/7
 Contact: LaRisha Baker Phone: x27499 Bldg/Room: 167/2/210

Description of Contract: This amendment is to revise the payment basis. County continue to enforce ordinance regarding ambulance/emergency medical service within the City of Gresham. The City will reimburse the County for the provision of medical direction. The County will reimburse the City for supplies.

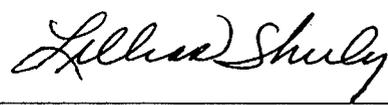
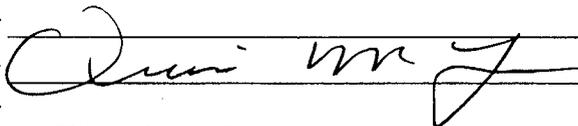
RENEWAL: PREVIOUS CONTRACT #(S) 201166 EEO CERTIFICATION EXPIRES _____

PROCUREMENT, EXEMPTION OR CITATION # _____ ISSUE DATE: _____ EFFECTIVE DATE: _____ END DATE: _____

CONTRACTOR IS: MBE WBE ESB QRF State Cert# _____ or Self Cert Non-Profit N/A (Check all boxes that apply)

Contractor	City of Gresham			Remittance address			
Address	1333 NW Eastman Parkway			(If different)			
City/State	Gresham, OR			Payment Schedule / Terms:			
ZIP Code	97030			<input type="checkbox"/> Lump Sum \$ _____	<input type="checkbox"/> Due on Receipt		
Phone	(503) 661-3000			<input type="checkbox"/> Monthly \$ _____	<input type="checkbox"/> Net 30		
Employer ID# or SS#				<input type="checkbox"/> Other \$ _____	<input type="checkbox"/> Other		
Contract Effective Date	10/31/95	Term Date	Perpetual	<input type="checkbox"/> Price Agreement (PA) or Requirements Funding Info:			
Amendment Effect Date	Execution	New Term Date					
Original Contract Amount	\$ _____			Original PA/Requirements Amount	\$ 7,452		
Total Amt of Previous Amendments	\$ _____			Total Amt of Previous Amendments	\$ _____		
Amount of Amendment	\$ _____			Amount of Amendment	\$ 22,489		
Total Amount of Agreement	\$ _____			Total PA/Requirements Amount	\$ _____		

REQUIRED SIGNATURES:

Department Manager  DATE 08/14/06
Jacqueline A. Weber DATE 06/13/06
 CPCA Manager _____ DATE _____
 County Chair  DATE 9.7.06
 Sheriff _____ DATE _____
 Contract Administration _____ DATE _____

COMMENTS: _____

APPROVED: MULTNOMAH COUNTY BOARD OF COMMISSIONERS
 AGENDA # 6-4 DATE 06-07-06
 DEBORAH L. BOGSTAD, BOARD CLERK



IGA Contract

Vendor Address

GRESHAM CITY OF
 ATTN DAVE BRUGATTO
 1333 NW EASTMAN PKWY
 GRESHAM OR 97030-3813

Information

Contract Number 4600000186
Date 07/01/2000
Vendor No. 11913
Contact/Phone Health Contracts /
 988-3056
Validity Period: 07/01/2000 - 08/31/2007
Minority Indicator: Not Identified

Estimated Target Value: 434,504.97 USD

Item	Material/Description	Target Qty	UM	Unit Price
	<p>MULTNOMAH COUNTY MAKES NO GUARANTEE AS TO THE QUANTITY OR DOLLAR AMOUNT THAT WILL BE PURCHASED WITH THIS AGREEMENT. ANY USAGE FIGURES OR ESTIMATES PROVIDED HEREIN ARE INFORMATIONAL APPROXIMATIONS ONLY, AND SHALL NOT BE CONSTRUED AS ANY COMMITTED VOLUME TO BE PURCHASED BY THE COUNTY. <u>REFERENCE: CONTRACT NO 201166</u></p>			
0007	<p>H58550026 09/01/04 - 08/31/05 Medical Supply Reimb</p> <p>Plant: F015 Health Services Requirements Tracking Number: IGA DESCRIPTION: AMULANCE/EMS ORDIANANCE PERIOD: THROUGH 06/30/05</p>	80,000.000	Dollars	\$ 1.0000
0008	<p>H58550026 - 08/31/06 Medical Supply Reimb</p> <p>Plant: F015 Health Services Requirements Tracking Number: IGA DESCRIPTION: AMBULANCE/EMS ORDINANCE PERIOD: THROUGH 08/31/05</p>	80,000.000	Dollars	\$ 1.0000
0009	<p>H58550026 09/01/05 - 08/31/06 Medical Supply Reimb</p> <p>Plant: F015 Health Services Requirements Tracking Number: IGA DESCRIPTION: AMBULANCE/EMS ORDINANCE PERIOD: THROUGH 08/31/06 AMENDMENT NO. 1</p>	22,489.000	Dollars	\$ 1.0000

BAKER LaRisha R

From: WEBER Jacquie A
Sent: Tuesday, June 13, 2006 4:00 PM
To: BAKER LaRisha R
Subject: RE: Con #4600000186-1 City of Gresham

This contract amendment may be circulated for signature.

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

From: BAKER LaRisha R
Sent: Tuesday, June 13, 2006 11:48 AM
To: WEBER Jacquie A
Subject:

Hi Jacquie,

Attached please find Amendment 1 to Con #4600000186 for City of Gresham for your review. The purpose of this amendment is to revise the payment basis for Ambulance/EMS services. This is a perpetual agreement.

Thanks,

LaRisha R Baker

Multnomah County Health Department
Contract Specialist
Contracts Unit
421 SW Oak St., Suite 210
Portland, OR 97204
(503) 988-3663 x27499
(503) 988-4098 Fax
larisha.r.baker@co.multnomah.or.us

MULTNOMAH COUNTY SERVICES CONTRACT AMENDMENT No. 1
(Amendment to Change Contract Provisions During Contract Term)

CONTRACT NO. 201166 9 (new #460000186)

This is an amendment to the Multnomah County Contract referenced above effective October 31, 1995 between Multnomah County, Oregon, hereinafter referred to as County, and City of Gresham, hereinafter referred to as City.

The parties agree:

1. The effective date of this Amendment shall be the date on which each party has signed this Amendment.
2. The following changes are made to Contract No. 460000186: (old language ~~striketrough~~ new language in *italic*)

Section 4. Duties of City:

- e. *City agrees to participate in joint paramedic training as approved by the County EMS Medical Director and keep record of the expenses incurred for those trainings.*

Section 5. Duties of County:

- e. *County shall reimburse City annually for expenses incurred participating in joint paramedic training up to City's prorated share of the funds available from County. Proration shall be based upon the ratio of the number of paramedics working for City to the total number of fire employed paramedics working for City to the total number of fire employed paramedics in the County. For joint training reimbursement, the amount will be \$22,489.*
- f. *Should there be insufficient joint training opportunities such that city does not incur expenses equal to their prorated amount, any remaining amount may be applied toward other medical expenses.*

3. All other terms and conditions of the contract shall remain the same.

CONTRACTOR DATA AND SIGNATURE

Contractor Address: 1333 NW Eastman Parkway
Gresham, OR 97030

Federal Tax ID # or Social Security #: _____

Is Contractor a nonresident alien?: Yes No

Business Designation (check one): Sole Proprietorship Partnership Corporation
 Nonprofit Other [describe here: _____]

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

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

Signature

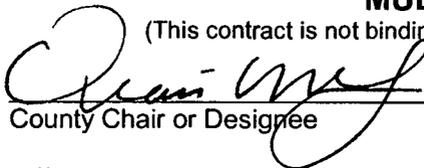
Title

Name (please print)

Date

MULTNOMAH COUNTY SIGNATURE

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



County Chair or Designee

9.7.06

Date

** Department Director signs here for Class 1 Contracts (unless retroactive). For all other contracts, Chair or Chair's designee signs here.

Department and County Attorney Approval and Review

Approved: Lillian Shirley / WS 6/26/06
Lillian Shirley, Health Department Director Date

Approved:  6/16/06
Bill Collins, Program Manager Date

Reviewed: Jacqueline A. Weber
Jacqueline A. Weber, Assistant County Attorney Date

Note to contract preparer: The Contractor must provide a current Certificate of Insurance from the Contractor's insurance company when this renewal form is signed.



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 09/07/06
 Agenda Item #: C-5
 Est. Start Time: 9:30 AM
 Date Submitted: 08/14/06

BUDGET MODIFICATION: -

Agenda Title: Amendment 1 of Intergovernmental Expenditure Agreement 4600000188 with the City of Portland Regarding Ambulance/Emergency Medical Service within Portland

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

Date Requested: September 7, 2006 Time Requested: N/A
 Department: Health Dept. Division: EMS
 Contact(s): Bill Collins
 Phone: 503 988-3220 Ext. 83220 I/O Address: 160/7
 Presenter(s): Consent Calendar

General Information

1. What action are you requesting from the Board?

Approval of Amendment 1 of Intergovernmental Expenditure Agreement 4600000188 with the City of Portland Regarding Ambulance/Emergency Medical Service within Portland

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

The County currently contracts with Portland Fire to provide them with medical supervision for their EMT and paramedics. In addition County reimburses them for disposable supplies used in the care of EMS patients. The ammedment will add funds to the contract to facilitate joint medical training with other EMS providers.

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

Adds \$73,210 to the contract Funds are a pass thru from the ambulance contract They are currently budgeted.

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

none

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

none

Required Signatures

**Department/
Agency Director:**

Lillian Shuly

Date: 08/13/06

/wl

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

MULTNOMAH COUNTY CONTRACT APPROVAL FORM (CAF)

Pre-approved Contract Boilerplate (with County Attorney signature) Attached Not Attached Contract #: 4600000188
 Amendment #: 1

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

Department: Health Division/ Program: Emergency Medical Services Date: 06/12/06
 Originator: Bill Collins Phone: x83220 Bldg/Room: 160/7
 Contact: LaRisha Baker Phone: x27499 Bldg/Room: 167/2/210

Description of Contract: This amendment is to revise the payment basis. County continue to enforce ordinance regarding ambulance/emergency medical service within the city of Portland. The City will reimburse the County for the provision of medical direction. The County will reimburse the City for supplies.

RENEWAL: PREVIOUS CONTRACT #(S) 201196 EEO CERTIFICATION EXPIRES _____

PROCUREMENT, EXEMPTION OR CITATION # _____ ISSUE DATE: _____ EFFECTIVE DATE: _____ END DATE: _____

CONTRACTOR IS: MBE WBE ESB QRF State Cert# _____ or Self Cert Non-Profit N/A (Check all boxes that apply)

Contractor	City of Portland Fire Bureau			Remittance address			
Address	55 SW Ash St.			(If different)			
City/State	Portland, OR			Payment Schedule / Terms:			
ZIP Code	97204			<input type="checkbox"/> Lump Sum \$ _____	<input type="checkbox"/> Due on Receipt		
Phone	(503) 823-3700			<input type="checkbox"/> Monthly \$ _____	<input type="checkbox"/> Net 30		
Employer ID# or SS#				<input type="checkbox"/> Other \$ _____	<input type="checkbox"/> Other		
Contract Effective Date	12/06/95	Term Date	Perpetual	<input type="checkbox"/> Price Agreement (PA) or Requirements Funding Info:			
Amendment Effect Date	Execution	New Term Date					
Original Contract Amount	\$ _____			Original PA/Requirements Amount	\$ 60,446		
Total Amt of Previous Amendments	\$ _____			Total Amt of Previous Amendments	\$ _____		
Amount of Amendment	\$ _____			Amount of Amendment	\$ 73,210		
Total Amount of Agreement	\$ _____			Total PA/Requirements Amount	\$ _____		

REQUIRED SIGNATURES:

Department Manager Lillian Shirley DATE 6/26/06
 County Attorney Jacqueline A. Weber DATE 06/13/06
 CPCA Manager _____ DATE _____
 County Chair Cheri Wray DATE 9.7.06
 Sheriff _____ DATE _____
 Contract Administration _____ DATE _____

COMMENTS: _____

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS

AGENDA # 65 DATE 06-07-06
DEBORAH L. BOGSTAD, BOARD CLERK



IGA Contract

Vendor Address

PORTLAND CITY OF ACCT RECEIVABLE
106/1250

Information

Contract Number 4600000188
Date 07/01/2000
Vendor No. 11981
Contact/Phone Health Contracts /
988-3056
Validity Period: 07/01/2000 - 08/31/2007
Minority Indicator: Not Identified

Estimated Target Value: 1,508,323.00 USD

Item	Material/Description	Target Qty	UM	Unit Price
	<p>MULTNOMAH COUNTY MAKES NO GUARANTEE AS TO THE QUANTITY OR DOLLAR AMOUNT THAT WILL BE PURCHASED WITH THIS AGREEMENT. ANY USAGE FIGURES OR ESTIMATES PROVIDED HERIN ARE INFORMATIONAL APPROXIMATIONS ONLY, AND SHALL NOT BE CONSTRUED AS ANY COMMITTED VOLUME TO BE PURCHASED BY THE COUNTY. <u>REFERENCE: CONTRACT NO. 201196</u></p>			
0006	<p>H58550026 10/01/02 - 08/30/04 Medical Supply Reimb</p> <p>Plant: F015 Health Services Requirements Tracking Number: IGA DESCRIPTION: AMBULANCE / EMS ORDINANCE PERIOD: 10/01/02 - 08/31/04</p>	150,000.000	Dollars	\$ 1.0000
0007	<p>H58550026 10/01/02 - 08/30/04 Med Supply Reimbu</p> <p>Plant: F015 Health Services Requirements Tracking Number: IGA DESCRIPTION: AMBULANCE / EMS ORDIANANCE PERIOD: 10/01/02 - 08/30/04</p>	150,000.000	Dollars	\$ 1.0000
0008	<p>H58550026 10/01/02 - 08/30/05 Med Supply Reimbu</p> <p>Plant: F015 Health Services Requirements Tracking Number: IGA DESCRIPTION: AMBULANCE / EMS ORDIANANCE PERIOD: 10/01/03 - 08/30/05</p>	100,000.000	Dollars	\$ 1.0000
0009	<p>H58550026 10/01/02 - 08/30/05 Med Supply Reimbu</p> <p>Plant: F015 Health Services Requirements Tracking Number: IGA DESCRIPTION: AMBULANCE/EMS ORDINANCE PERIOD: 10/01/02 - 08/30/05</p>	250,000.000	Dollars	\$ 1.0000



IGA Contract

Vendor Address

PORTLAND CITY OF ACCT RECEIVABLE
106/1250

Information

Contract Number 4600000188
Date 07/01/2000
Vendor No. 11981
Contact/Phone Health Contracts /
988-3056
Validity Period: 07/01/2000 - 08/31/2007
Minority Indicator: Not Identified

Item	Material/Description	Target Qty	UM	Unit Price
0010	H58550026 09/01/05 - 08/30/06 Med Supply Reimbu Plant: F015 Health Services Requirements Tracking Number: IGA <i>DESCRIPTION: AMBULANCE/EMS ORDINANCE INCREASED DOLLAR AMOUNT BY \$400,000</i>	400,000.000	Dollars	\$ 1.0000
0011	H58550026 09/01/06 - 08/30/07 Med Supply Reimbu Plant: F015 Health Services Requirements Tracking Number: IGA <i>DESCRIPTION: CITY OF PORTLAND PERIOD: THROUGH 08/31/06 AMENDMENT NO. 1</i>	73,210.000	Dollars	\$ 1.0000

BAKER LaRisha R

From: WEBER Jacquie A
Sent: Tuesday, June 13, 2006 3:47 PM
To: BAKER LaRisha R
Subject: RE: Please review '4600000188-1_AMD' City of Portland - Ambulance/EMS

This contract amendment may be circulated for signature.

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

From: BAKER LaRisha R
Sent: Monday, June 12, 2006 1:50 PM
To: WEBER Jacquie A
Subject: Please review '4600000188-1_AMD' City of Portland - Ambulance/EMS

Hi Jackie,

Attached please find Amendment 1 to Con #4600000188 for City of Portland for your review. The purpose of this amendment is to revise the payment basis for Ambulance/EMS services. This is a perpetual agreement.

Thank you,

La. Risha Baker

Multnomah County Health Department
Contract Specialist
Contracts Unit
421 SW Oak St., Suite 210
Portland, OR 97204
(503) 988-3663 x27499
(503) 988-4098 Fax
larisha.r.baker@co.multnomah.or.us

MULTNOMAH COUNTY SERVICES CONTRACT AMENDMENT No. 1
(Amendment to Change Contract Provisions During Contract Term)

CONTRACT NO. 201196 (new #4600000188)

This is an amendment to the Multnomah County Contract referenced above effective December 6, 1995 between Multnomah County, Oregon, hereinafter referred to as County, and City of Portland, hereinafter referred to as City.

The parties agree:

1. The effective date of this Amendment shall be the date on which each party has signed this Amendment.
2. The following changes are made to Contract No. 4600000188: (old language ~~strikethrough~~ new language in *italic*)

Section 4. Duties of City:

- e. *City agrees to participate in joint paramedic training as approved by the County EMS Medical Director and keep record of the expenses incurred for those trainings.*

Section 5. Duties of County:

- e. *County shall reimburse City annually for expenses incurred participating in joint paramedic training up to City's prorated share of the funds available from County. Proration shall be based upon the ratio of the number of paramedics working for City to the total number of fire employed paramedics working for City to the total number of fire employed paramedics in the County. For joint training reimbursement, the amount will be \$73,210.*
- f. *Should there be insufficient joint training opportunities such that city does not incur expenses equal to their prorated amount, any remaining amount may be applied toward other medical expenses.*

3. All other terms and conditions of the contract shall remain the same.

CONTRACTOR DATA AND SIGNATURE

Contractor Address:

55 SW Ash St

Federal Tax ID # or Social Security #:

Portland, OR 97204

Is Contractor a nonresident alien?:

Yes No

Business Designation (check one):

Sole Proprietorship Partnership Corporation
 Nonprofit Other [describe here: _____]

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

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

Signature _____

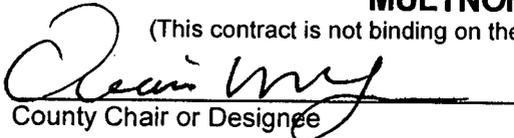
Title _____

Name (please print) _____

Date _____

MULTNOMAH COUNTY SIGNATURE

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


County Chair or Designee

9.7.06
Date

** Department Director signs here for Class 1 Contracts (unless retroactive). For all other contracts, Chair or Chair's designee signs here.

Department and County Attorney Approval and Review

Approved: Lillian Shirley 6/26/06
Lillian Shirley, Health Department Director Date

Approved: [Signature] 6/26/06
Bill Collins, Program Manager Date

Reviewed: Jacqueline A. Weber
Jacqueline A. Weber, Assistant County Attorney Date

Note to contract preparer: The Contractor must provide a current Certificate of Insurance from the Contractor's insurance company when this renewal form is signed.



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 09/07/06
 Agenda Item #: C-6
 Est. Start Time: 9:30 AM
 Date Submitted: 08/14/06

BUDGET MODIFICATION: -

Agenda Title: **Amendment 3 Renewal to Intergovernmental Revenue Contract 0410533 with the State of Oregon Department of Human Services, Wherein Multnomah County will Continue to Serve as Regional Lead Agency**

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

Date Requested: September 7, 2006 **Time Requested:** N/A
Department: Health Dept. **Division:** Health Officer
Contact(s): Kathryn Richer or Christine Bernsten
Phone: 503-988-3400 **Ext.** 22404 **I/O Address:** _____
Presenter(s): Consent Calendar

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

Approval of amendment to extend Revenue Contract 0410533 with the State of Oregon Department of Human Services which will enable Multnomah County to continue to serve as the Regional Lead Agency in Emergency Preparedness Planning and Coordination.

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

The original IGA with the state in 2004 represented a formalization of the Health Department's leadership and support for regional health preparedness that has been ongoing since the Fall of 2001. This effort has involved all hospitals in the region, medical providers, and other health system representatives. It has resulted in an effective voluntary public/private partnership – the NW Oregon Health Preparedness Organization (HPO). Both public and private participants have expressed a high degree of satisfaction with this arrangement, and have requested that it be continued.

Under the proposed IGA extension, the Health Department will continue to employ staff to support

and coordinate the ongoing planning effort. Staff will continue to receive broad policy and program direction from the HPO Steering Committee, and will receive day-to-day supervision from the County Health Officer.

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

There is no fiscal impact for this. Budget already reflects a full year revenue projection.

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

This activity represents a continuation of the County's ongoing work to develop a coordinated public/private health response to bioterrorism and other public health emergencies. No significant legal issues are anticipated.

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

The requested/recommended approach represents the consensus of key public and private parties in local health emergency preparedness. The approach has been specifically approved by the Directors of the Health departments of Clackamas and Washington Counties and the HPO Steering Committee.

Required Signatures

**Department/
Agency Director:**



Date: 08/09/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

MULTNOMAH COUNTY CONTRACT APPROVAL FORM (CAF)

Pre-approved Contract Boilerplate (with County Attorney signature) Attached Not Attached Contract #: 0410533 (110052)
 Amendment #: 3

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

Department: Health Division/ Program: Directors Office Date: 08/10/06
 Originator: Kathryn Richer/Christine Bernsten Phone: x24223 / x28751 Bldg/Room: 160/8
 Contact: LaRisha Baker Phone: x27499 Bldg/Room: 167/210

Description of Contract: County will continue to serve as Regional Lead Agency to provide leadership and staffing for hospital and health system emergency preparedness in the six-county NW OR region.

RENEWAL: PREVIOUS CONTRACT #(S) _____ EEO CERTIFICATION EXPIRES _____

PROCUREMENT, EXEMPTION OR CITATION # _____ ISSUE DATE: _____ EFFECTIVE DATE: _____ END DATE: _____

CONTRACTOR IS: MBE WBE ESB QRF State Cert# _____ or Self Cert Non-Profit N/A (Check all boxes that apply)

Contractor	State of OR - Department of Human Services		Remittance address (If different)	Mike Swinhoe, PHEP Planner		
Address	800 NE Oregon St., Suite 360		Payment Schedule / Terms:			
City/State	Portland, OR			<input type="checkbox"/> Lump Sum \$ _____	<input type="checkbox"/> Due on Receipt	
ZIP Code	97232			<input checked="" type="checkbox"/> Monthly \$ _____	<input type="checkbox"/> Net 30	
Phone	(971) 673-1318			<input type="checkbox"/> Other \$ _____	<input type="checkbox"/> Other	
Employer ID# or SS#			<input type="checkbox"/> Price Agreement (PA) or Requirements Funding Info:			
Contract Effective Date	08/15/04	Term Date	08/30/06			
Amendment Effect Date	Execution	New Term Date	11/30/06			
Original Contract Amount	\$ 260,000		Original PA/Requirements Amount	\$ _____		
Total Amt of Previous Amendments	\$ 260,000		Total Amt of Previous Amendments	\$ _____		
Amount of Amendment	\$ 74,999		Amount of Amendment	\$ _____		
Total Amount of Agreement	\$ 594,999		Total PA/Requirements Amount	\$ _____		

REQUIRED SIGNATURES:

Department Manager <u>Lillian Shirley / wt</u>	DATE <u>8/9/06</u>
County Attorney <u>[Signature]</u>	DATE <u>8/10/06</u>
CPCA Manager _____	DATE _____
County Chair <u>[Signature]</u>	DATE <u>9.7.06</u>
Sheriff _____	DATE _____
Contract Administration _____	DATE _____

COMMENTS: _____

APPROVED : MULTNOMAH COUNTY
 BOARD OF COMMISSIONERS
 AGENDA # C-6 DATE 09-07-06
 DEBORAH L. BOGSTAD, BOARD CLERK

BAKER LaRisha R

From: WEBER Jacquie A
Sent: Thursday, August 10, 2006 12:13 PM
To: BAKER LaRisha R
Subject: RE: Con #0410533-3 (110052-3) State of OR - DHS

This contract amendment may be circulated for signature.

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

From: BAKER LaRisha R
Sent: Thursday, August 10, 2006 10:52 AM
To: WEBER Jacquie A
Subject: Con #0410533-3 (110052-3) State of OR - DHS
Importance: High

Hi Jacquie,

Attached please find Amendment 3 to Con #0410533 with the State of OR. This is a revenue agreement in the amount of \$74,999 for emergency preparedness. The County will continue as the "Regional Lead Agency" to provide leadership and staffing for hospital and health system emergency preparedness to the six-county NW Oregon region.

Thanks,

LaRisha Baker

Multnomah County Health Department
Contract Specialist
Contracts Unit
421 SW Oak St., Suite 210
Portland, OR 97204
(503) 988-3663 x27499
(503) 988-4098 Fax
larisha.r.baker@co.multnomah.or.us

Agreement Number 110052-3

**Amendment to State of Oregon
Intergovernmental Agreement**

In compliance with the Americans with Disabilities Act, this document is available in alternate formats such as Braille, large print, audiotape, oral presentation, and electronic format. To request an alternate format call the State of Oregon, Department of Human Services, Office of Forms and Document Management at (503) 373-0333, Fax (503) 373-7690, or TTY (503) 947-5330.

This is amendment number 03 to Agreement Number 110052 between the State of Oregon, acting by and through its Department of Human Services, hereinafter referred to as "DHS" and

**Multnomah County Health Department
Lillian Shirley, Public Health Director, or delegate
1120 SW Fifth Avenue – 14th Floor
Portland, OR 97204
Phone: (503) 988-3674
Facsimile: (503) 988-4117
Email: lillian.m.shirley@co.multnomah.or.us**

hereinafter referred to as Agency.

This amendment shall be effective on the date it is fully executed by the parties. The Agreement is hereby amended as follows:

Section I EFFECTIVE DATE AND DURATION
Section II TOTAL FUND AMOUNT
Section III REPORTING REQUIREMENTS

I. EFFECTIVE DATE AND DURATION

This Agreement shall become effective on the date this Agreement has been fully executed by every party and, when required, approved by Department of Justice or on August 15, 2004, whichever date is later. Unless extended or terminated earlier in accordance with its terms, this Agreement shall terminate on August 30, 2006. ~~November 30, 2006~~. Agreement termination or expiration shall not extinguish or prejudice Department's right to enforce this Agreement with respect to any default by Agency that has not been cured."

II. ADDITIONAL FUNDS in the amount of \$74,999.00 are added to this Agreement.

III REPORTING REQUIREMENTS:

The Agency shall complete and submit the expenditure reporting form attached to this amendment as Exhibit A.: Quarterly Expenditure Report HRSA Program. The completed form shall be sent to the DHS Agreement Administrator. The QER is due fifteen (15) days after November 30, 2006, Feb 28, 2007, May 30, 2007 and forty five (45) days after August 30, 2007. A copy of the submitted expenditure document shall be retained by the Agency for a minimum of three (3) years and may be subject to audit by state or federal authorities.

Except as expressly amended above, all other terms and conditions of the original Agreement and any previous amendments are still in full force and effect. Agency certifies that the representations, warranties and certifications contained in the original Agreement are true and correct as of the effective date of this Amendment and with the same effect as though made at the time of this amendment.

**EXHIBIT A
 QUARTERLY EXPENDITURE REPORT
 HRSA PROGRAM**

Agency _____ Program _____ For the Period
 Sept. 1 _____ to _____

YEAR TO DATE			
	EXPENDITURE	REVENUE	TOTAL
1.	Personal Services (Salaries & Benefits)		
2.	Travel Expense		
3.	Services and Supplies		
4.	Capital Outlay		
5.	Contractual		
6.	Other		
	TOTAL EXPENDITURES		
	TOTAL REIMBURSABLE EXPENDITURES		

C. CERTIFICATE

I certify that revenues reported were authorized for use by the agency in support of this program and that expenditures and encumbrances reported are true and correct to the best of my knowledge and belief.

Prepared By _____

 AUTHORIZED AGENT DATE

TITLE OF FORM: QUARTERLY EXPENDITURE REPORT FORM

WHO MUST COMPLETE THE FORM: All agencies receiving funds awarded through the Department of Human Services Intergovernmental Agreements for Financial Assistance must complete this report for each grant-funded program except. Agencies are responsible for assuring that each report is completed accurately, signed, and submitted in a timely manner.

WHERE TO SUBMIT: Submit original to: *Public Health Preparedness, Oregon Dept. of Human Services, Public Health Division, Attn: Brian Mahoney, 800 NE Oregon Street, Ste. 360, Portland, OR 97232.*

WHEN TO SUBMIT: Expenditure reports for grants are due **15 days** following the end of the 3-, 6- and 9-month periods (11/30, 2/28, 5/31) and **45 days** following the end of the 12-month period (8/30). Any expenditure reports due and not received by these dates will delay payments.

INSTRUCTIONS FOR COMPLETION: Report expenditures of local funds in support of program in addition to those for which reimbursement is being claimed. This reporting feature is necessary for some programs due to the requirement of matching federal dollars with state and/or local dollars. A. YEAR TO DATE expenditures are reported when payment is made or a legal obligation incurred.

A. EXPENDITURES

Enter cumulative expenditures in appropriate column. Local Expenditures are all program expenditures not reimbursed by DHS Health Services. DHS Health Services Expenditures are reimbursable expenditures less program income.

Line 1. PERSONAL SERVICES: Salaries are to be reported in total. Since payroll expenses may vary from month to month, an approximate amount may be listed for each reporting period except the final period, which must show exact yearly expense.

Federal guidelines (OMB Circular A-87) require the maintenance of adequate time/activity reports if an individual is paid from grant funds. Public Health Services program coordinators are available to assist in establishing an adequate time reporting system.

Line 2. TRAVEL EXPENSE: Total all travel expenditures

Line 3. SERVICES AND SUPPLIES: Total all services and supplies expenditures.

Line 4. CAPITAL OUTLAY: Capital outlay is defined as an expenditure for an item with a purchase price in excess of \$5,000 and a life expectancy greater than one year. It is necessary to itemize all capital outlay by cost and description. If additional space is needed for capital outlay, record the total outlay on Line 4 and attach an addendum to the report.

Federal regulations require that capital equipment (i.e., desks, chairs, laboratory equipment, etc.) continue to be used within the program area. Property records for non-expendable personal property acquired with grant funds shall be maintained accurately per Subtitle A-Department of Health and Human Services, 45 Code of Federal Regulations (CFR) Part 92.32 and Part 74.34.

Prior approval from the Program Coordinator must be obtained for any purchase of an individual item of special purpose equipment having an acquisition cost of \$5,000 or more (see PHS Grants Policy Statement).

Line 5. CONTRACTUAL: Total of all contract expenditures.

Line 6. OTHER: Telephone, Fax, and other expenses not specified above.

C. CERTIFICATE: The signature of the authorized agent is required to indicate his/her approval of the report.

WHEN A BUDGET REVISION IS REQUIRED: It is understood that the pattern of expense (i.e., Personal Services, Travel, Services and Supplies, Capital Outlay, Contractual and Other) will follow the estimates set forth in the approved budget application. To facilitate program development, however, transfers between expense categories may be made by the local agency except in the following instances, when a budget revision will be required:

- If a transfer would result in or reflect a significant change in the character or scope of the program.
- If there is a significant expenditure in a budget category for which funds were not initially budgeted in the approved application.

REIMBURSEMENT FROM THE STATE: Transfer document will be forwarded to the county treasurer (where appropriate) with a copy to the local agency when the Oregon Department of Human Services, Public Health Services makes reimbursement.

Revised:



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 09/07/06
 Agenda Item #: C-7
 Est. Start Time: 9:30 AM
 Date Submitted: 08/30/06

BUDGET MODIFICATION: -

Agenda Title: **ORDER Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody**

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

Date Requested: September 7, 2006 **Time Requested:** N/A
Department: DCHS **Division:** MHASD
Contact(s): Jean Dentinger/Debra Myers
Phone: (503) 988-5464 **Ext.** 27297 **I/O Address:** 167/1/520
Presenter(s): Consent Calendar

General Information

1. What action are you requesting from the Board?

Requesting adoption of order and approval of designees. The Mental Health and Addiction Services Division is recommending approval of the designees in the accordance with ORS 426.215.

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

Outpatient mental health agencies depend upon certain staff having the ability to assess clients for "Director Designee Custody". This certification allows the designee to direct a police officer or secure transportation provider to take into custody any individual with mental health issues who is found to be dangerous to self or to others. Police then transport the individual to a hospital or other approved treatment facility for further evaluation. As agencies experience staffing turnover or increases, new staff needs to be trained and certified as designees.

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

None.

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

In accordance with ORS 426.215.

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

None.

Required Signatures

**Department/
Agency Director:**

Pat Surface

Date: 08/30/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

The Multnomah County Board of Commissioners Finds:

- a) If authorized by a county governing body, a designee of a mental health program director may direct a peace officer to take into custody a person whom the designee has probable cause to believe is dangerous to self or others and whom the designee has probable cause to believe is in need of immediate care, custody, and treatment of mental illness.
- b) There is a current need for specified designees of the Multnomah County Mental Health Program Director to have the authority to direct a peace officer to take an allegedly mentally ill person into custody.
- c) All the designees listed below have been specifically recommended by the Mental Health Program Director and meet the standards established by the Mental Health Division.

The Multnomah County Board of Commissioners Orders:

1. The individuals listed below are authorized as designees of the Mental Health Program Director for Multnomah County to direct any peace officer to take into custody a person whom the designee has probable cause to believe is dangerous to self or others and whom the designee has probable cause to believe is in need of immediate care, custody or treatment for mental illness.
2. Added to the list of designees are:

Tylr Wagner	Erin Obye	Robin Schuman	Colleen Mailley Lyman
Lindsay Haff	Bonnie Lambert	Cristina Laborde	Elizabeth Kimberly
Karen Morehouse	Carlyn Glaser	Anne-Sophie Houdck	Amy Daniewicz

ADOPTED this 7th day of September, 2006.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLES, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Patrick Henry, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 06-153

Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

The Multnomah County Board of Commissioners Finds:

- a) If authorized by a county governing body, a designee of a mental health program director may direct a peace officer to take into custody a person whom the designee has probable cause to believe is dangerous to self or others and whom the designee has probable cause to believe is in need of immediate care, custody, and treatment of mental illness.
- b) There is a current need for specified designees of the Multnomah County Mental Health Program Director to have the authority to direct a peace officer to take an allegedly mentally ill person into custody.
- c) All the designees listed below have been specifically recommended by the Mental Health Program Director and meet the standards established by the Mental Health Division.

The Multnomah County Board of Commissioners Orders:

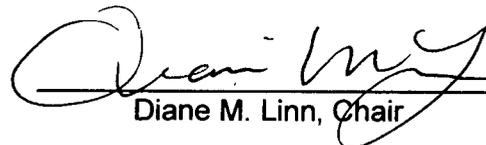
1. The individuals listed below are authorized as designees of the Mental Health Program Director for Multnomah County to direct any peace officer to take into custody a person whom the designee has probable cause to believe is dangerous to self or others and whom the designee has probable cause to believe is in need of immediate care, custody or treatment for mental illness.
2. Added to the list of designees are:

Tylr Wagner	Erin Obye	Robin Schuman	Colleen Mailley Lyman
Lindsay Haff	Bonnie Lambert	Cristina Laborde	Elizabeth Kimberly
Karen Morehouse	Carlyn Glaser	Anne-Sophie Houdck	Amy Daniewicz

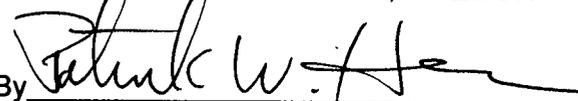
ADOPTED this 7th day of September, 2006.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

AGNES SOWLES, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Patrick Henry, Assistant County Attorney

#1

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: Sept. 7, '06

SUBJECT: The View Point Inn

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Geoff Thompson

ADDRESS: 40301 E. VARCH Mt. Rd.

CITY/STATE/ZIP: Corbett, OR. 97019

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

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: _____

request public hearing Sept. 29, '06

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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

Kelly Engineering

316 E. Fourth Plain, Suite A-5
Vancouver, Washington 98663
Phone: 360-696-6059
Fax: 360-735-1126

August 31, 2006

Geoff Thompson
View Point Inn
40301 E Larch Mountain Road
Corbett, Oregon 97019

INVOICE

ITEM NUMBER	DESCRIPTION	ITEM AMOUNT
1	View Point Inn Transportation Impact Study, July 14, 2006	\$2,750.00
2 *	Revised View Point Inn Transportation Impact Study, August 31, 2006	\$1,600.00

Net Due \$00

*Paid in Full
Dad Kelly 8/31/06*

* Revised View Point Inn Transportation Impact Study (TIS) necessary because Multnomah County changed their mind regarding access to and from the development. The first study was based on the assumption that vehicles will enter the site at E Larch Mountain Road at Columbia Avenue and exit at the westerly driveway, per Multnomah County recommendation and directive. Revised TIS reflects change in entering and exiting locations.

#2

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: Sept. 7, '06

SUBJECT: The View Point Inn

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Angelo Simone

ADDRESS: 40301 E. Larch Mtn. Rd.

CITY/STATE/ZIP: Corbett, OR 9709

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

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: VPI public request hearing Sept. 29, '06

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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

Multnomah County Attorney's Office
501 S.E. Hawthorne Blvd., Suite 500
Portland, Oregon 97214

PHONE: 503.988.3138
FAX 503.988.3377



MEMORANDUM

To: Karen Schilling, Planning Director
Derrick Tokos, Principal Planner
Kim Peoples, Environmental Compliance Manager

From: Sandy Duffy, Assistant County Attorney

Date: August 23, 2006

Re: Advertising for Commercial Use of Viewpoint Inn

Issue:

Does the adoption by the Gorge Commission of the National Scenic Area Management Plan amendment allowing re-establishment of commercial uses in historical buildings in the NSA, and the county's adoption of implementing ordinances, authorize the owners of the Viewpoint Inn to advertise and take conditional reservations with deposits, in anticipation of the county's approval of their land use permits?

Short Answer:

No. MCC 38.2015 prohibits any uses in the NSA except as allowed in Chapter 38. The zoning district does not allow, even with the Management Plan amendments relating to historic properties, any form of non-permitted commercial activity. The County interprets solicitation for commercial activities, acceptance of reservations for commercial activities, and acceptance of deposits for commercial activities as commercial activities and a violation of MCC 38.2015. The County is obligated under the NSA Management Plan and its code to be consistent in its interpretations unless the county has adopted more restrictive rules (MCC38.0740). This interpretation is consistent with the Gorge Commission staff's stance on the issue.

Discussion:

(1) Facts relating to change in laws to allow the Viewpoint Inn to be re-established as an inn and restaurant, with a gift shop and interpretive displays:

The Viewpoint Inn is a structure allowed by county land use codes as a residential use and it is located in the National Scenic Area (NSA) of the Columbia River Gorge. It is on the

National Register of Historic Places. The owners, Geoff Thompson and Angelo Simione, are presently seeking a conditional use permit from Multnomah County land use planning division, to allow use of the facility as an inn and restaurant, with a gift shop and interpretive displays..

In 2005, Attorney, John Groen, representing Geoff Thompson, applied for amendments to the NSA Management Plan. Included in these amendments was a request to amend the cultural resources policies for the General Management Area (GMA) to allow properties that were on the National Register of Historic Places prior to November 17, 1986, and that were originally designed for restaurant and hotel purposes, to re-establish those uses and provide for public viewing and interpretation facilities, subject to conditions regarding size, hours and other aspects of the uses.¹

The Gorge Commission adopted a broader amendment which allowed re-establishing uses in historic buildings that were either on the National Register of Historic Places, or eligible for listing. The U.S. Secretary of Agriculture concurred with the plan amendment on January 23, 2006.

The Gorge Commission transmitted the plan amendment to the six gorge counties with implementation instructions and Multnomah County received that transmittal on January 27, 2006. The Friends of the Columbia River Gorge filed a legal challenge to the plan amendment on February 10, 2006.

On May 4, 2006, Multnomah County adopted by emergency ordinance the county land use code amendments which implemented the NSA Management Plan amendments. And, on June 13, 2006, the Gorge Commission acknowledged the county's code amendments.

On July 20, 2006, Geoff Thompson and Angelo Simione apply for conditional use land use permits for commercial uses at the Viewpoint Inn. And, on August 9, 2006, county planner, Kenneth Born, sent a letter to the applicants indicating that their application was incomplete and setting out exactly what was needed to complete the application. To date, those additional materials have not been received by the land use planning division.²

(2) Facts relating to advertising commercial uses at the Viewpoint Inn in violation of county codes:

In 2004, Geoff Thompson and Janet Gable purchased the Viewpoint Inn.

In 2004, Multnomah County's Division of Environmental Compliance, received a number of complaints regarding commercial events occurring at the Viewpoint Inn.

On July 22, 2004, Kim Peoples, Multnomah County's Environmental Compliance Manager, sent a letter to Geoff Thompson and Janet Gable, notifying them that commercial use of the property was not allowed under the county's National Scenic Area ordinance. A copy of

¹ www.gorgecommission.or/PS%20Notices.html

² www2.co.multnomah.or.us/Community_Services/LUT-Planning/docs/Historic%20properties%20timeline_final.pdf This is a timeline for adoption of the historic properties amendments and approval of a conditional use permit for Viewpoint Inn.

an advertisement from the Oregonian, soliciting reservations for private parties, weddings, special events, and receptions at the Viewpoint Inn was enclosed with the letter. The letter asked the owners to enter into a voluntary compliance agreement which was also enclosed with the letter.

On July 30, 2004, John Groen, attorney for Geoff Thompson, sent a letter to Kim Peoples indicating that he had been retained to represent Mr. Thompson. He states: "I reviewed the advertisement that appeared in the Oregonian and I understand why it has raised your concern." He goes on to explain that the advertisement had meant to solicit reservations for 2005, not 2004 and that Mr. Thompson intended to abide by all county code requirements. He also asks about the legality of non-commercial gatherings at the property.

On August 11, 2004, Kim Peoples sent a letter to John Groen, expressing concern about solicitations for commercial use of the property on August 4, 2004, after Mr. Groen's letter was sent to the county. Mr. Peoples indicates that non-commercial events are permitted on the premises to the extent that they are consistent with residential type frequency, and notes that Mr. Thompson's August 8, 2004, appearance on Channel 6 television, in which he offered free weddings at the Viewpoint Inn was not consistent with residential use. Mr. Peoples urges Mr. Thompson to enter into a voluntary compliance agreement to cease solicitation for commercial use or large gatherings inconsistent with residential use, because Mr. Thompson is, at that time, in violation of county code requirements.

On March 22, 2005, Mr. Grimmatt sent an Order to Comply to Mr. Thompson and Mr. Simone, which outlines a number of commercial activities which are alleged to have occurred on the subject property in violation of county code, as well as other gatherings in excess of what would be typical for a residential property.

On March 25, 2005, Mr. Groen sent a letter to Mr. Grimmatt, which he asserts to be: "a further statement of voluntary compliance with the Order to Comply." He then goes on, however, to refute each of the allegations made in the Order to Comply but states that Mr. Thompson will not host any further charitable events or private free weddings to avoid any risk of receiving a Notice of Violation.

On April 5, 2005, Mr. Grimmatt sent a letter to Mr. Groen outlining the specific terms of the Order to Comply with which Mr. Thompson has agreed to voluntarily comply. It also makes clear that Mr. Thompson can utilize his residence consistent with reasonable expectations of a single-family dwelling in a residential setting.

On December 13, 2005, Mr. Groen sent a letter to Mr. Peoples and Derrick Tokos, Principal Planner for the county, asserting that the adoption of an amendment to the NSA Management plan establishing a gorge-wide policy for preservation of historic buildings is a significant change from the status quo, and that his client, Mr. Thompson should be able to take some preliminary steps in preparation for opening the Viewpoint Inn. Mr. Groen seeks an informal understanding about the scope of the preparatory work his client can undertake in advance of a land use permit. He specifically asks if Mr. Thompson can accept conditional reservations and do some advance advertising, among other enumerated tasks.

On December 22, 2005, Mr. Peoples wrote a letter to Mr. Groen setting forth the county's position on what preliminary steps Mr. Thompson could undertake while remaining compliant with the county land use code. Both parties acknowledge that the Management Plan amendments were not final and that the county would still have to adopt implementing code provisions. Mr. Peoples specifically outlines a number of preparatory tasks, identified by Mr. Groen, that Mr. Thompson could undertake in preparation for submitting a land use application. However, Mr. Peoples expressly states that "'conditionally' soliciting for lodging or the restaurant use prior to actual [land] use approval supports an unpermitted use and is therefore prohibited until the appropriate land use permit is obtained." He also notes that soliciting money deposits would "clearly [be] a commercial activity supporting a specific land use."

On December 23, 2005, Mr. Groen sent a letter to Mr. Peoples and Mr. Tokos, asserting that he finds no support for their interpretation that the county code prohibits his clients from accepting conditional reservations for use of the Viewpoint Inn until it obtains its land use permits. Mr. Groen uses Mr. Peoples' statement in the December 22nd letter about recognizing "that advanced business planning is an essential component of a sound business venture," to argue that "these activities [including advertising and accepting deposits] all 'support' the future commercial use."³ He asserts that a conditional reservation is not a "use" of property which is prohibited under MCC 38.0010,⁴ except as approved in Chapter 38 and claims that there is "no legitimate purpose that is advanced by precluding people from making such conditional reservations."

On January 25, 2006, Mr. Peoples sent Mr. Groen a letter acknowledging his interpretative disagreement, pointing out that the county's position is consistent with prior correspondence sent to him and with advice given to other property owners on the issue. Mr. Peoples informs Mr. Groen that he has an option to seek a Planning Director's interpretation as set out in MCC 38.0740, which is appealable to a Hearings Officer, and provides an application for such an interpretation.

On February 10, 2006, Michael Grimmett, the county's Code Compliance Specialist, sent a letter to Mr. Groen, explaining the county's legal position regarding advertising for commercial activities for which permits have not been secured. The letter also informed Mr. Groen of a process to obtain the Planning Director's interpretation on the advertising issue, which could be appealed to a Hearings Officer.

³ It is important to note that Mr. Peoples' comment was very limited in scope. The context of the statement is: "Finally, the county has no issue with Mr. Thompson fostering business contacts with potential hotel/restaurant purveyors. *It is recognized that advanced business planning is an essential component of a sound business venture.* As mentioned above, it would be prudent to engage the State Historical Preservation Office to ensure any business plan involving exterior/interior/kitchen facility remodeling is compliant with relevant regulations." (Emphasis added.)

⁴ The county asserts in its correspondence that the owners are in violation of MCC 38.2015 and Mr. Groen uses the reference of MCC 38.0010. MCC 38.0010 applies to all lands in the NSA and provides: "No Land shall be used ... in the Columbia River Gorge National Scenic Area except for the uses listed in MCC 38.1000 through 38.3295; when considered under the applicable approval provisions of this Chapter." MCC 38.2015 applies to forest lands in the NSA and provides: "No ... land shall be used ... in this district except for the uses listed in MCC 38.2015 through 38.2030." The Viewpoint Inn is located in Gorge General Forestry - 40 zone. For this analysis, the provisions are the same.

On February 17, 2006, Mr. Groen sent a letter to Mr. Grimmatt in which he disagrees that taking advance reservations for 2007 which are conditioned upon having all permits in place, is a prohibited "use" under the county code. He goes on, however, to assure Mr. Grimmatt that "my clients will continue to decline attempts by people to conditionally reserve dates in 2007."

On February 28, 2006, Mr. Grimmatt sent a letter to Mr. Groen that confirms Mr. Groen's representations that his clients would continue to decline reservations even on a conditional basis, they would pull the web site information and would not advertise. Mr. Grimmatt's letter sought further assurances that Mr. Groen's clients would not accept deposits for use of the property for commercial activities. Mr. Grimmatt then lists a number of examples of advertisements he has found for the Viewpoint Inn. He makes a final request for voluntary compliance related to the unpermitted commercial use of the property.

On March 9, 2006, Mr. Groen sent a letter to Mr. Grimmatt, pointing out that his February 17, 2006, letter indicated that his clients would decline reservations and clarifies that "by not accepting reservations, this necessarily means that advance deposits will also not be accepted by my clients." Mr. Groen explains in his letter that his clients have done all they can to remove advertisements from the world wide web but ad removal from web archives is beyond their control.

On July 27, 2006, Karen Schilling, Multnomah County Planning Director, sent a memorandum to Mr. Thompson and Mr. Simone explaining that even though the Historic Properties amendment to the NSA Management Plan requires that the county allow the re-establishment of the restaurant and inn use for the Viewpoint Inn, it also requires that conditional use approval criteria be met. Ms. Schilling explains it is in the conditional use process that a determination will be made as to whether or not the scale of the use proposed compromises the historic integrity of the structure, is suitable considering the available parking, has adequate provisions for sewage, won't create traffic hazards and applies other applicable standards. Ms. Schilling further explains that until the county determines that the proposed use can meet all of the criteria at a specific proposed scale "it would be inappropriate to advertise."

On August 3, 2006, Mr. Thompson faxed to Rob Fussell, Chief of Staff for Multnomah County Chair, Diane Linn, a memo dated July 24, 2006, that Mr. Thompson had received from his attorney, Mr. Groen. It is a legal opinion by Mr. Groen related to the acceptance of "courtesy hold deposits" for commercial gatherings at the Viewpoint Inn during the pendency of the land use permit application submitted to the county's land use planning division. The memo opines that MCC 38.0010⁵ prohibits "uses" unless approved and the definition of "use" contemplates some action other than a courtesy hold that does not "actually involve[e] using the property at this time." Mr. Groen points to a prior letter from the County in which it was stated that: "it is recognized that advanced business planning is an essential component of a sound business venture." He then argues that advance advertising and marketing in anticipation of opening a restaurant and hotel is a component of a sound business venture. Mr. Groen asserts that it is unfair and contrary to the purposes of the National Scenic Act for the county to block Mr. Thompson from engaging in preliminary steps that will ensure his enterprise will be

⁵ See footnote 3.

successful. He identifies accepting courtesy holds and placing advertisements in annual publications as being included in those preliminary steps.

On August 10, 2006, Angelo Simione appeared before the Board of County Commissioners and read a statement that he prepared and submitted related to advertising and "courtesy holds" for the Viewpoint Inn. Mr. Simione's position is that the conditional use permit approval is mandatory because the county code states: "The View Point Inn SHALL become an Inn and restaurant and the County *must* allow it, *regardless* of "scale" or anything else." (Emphasis in the original.) He urges the Board to instruct the legal department to accept a hold harmless document "rendering the County not liable, and allow the View Point Inn to advertise and accept 'conditional' courtesy holds, not reservations."

On August 10, 2006, Derrick Tokos sent a letter to Mr. Thompson acknowledging receipt of the opinion memo written by Mr. Groen, that he had faxed to Mr. Fussell. It indicates that the Chair's Office has asked land use planning and the County Attorney's Office to review the document and prepare a response. This memorandum will be the response that was requested.

On August 13, 2006, Mr. Thompson and Mr. Simione sent a fax to the Board of County Commissioners which reminded them that they had appeared at the previous Board meeting seeking "intervention in dealing with your land use planning department and County attorney Sandra Duffy We have received numerous responses of varying degrees of NO repeatedly from those players. It is precisely why we came before you Chair Linn and Commissioners. To intervene and request your staff interpret the current existing government law that would allow us to advertise and prepare for business." (Emphasis in the original.) They stress that since the county code now requires that Viewpoint Inn be allowed to be a restaurant and hotel, it is unique from any other business in Multnomah County which does not have a specific code provision mandating that it be approved. The owners argue that that unique situation "can allow the View Point Inn to advertise and prepare for business because, by your law, the View Point Inn is guaranteed to be a hotel and restaurant. Wal Mart is not!"

On August 14, 2006, Mr. Thompson and Mr. Simione faxed a handwritten note to Mr. Tokos and Ms. Schilling asking them to take into consideration the testimony to the Board that they provided on August 10th and the fax to the Board on August 13th, 2006.

(3) Legal Analysis:

(a) The Planning Director interpreted the term "use" consistent with county codes and the NSA rural area plan, as well as with the NSA Management Plan.

Multnomah County Code Chapter 38.0000 *et seq* regulates land uses in the Columbia River Gorge National Scenic Area Districts in Multnomah County. MCC 38.0010⁶ provides that:

⁶ See footnote 3.

“No building, structure or land shall be used ... in the Columbia River Gorge National Scenic Area except for the uses listed in MCC 38.1000 through 38.3295: when considered under the applicable approval provisions of this Chapter.”

The question is whether advertising or soliciting and accepting reservations and deposits (conditional or unconditional), is a “use” of land which must be approved under the applicable criteria.

MCC 38.0015 defines “Commercial development/use” as follows:

“Any facility or use of land or water whose function is primarily retail buying or selling of goods or services or both

The Viewpoint Inn is the facility and the land that is the subject matter of the “courtesy holds” and the refundable deposits. These are activities taken in furtherance of the sale of retail goods and services at Viewpoint Inn. It is commercial activity for a commercial use that has not yet been approved or issued a land use permit.

MCC 38.0740 delegates to the county Planning Director the authority to decide all questions of interpretation of any provision of the Management Plan for the Columbia River Gorge National Scenic Area, rural area plan, or other land use code. The Planning Director is required to consider the applicable provisions of the Management Plan, the rural area plan, and the purpose and intent of the ordinance adopting the particular code section in question, when making an interpretation. Further, the Planning Director is required:

“...to apply the land use code in a *uniform* manner and interpret the code and the Management Plan in a way that is *consistent* with how the language is applied throughout the National Scenic Area, except when the County has adopted more restrictive provisions.” MCC 38.0740(A). (Emphasis added.)

The county’s interpretation of “use” is consistent with county code provisions, the NSA rural area plan, and the Management Plan. The county coordinated with the Director of the Columbia River Gorge Commission when it interpreted the term “use” in the relevant portions of the county’s code for Viewpoint Inn. The county’s interpretation of what constitutes a commercial use is consistent with the Gorge Commission’s stance on the issue.

(b) Dictionary definition supports Planning Director interpretation of term “use.”

Mr. Groen’s legal opinion relies on one of the definitions of the term “use” found in Webster’s New Collegiate Dictionary. He points out the verb form of “use,” which is defined as: “to put into action or service.” From this he concludes that a “courtesy hold” with a refundable deposit “should not be objectionable,” because “it does not actually involving (sic) using the property at this time. Accordingly, the Inn is not put into action or service.”

On the other hand, Black's Law Dictionary includes a noun form of the term "use" which is defined as: "A benefit or profit, esp. the right to take profits from the land ..."⁷ Certainly advertising and soliciting for business that results in reservations and deposits confers a benefit or potential profit associated with the Viewpoint Inn, and are, therefore, in and of themselves, a "use."

(c) The Planning Director's interpretation is consistent with the legislative purposes statement of MCC 38.0000 which was acknowledged by the Gorge Commission.

Mr. Groen also sets out what he believes is the purpose of MCC 38.0010: to make sure that scenic, cultural, recreational and natural resources are protected. He then explains that: "Actually using property without approval can adversely impact these resources. But accepting a courtesy hold involves nothing more than receiving a call, perhaps even on a cell phone. This does not threaten the resources associated with the National Scenic Area Act." In Mr. Groen's opinion, this means that "courtesy holds" and acceptance of refundable deposits should not be objectionable.

However, the purposes of MCC 38.0010, and all other provisions of MCC 38.0000 *et seq.*, are set out in MCC 38.0000, which provides:

"The purposes of the Columbia River Gorge National Scenic Area Districts are to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge, and to protect and support the economy of the Columbia River Gorge by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that protects and enhances the scenic, cultural, recreations, and natural resources of the Gorge."

This is a statement that there is a policy preference for economic development in the "existing urban areas" of the NSA and that future economic development in the other areas of the NSA is secondary to protection of the Gorge resources. Viewpoint Inn is in a forest zone, not an existing urban area.

Mr. Groen cannot guarantee that no harm could ever come to the National Scenic Area resources on account of advertising, taking reservations and accepting deposits prior to the issuance of a conditional use permit to the Viewpoint Inn. For example, if reservations are taken for a 150 person wedding and the conditions of approval of the future conditional use permit will not allow an event of that scale, there would certainly be an incentive to "make it work" anyhow and the county could be faced with an after-the-fact enforcement action based on complaints from neighbors. The resources protections built into the conditional use permit will have been violated. The harm will have already occurred.

(d) An application for a formal Planning Director interpretation is the proper procedure to challenge a zoning code interpretation by a planner.

⁷ Black's Law Dictionary, Seventh Edition, West Group, St. Paul, Minn., 1999.

The proper procedure to challenge the county's interpretation is for a property owner to submit an application for a formal Planning Director's interpretation as set out in MCC 38.0740. This option has been offered to Mr. Thompson and Mr. Simione on multiple occasions. The Planning Director's interpretation can be appealed to a Hearings Officer, and then to the Columbia River Gorge Commission.

(e) The county consulted with the Gorge Commission staff for the county's interpretation and the Court of Appeals would likely give deference to an interpretation by the Gorge Commission of its Management Plan and the county's code which it has acknowledged is compliant with its Management Plan.

The Land Use Planning Division has been consistent in its interpretation of "use" to include these marketing activities, both in this specific matter and in other land use matters in which this issue has occurred. These interpretations have been developed in consultation with the Gorge Commission staff. It would be a change in interpretation to determine that "courtesy holds" and refundable deposits for a non-permitted commercial use were not included in the term "use" and may be allowed without a permit.

Assuming that a Planning Director's interpretation would be consistent with historical and present informal interpretation of the term "use" as set out above, it would likely be affirmed on an appeal to the Gorge Commission. If the Gorge Commission affirms the county's interpretation of "use" to include advertising, taking reservations and accepting deposits, that decision by a body charged with legislating and interpreting legislation related to the Columbia River Gorge NSA Management Plan is likely to be given deference by an appellate court. *Simplot Company v. Department of Agriculture*, 340 Or188, 131 P.3d 162 (2006); *Springfield Education Assn. v. School Dist.* 290 Or 217, 621 P.2d 547 (1980).

(f) A Hold Harmless Agreement will not protect the county from violations of law.

In their testimony of August 10, and written communications of August 13th and 14th, Mr. Thompson and Mr. Simione suggest that a Hold Harmless Agreement should be a "legal solution" and solve any liability issues that may concern the county if it allows Viewpoint Inn to accept "courtesy holds" and refundable deposits.

While I am uncertain about the source or nature of the liability concerns referred to by Mr. Thompson and Mr. Simione,⁸ the actions of the Viewpoint Inn are being scrutinized by concerned neighbors and by the Friends of the Columbia Gorge. The county will have to defend any actions it takes which trigger appeals or lawsuits. A Hold Harmless Agreement provides for the defense of a case if one is sued, and payment of any judgment awarded against a party. I would not recommend turning over defense of cases against the county to Viewpoint Inn, and monetary judgments are not the point of such legal actions.

⁸ In his August 10, 2006, letter to the Commissioners, Angelo Simione states: "It is this *possibility* of *liability* that Ms. Duffy bases her entire *legal* reasoning on as to why advertising should not be allowed." (Emphasis supplied in the original.)

(4) Conclusion:

MCC 38.2015 prohibits any uses in the NSA except as allowed in Chapter 38. The zoning district does not allow, even with the Management Plan amendments relating to historic properties, any form of non-permitted commercial activity. The County interprets solicitation for commercial activities, acceptance of reservations for commercial activities, and acceptance of deposits for commercial activities as commercial activities and a violation of MCC 38.2015. The County is obligated under the NSA Management Plan and its code to be consistent in its interpretations unless the county has adopted more restrictive rules (MCC38.0740). This interpretation is consistent with the Gorge Commission staff's stance on the issue.



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-1 DATE 09.07.06
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 09/07/06
Agenda Item #: R-1
Est. Start Time: 9:30 AM
Date Submitted: 08/14/06

BUDGET MODIFICATION: HD - 04

Agenda Title: Budget Modification HD-04 Appropriating \$82,609 in Additional Revenue for the Health Departments Regional Emergency Preparedness Program

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

Date Requested:	<u>September 7, 2006</u>	Time Requested:	<u>2 mins</u>
Department:	<u>Health Dept.</u>	Division:	<u>Director's Office</u>
Contact(s):	<u>Kathryn Richer, Christine Bernsten</u>		
Phone:	<u>(503) 988-3674</u>	Ext.	<u>24223</u>
		I/O Address:	<u>160/8</u>
Presenter(s):	<u>Kathryn Richer</u>		

General Information

1. What action are you requesting from the Board?

Approval for appropriation of \$82,609 in carryover grant funding from the Oregon Association of Hospitals and Health Systems, and approval of a 3 month extension on the Intergovernmental Agreement with the State of Oregon. If approved, the additional funds will fund ongoing operations, the addition of 0.06 FTE Research/Evaluation Supervisor and the re-classifications of 1.8 FTE Health Services Specialist to Program Manager 1 which was already reviewed and approved by Class Comp in FY06.

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

Oregon is divided into seven regions for purposes of hospital/health system preparedness for emergencies. Each Region is required to have a "Regional Lead Agency" (RLA) to coordinate and provide staff support for hospital/health system preparedness activities. Multnomah County is part of Region 1 which also includes Clackamas, Washington, Columbia, Clatsop, and Tillamook counties. Multnomah County Health Department currently acts as RLA for Region 1.

The original IGA with the state in 2004 represented a formalization of the Health Department's

leadership and support for regional health preparedness that has been ongoing since the Fall of 2001. This effort has involved all hospitals in the region, medical providers, and other health system representatives. It has resulted in an effective voluntary public/private partnership – the NW Oregon Health Preparedness Organization (HPO). Both public and private participants have expressed a high degree of satisfaction with this arrangement, and have requested that it be continued.

Under the proposed IGA extension, the Health Department will continue to employ staff to support and coordinate the ongoing planning effort. Staff will continue to receive broad policy and program direction from the HPO Steering Committee, and will receive day-to-day supervision from the County Health Officer. Through the HSA/HSS Class/Comp study conducted by the Health Department, the two HSS positions in this program were reclassified as Program Manager 1 positions.

In December 2005, the Multnomah County Board of Commissioners approved a grant from the Oregon Association of Hospitals and Health Systems to fund three projects: 1) conduct a study to assess the ability of Region 1's ambulatory health care system to accommodate a potential surge in demand caused by a large-scale public health emergency; 2) provide planning and implementation for Medical Care Points (field triage, evaluation and treatment operations); 3) identify systems for communicating with culturally specific populations in an emergency.

Under the proposed revenue extensions, the Health Department will continue to support and coordinate the ongoing projects.

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

Approval of bud mod will increase the Health Departments Regional Emergency Preparedness budget by \$82,609 and increase total FTE by 0.06.

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

This activity represents a continuation of the County's ongoing work to develop a coordinated public/private health response to bioterrorism and other public health emergencies. No significant legal issues are anticipated.

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

The requested/recommended approach represents the consensus of key public and private parties in local health emergency preparedness. The approach has been specifically approved by the Directors of the Health departments of Clackamas and Washington Counties and the HPO Steering Committee.

ATTACHMENT A

Budget Modification

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

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

The Health Departments Federal State revenue budget will increase by \$82,609 in FY07.
- **What budgets are increased/decreased?**

The Health Departments Regional Emergency Preparedness FY07 federal state budget will increase by \$82,609
- **What do the changes accomplish?**

Enable the Regional Emergency Preparedness Program to continue its ongoing coordinating planning efforts throughout the region.
- **Do any personnel actions result from this budget modification? Explain.**

Reclassify 1.8 Health Services Specialist positions to Program Manager 1 positions and add .06 Research/Evaluation Supervisor.
- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**

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

Functions will be ongoing and IGA's are expected to be renewed
- **If a grant, what period does the grant cover?**
 - 1) Grant funding from the Oregon Association of Hospitals and Health Systems: September 1, 2005 through November 30, 2006.
 - 2) Intergovernmental agreement with the State of Oregon: August 15, 2004 through November 30, 2006.
- **If a grant, when the grant expires, what are funding plans?**
 - 1) Additional funding from the Oregon Association of Hospitals and Health Systems is possible but unknown at this time.
 - 2) The State will issue a new IGA for the time period December 1, 2006 through August 30, 2007. The State requested the IGA extension to increase their processing time to make necessary adjustments.

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

ATTACHMENT B

BUDGET MODIFICATION: HD - 04

Required Signatures

**Department/
Agency Director:**



Date: 08/08/06

Budget Analyst:



Date: 08/14/06

Department HR:



Date: 08/08/06

Countywide HR:

Date: _____

Budget Modification ID: **HD-07-04****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2007

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
1	40-20	32180	30			4CA73-01-1	50195	(48,696)	(48,696)		OAHHS Grant - Assessment	
2	40-20	32180	30			4CA73-01-1	60000	15,154	15,154			
3	40-20	32180	30			4CA73-01-1	60130	4,807	4,807			
4	40-20	32180	30			4CA73-01-1	60140	974	974			
5	40-20	32180	30			4CA73-01-1	60140	370	370			
6	40-20	32180	30			4CA73-01-1	60170	14,062	14,062			
7	40-20	32180	30			4CA73-01-1	60230	265	265			
8	40-20	32180	30			4CA73-01-1	60240	1,179	1,179			
9	40-20	32180	30			4CA73-01-1	60240	354	354			
10	40-20	32180	30			4CA73-01-1	60250	766	766			
11	40-20	32180	30			4CA73-01-1	60260	2,829	2,829			
12	40-20	32180	30			4CA73-01-1	60270	55	55			
13	40-20	32180	30			4CA73-01-1	60270	177	177			
14	40-20	32180	30			4CA73-01-1	60350	904	904			
15	40-20	32180	30			4CA73-01-1	60355	5,031	5,031			
16	40-20	32180	30			4CA73-01-1	60370	1,191	1,191			
17	40-20	32180	30			4CA73-01-1	60380	491	491			
18	40-20	32180	30			4CA73-01-1	60460	88	88			
19								0				
20	40-20	32180	30			4CA73-01-2	50195	(15,000)	(15,000)		OAHHS Grant - Medical Care Point	
21	40-20	32180	30			4CA73-01-2	60000	4,668	4,668			
22	40-20	32180	30			4CA73-01-2	60130	1,481	1,481			
23	40-20	32180	30			4CA73-01-2	60140	300	300			
24	40-20	32180	30			4CA73-01-2	60140	114	114			
25	40-20	32180	30			4CA73-01-2	60170	4,332	4,332			
26	40-20	32180	30			4CA73-01-2	60230	82	82			
27	40-20	32180	30			4CA73-01-2	60240	363	363			
28	40-20	32180	30			4CA73-01-2	60240	109	109			
29	40-20	32180	30			4CA73-01-2	60250	236	236			
									(3,316)	0	Total - Page 1	

Budget Modification ID: **HD-07-04****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2007

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
30	40-20	32180	30			4CA73-01-2	60260	872	872			
31	40-20	32180	30			4CA73-01-2	60270	17	17			
32	40-20	32180	30			4CA73-01-2	60270	54	54			
33	40-20	32180	30			4CA73-01-2	60350	279	279			
34	40-20	32180	30			4CA73-01-2	60355	1,550	1,550			
35	40-20	32180	30			4CA73-01-2	60370	367	367			
36	40-20	32180	30			4CA73-01-2	60380	151	151			
37	40-20	32180	30			4CA73-01-2	60460	27	27			
38								0				
39	40-20	32180	30			4CA73-01-3	50195	(18,913)	(18,913)		OAHHS Grant - Culturally Specific Populations	
40	40-20	32180	30			4CA73-01-3	60000	5,886	5,886			
41	40-20	32180	30			4CA73-01-3	60130	1,867	1,867			
42	40-20	32180	30			4CA73-01-3	60140	378	378			
43	40-20	32180	30			4CA73-01-3	60140	144	144			
44	40-20	32180	30			4CA73-01-3	60170	5,462	5,462			
45	40-20	32180	30			4CA73-01-3	60230	103	103			
46	40-20	32180	30			4CA73-01-3	60240	458	458			
47	40-20	32180	30			4CA73-01-3	60240	137	137			
48	40-20	32180	30			4CA73-01-3	60250	298	298			
49	40-20	32180	30			4CA73-01-3	60260	1,099	1,099			
50	40-20	32180	30			4CA73-01-3	60270	21	21			
51	40-20	32180	30			4CA73-01-3	60270	69	69			
52	40-20	32180	30			4CA73-01-3	60350	351	351			
53	40-20	32180	30			4CA73-01-3	60355	1,954	1,954			
54	40-20	32180	30			4CA73-01-3	60370	462	462			
55	40-20	32180	30			4CA73-01-3	60380	191	191			
56	40-20	32180	30			4CA73-01-3	60460	34	34			
57								0				
58								0				
									3,316	0	Total - Page 2	

Budget Modification ID: HD-07-04

EXPENDITURES & REVENUES

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

Budget/Fiscal Year: 2007

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
59								0				
60	19	1000	0020		9.5E+09		50310	(1,534)	(1,534)			Central Indirect
61	19	1000	0020		9.5E+09		60470	1,534	1,534			Central Indirect
62								0				
63	40-90	1000			409001		50370	(8,534)	(8,534)			Dept Indirect
64	40-90	1000			409001		60000	8,534	8,534			Dept Indirect
65								0				
66	72-10	3500	0020		705210		50316	(2,279)	(2,279)			Insurance
67	72-10	3500	0020		705210		60330	2,279	2,279			Insurance
68								0				
69								0				
70								0				
71								0				
72								0				
73								0				
74								0				
75								0				
76								0				
77								0				
78								0				
79								0				
80								0				
81								0				
82								0				
83								0				
84								0				
85								0				
86								0				
87								0				
									0		0	Total - Page 3
									0		0	GRAND TOTAL



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 09/07/06
 Agenda Item #: R-2
 Est. Start Time: 9:35 AM
 Date Submitted: 08/15/06

BUDGET MODIFICATION: -

Agenda Title: **Intergovernmental Expenditure Agreement 4600006301 with the City of Portland
 Relating to the Sellwood Bridge Rehabilitation or Replacement Project**

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

Date Requested:	<u>September 7, 2006</u>	Time Requested:	<u>5 minutes</u>
Department:	<u>Community Services</u>	Division:	<u>Land Use & Transportation</u>
Contact(s):	<u>Michael Eaton, Project Manager</u>		
Phone:	<u>(503) 988-3757</u>	Ext.	<u>247</u>
Presenter(s):	<u>Ian Cannon</u>		
I/O Address:	<u>446</u>		

General Information

1. What action are you requesting from the Board?

Approval of an Intergovernmental Agreement with the City of Portland for traffic studies in support of the Sellwood Bridge Rehabilitation or Replacement Project.

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

The Sellwood Bridge is deteriorated after approximately 80 years of service. The bridge has a sufficiency rating of 2 out of 100, and vehicle weights are limited to 10 tons maximum. TriMet buses and most trucks are excluded from using the bridge. Approximately 30,000 vehicles cross the narrow two lane bridge each day.

Multnomah County has initiated a planning and design process for either a major rehabilitation or replacment of the bridge. The proposed Intergovernmental Agreement between the City of Portland and the County will allow the City to provide technical expertise in traffic modeling necessary to the required planning.

The scope of work to be provided by the City of Portland Office of Transportation Planning is as follows:

- 1) A forecast of travel demand conditions for the Sellwood Bridge, its approaches, and its nearby neighborhoods. A variety of scenarios may be investigated including bridge replacement, rehabilitation, and/or a no-build alternative.
- 2) Up to four future alternatives.
- 3) Traffic models which will show auto traffic models at peak hours, level-of-service at intersections, and key origin-destination data.
- 4) The City will also assist the County in its Public Involvement effort and will be involved as a member of the Project Management Team.

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

The Intergovernmental Agreement is for an amount not exceed \$100,000. These funds are 100% reimbursible from state and federal funds dedicated to the Sellwood Bridge Rehabilitation or Replacement project.

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

N/A

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

The project has an extensive public involvement process which will extend over the next two years. It began with an outreach program that contacted 100 civic organizations: neighborhood associations; business associations; bike, pedestrian, and transit interest groups; freight and commuter advocacy groups; and environmental groups. Representatives from the Multnomah County Bridge Section spoke at meetings of 35 of these groups as well as at open houses. After giving a presentation about the project process, the public was asked to describe their issues and concerns and were also asked to recommend volunteers to participate on a Community Task Force to provide input into the planning process.

The County has authorized a Community Task Force, and it has met twice. Open houses with the public will happen in conjunction with every major decision point. There will be extensive cooperation with the City of Portland, Oregon Department of Transportation, FHWA, TriMet, Clackamas County, and Metro. In addition, numerous regulatory agencies will be involved with the project, including National Marine Fisheries Service, Army Corps of Engineers, U. S. Fish and Wildlife, United States Coast Guard, Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality, Oregon Department of State Lands.

Required Signatures

**Department/
Agency Director:**



Date: 08/10/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

MULTNOMAH COUNTY CONTRACT APPROVAL FORM (CAF)

Contract #: 4600006301

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

Amendment #: _____

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

Department: Community Services Division/ Program: Land Use and Trans Program Date: 08/09/06
 Originator: Michael Eaton Phone: (504) 988-3757 x247 Bldg/Room: 446/Bridge Shop
 Contact: Cathy Kramer Phone: (503) 988-5050 x22589 Bldg/Room: 455/Annex

Description of Contract: Intergovernmental Agreement (IGA) with the City of Portland Office of Transportation Planning to enable the County and City to establish and accomplish tasks required to meet National Environmental Policy Act (NEPA) requirements in the planning and public involvement process of the Sellwood Bridge Rehab/Replacement Project.

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

Contractor	City of Portland Office of Transportation Planning	Remittance address (if different)	
Address	1120 SW Fifth Ave., Suite 800	Payment Schedule / Terms:	
City/State	Portland OR	<input type="checkbox"/> Lump Sum \$ _____	<input type="checkbox"/> Due on Receipt
ZIP Code	97214	<input checked="" type="checkbox"/> Monthly \$ _____	<input type="checkbox"/> Per Invoice
Phone	(503) 823-7707/Fax: (503) 823-7609 (John Gillam)	<input type="checkbox"/> Other \$ _____	<input type="checkbox"/> Net 30
Employer ID# or SS#	N/A	<input type="checkbox"/> Price Agreement (PA) or Requirements Funding Info:	
Contract Effective Date	06/09/2006	Term Date	06/30/2008
Amendment Effect Date		New Term Date	
Original Contract Amount	\$ _____	Original PA/Requirements Amount	\$ _____
Total Amt of Previous Amendments	\$ _____	Total Amt of Previous Amendments	\$ _____
Amount of Amendment	\$ _____	Amount of Amendment	\$ _____
Total Amount of Agreement	\$ NOT TO EXCEED \$100,000	Total PA/Requirements Amount	\$ _____

REQUIRED SIGNATURES:

Department Manager <u><i>Deborah L. Bogstad</i></u>	DATE <u>8/10/06</u>
County Attorney _____	DATE <u>8/16/06</u>
CPCA Manager _____	DATE _____
County Chair <u><i>Chris May</i></u>	DATE <u>09/07/06</u>
Sheriff _____	DATE _____
Contract Administration _____	DATE _____

COMMENTS: (WBS: 6700RT1015P600) APPROVED: MULTNOMAH COUNTY BOARD OF COMMISSIONERS



IGA Contract

Vendor Address

PORTLAND CITY OF OFFICE OF
TRANSPORTATION
106/800

Information

Contract Number 4600006301
Date 08/10/2006
Vendor No. 28777
Contact/Phone BCS Bridges /
503-988-3757
Validity Period: 06/09/2006 - 06/30/2008
Minority Indicator: Not Identified

Estimated Target Value: 100,000.00 USD

Item	Material/Description	Target Qty	UM	Unit Price
0001	<p>IGA with Portland re: Sellwood Br NEPA</p> <p>Plant: F030 Community Service Requirements Tracking Number: 999 <i>Intergovernmental Agreement with the City of Portland Office of Transportation Planning to establish City & County planning and public involvement tasks required under National Environmental Policy Act (NEPA) rules in connection with the proposed Sellwood Bridge Rehabilitation or Replacement Project.</i> Effective Dates: 06/09/06 - 06/30/08 Project Manager: Michael Eaton-Bridge Section/(503) 988-3757 x247 (Admin Contact: Cathey Kramer-Yeon (503) 988-5050 x22589). (WBS: 6700RT1015P600)</p>	100,000.000	Dollars	\$ 1.0000

INTERGOVERNMENTAL AGREEMENT

Contract No. 460006301

This is an Agreement between City of Portland (City) and Multnomah County (County). This IGA is made pursuant to authority granted in ORS Chapter 190.

I. RECITALS:

- A. The purpose of this agreement is to establish the City's and the County's tasks necessary to conduct a planning and public involvement process required under the National Environmental Policy Act (NEPA) rules with respect to the proposed Sellwood Bridge rehabilitation or replacement project.
- B. This public process shall examine the possibilities of replacing or rehabilitating the Sellwood Bridge, which previous engineering studies have indicated needs significant repair/replacement; and includes amongst other tasks "Public Outreach" meetings to explain the Project and receive public comment and concerns.
- C. In the furtherance of this public involvement process, the County has empanelled a volunteer Community Task Force (CTF) comprised of individuals and representatives of entities impacted by the Sellwood Bridge Project.
- D. Through the execution of this Agreement, both the City and County agree to participate in the "Project Management Team" (PMT) to oversee and manage the Sellwood Bridge NEPA Process; it is contemplated at this time the PMT is to be comprised of representatives of the County, the City of Portland, Metro, and the County's engineering consultants.
- E. The City and County now desire to reduce to writing their cooperative roles in the NEPA Process for the Sellwood Bridge Project.

II. THE PARTIES AGREE AS FOLLOWS:

- A. **TERM.** The term of this agreement shall be from June 9, 2006 to June 30, 2008.
- B. **RESPONSIBILITIES OF CITY.** The City agrees to:
 - 1. Designate a Project Manager for the Sellwood Bridge Project. The Project Manager shall provide briefings of current project progress to the elected officials and to the management of all appropriate City bureaus and will provide written notice to County (updated as necessary) identifying the persons briefed under this Section.
 - 2. City's Project Manager and appropriate City staff (as approved by County) shall actively participate in meetings of the CTF and the PMT for the Project. City staff participating in the CTF and the PMT shall be prepared to respond to all inquiries regarding the areas of city responsibility and authority relating to the Project. City staff participating in the CTF and PMT shall also promptly advise City management of the current status of the NEPA process and identify and promptly report to the CTF and PMT any potential conflicts or issues of concern perceived by the City with respect to the Project.

3. City's Project Manager and appropriate City staff shall actively participate in Public Outreach meetings as requested by the County. City personnel participating in the Public Outreach meetings shall be prepared to respond to all inquiries from the public regarding City policies and regulations as they pertain to the on-going NEPA process for the Project.
4. The City's Project Manager shall organize and manage an in-house technical advisory committee ("City TAC") comprised of staff from appropriate City bureaus. The City shall advise the County of each City bureau participating in the City TAC. The functions of the City TAC are to review and comment on project alternatives and recommendations that may affect City Bureau policies and responsibilities, to provide on-going project status and updates within the City's management structure, and to provide the County with status of City efforts relating to the NEPA process. When there are materials requiring City review, the review period shall be two (2) weeks unless otherwise specified by cover letter. The City Project Manager shall coordinate and provide to the County the City TAC's review comments. The City TAC shall meet as necessary.
5. City personnel participating in the Public Outreach meetings shall collect and report citizen comments and concerns made known at those meetings and report such comments and concerns to the City TAC as appropriate.
6. Prepare an in depth Transportation Analysis, specifically including the following:
 - a. A forecast of travel demand conditions using computer modeling; for the Sellwood Bridge, its approaches, and its nearby neighborhoods. A variety of scenarios may be investigated to support the screening of alternatives during the NEPA process, including replacement, rehabilitation and/or no-build alternatives; alignment alternatives; approach alternatives; and construction phasing and detour alternatives. City shall be prepared to respond as directed by the County with respect to any of the various alternatives proposed for analysis herein, up to four alternatives with minor refinements.
 - b. A detailed macro-level auto model of the project area, using Metro's base model data for the years 2005 and 2030.
 - c. A subdivision of Metro's traffic analysis zones to a finer level of detail as directed by the County to suit project needs.
 - d. A completed model calibration for project sub-area comparing model assignments against traffic counts.
 - e. A completed model of the 2005 and 2030 no-build base for the AM and PM 2-hour periods.
 - f. As directed by the County, a model for future (year 2030) alternatives for the AM and PM 2-hour periods.
 - g. The following data for all base and alternative models: 1) AM/PM auto traffic link volumes, 2) assigned turning volumes at a few selected key intersections with LOS evaluations, and 3) select link volumes and its origin-destination information.
 - h. The City shall provide the completed computer model network to the County.
 - i. The City is not responsible for modeling tolling alternatives.

7. City shall assist, as requested by the County, the County's consultant and Metro traffic analysis team in interpreting and using City-provided traffic volume data in NEPA required traffic engineering and operations analyses.
8. Provide the following deliverables:
 - a. City shall provide Transportation Analysis documents by the delivery dates below on condition that the necessary data is provided to the City by the County.
 - b. City shall provide the completed computer model Base Network to the County by January 31, 2007.
 - c. Provide transmittal of data results for sections II.B.6 and II.B.7 above, no later than April 10, 2007.
 - d. Provide Draft Transportation Analysis Report summarizing the work detailed in sections II.B.6 and II.B.7 above, no later than April 30, 2007.
 - e. Provide Final Transportation Analysis Report due December 17, 2007.
 - f. All dates are contingent upon timely receipt of necessary information and specifications by the County.
9. Reimbursement under the following terms:
 - a. Total payments to the City will not exceed \$100,000.00 (including any expenses).
 - b. City shall bill County for the work as follows:
 - i. City shall submit invoices to County for actual work performed and authorized expenses incurred.
 - ii. Invoices must show the hours and dates worked, billing rates including overhead, and summarize the nature of work done. Expenses must be fully itemized. Only listed expenses will be reimbursed.

County will reimburse the City for the following expenses:

 - a) City's purchases of specialized reference material or informational material required to complete the deliverables under this agreement; with receipts.
 - b) The actual, reasonable costs incurred by the City for mailing; copying, or delivering: documents, electronic media, or similar records required for the performance of this Agreement, with receipts.
 - c) Travel and per diem costs incurred for required travel outside of the greater Portland metro area; reimbursement in accordance with County reimbursement rates and procedures.

iii. City must submit invoices no more than once per month to the County's Project Manager for approval by County.

iv. Invoices shall be submitted to the County not more than 90 days after the work is performed and the expense is incurred by the City.

C. RESPONSIBILITIES OF COUNTY

1. The County, as owner of the Sellwood Bridge, agrees to serve as the Project Manager for the implementation of the (NEPA) process designed to determine the potential impacts of rebuilding or rehabilitating the Sellwood Bridge and to find the consensus best alternative.
2. County will implement the NEPA process, be responsible for developing all required plans and specifications as required under the process, and any follow-on construction, as needed and determined by the planning process.
3. County will administer the Federal Highway funding for the project and will pay the City.

D. TERMINATION. This agreement may be terminated by either party upon 60 days' written notice.

E. INDEMNIFICATION. Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, County shall indemnify, defend, and hold harmless City from and against all liability, loss and costs arising out of or resulting from the acts of County, its officers, employees, and agents in the performance of this agreement. Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, City shall indemnify, defend, and hold harmless County from and against all liability, loss and costs arising out of or resulting from the acts of City, its officers, employees, and agents in the performance of this agreement.

F. INSURANCE. Each party shall each be responsible for providing workers' compensation insurance as required by law. Neither party shall be required to provide or show proof of any other insurance coverage.

G. ADHERENCE TO LAW. Each party shall comply with all federal, state and local laws and ordinances applicable to this agreement.

H. NON-DISCRIMINATION. Each party shall comply with all requirements of federal and state civil rights and rehabilitation statutes and local non-discrimination ordinances.

I. ACCESS TO RECORDS. Each party shall have access to the books, documents, and other records of the other which are related to this agreement for the purpose of examination, copying, and audit, unless otherwise limited by law.

J. SUBCONTRACTS AND ASSIGNMENT. Neither party will subcontract or assign any part of this agreement without the written consent of the other party.

K. THIS IS THE ENTIRE AGREEMENT. This Agreement constitutes the entire Agreement between the parties. This Agreement may be modified or amended only by the written agreement of the parties.

L. ADDITIONAL TERMS AND CONDITIONS:

1. This agreement may be extended or amended in writing upon mutual agreement of the parties to the IGA.
2. The County designates Michael Eaton as the contact person for Multnomah County. Mr. Eaton's address, phone number, and e-mail address are as follows:

1403 SE Water Avenue
Portland OR 97214
503-988-3757 x247
Michael.j.eaton@co.mulntomah.or.us

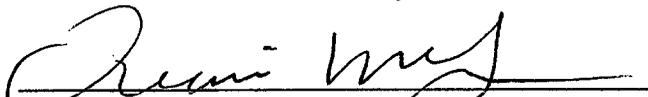
3. The City designates John Gillam as the contact person for the City of Portland. Mr. Gillam's address, phone number, and e-mail address are as follows:

City of Portland Office of Transportation Planning
1120 SW 5th Ave., Suite 800
Portland, OR 97204
503-823-7707
gill@trans.ci.portland.or.us

4. Official communication regarding this contract shall be via e-mail or writing to the above-name persons or their designates. Designated representatives may only be changed upon written notice to the other party.

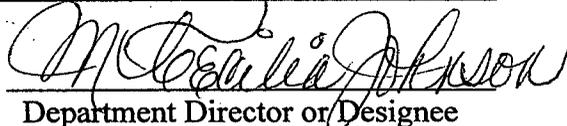
M. FUNDS AVAILABLE. In the event that funds cease to be available to County in the amounts anticipated for this agreement, County may terminate or reduce the scope of services to be provided and contract funding accordingly.

MULTNOMAH COUNTY, OREGON:



County Chair or Designee

Date: 09.07.06

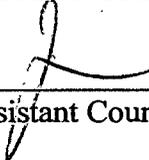
Approved: 

Department Director or Designee

Date: 8/10/06

Reviewed:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY

By: 

Assistant County Attorney

Date: 8/16/06

CITY OF PORTLAND

Commissioner of Public Utilities

Date: _____

City Auditor

Date: _____

Approved as to form:

By: _____
City Attorney

Date: _____



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-3 DATE 09-07-06
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 09/07/06
Agenda Item #: R-3
Est. Start Time: 9:40 AM
Date Submitted: 08/04/06

BUDGET MODIFICATION: DCM-02

Agenda Title: Budget Modification DCM-02 Authorizing Reclassification of Positions in Facilities & Property Management and Information Technology, as Determined by the Class/Comp Unit of Central Human Resources

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

Date Requested:	<u>September 7, 2006</u>	Time Requested:	<u>5 minutes</u>
Department:	<u>County Management</u>	Division:	<u>Director's Office</u>
Contact(s):	<u>Bob Thomas</u>		
Phone:	<u>(503) 988-4283</u>	Ext.	<u>84283</u>
		I/O Address:	<u>503/531</u>
Presenter(s):	<u>Bob Thomas</u>		

General Information

1. What action are you requesting from the Board?

The department is requesting the Board approve a budget modification relating to the reclassification of three positions in Facilities & Property Management and Information Technology. All three are reclassifications that have been approved by the Central Class Comp unit. The last one is to correct an error in budgeting for the FY 2007 Adopted Budget.

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

The Department of County Management is asking the Board to approve the reclassification and position requests for these three listed positions:

Position Title (Old)	Position Title (New)	Position Number	FTE
<u>Facilities & Property Management</u>			
Vacant Facilities Specialist 3	Facilities Specialist 1	700003	No change in FTE

Position Title (Old)	Position Title (New)	Position Number	FTE
<u>Information Technology:</u>			
Vacant Network Administrator	IT Business Consultant	705755	No change in FTE
IT Business Consultant	IT Business Consultant Sr	712363	No change in FTE

The Facilities change is to reduce the classification level for a vacant Facilities Specialist 3 position. Facilities has proposed a change in job duties for this position and Central Class Comp has approved a change to the Facilities Specialist 1 level based on those duties described.

The first position change in Information Technology was a management requested reclassification to help accomplish the large division-wide reorganization that took place last fiscal year. This is a vacant position that Class Comp has approved changing from Network Administrator to IT Business Consultant.

The second IT position change is to rectify an error that occurred in the FY 2007 Adopted Budget. IT had budgeted the full dollars for the IT Business Consultant Sr level, but had recorded the IT Business Consultant level in its budget documents. The department is requesting the Board to approve this position change. The Board will recall that last fiscal year Information Technology underwent a broad reorganization. This position change is part of that reorganization and was approved by the Class Comp unit.

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

Budget modification detail is attached. All reclassifications are accomplished within current FY 2007 budgeted resources. The Facilities' FY 2007 personal services were reduced by \$29,563 with a matching increase in materials and services to balance. There is no impact on the FY 2007 IT budget for personal services for these three actions. In future years these positions will have increases due to COLA, merit increases, and increased benefit costs.

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

Employees have the right to request evaluation of the appropriateness of their classifications. The Classification/Compensation Unit has a formal process for evaluating these requests. The reclassifications for which approval is sought in this request, have been reviewed by the Classification/Compensation Unit and the positions have been found to be wrongly classed. By contract and under our personnel rules, we are required to compensate employees appropriately based on these findings.

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

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

N/A

ATTACHMENT A

Budget Modification

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

- **What revenue is being changed and why?**
Risk Management Fund service reimbursement revenue is decreased by \$2,042 by this bud mod.
- **What budgets are increased/decreased?**
Risk Management Fund expenditures will decrease by \$2,042 due to this bud mod.
- **What do the changes accomplish?**
This budget modification implements budget changes and position changes as described in this document.
- **Do any personnel actions result from this budget modification? Explain.**
Reclassification of existing positions and to correct a position error in the FY 2007 Adopted Budget.
- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**
Any charges will be covered within existing departmental resources.
- **Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?**
These changes are ongoing.
- **If a grant, what period does the grant cover?**
NA
- **If a grant, when the grant expires, what are funding plans?**

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

ATTACHMENT B

BUDGET MODIFICATION: DCM-02

Required Signatures

**Department/
Agency Director:**

Carol M. Ford

Date: 08/04/06

Budget Analyst:

Michael D. Gaspin

Date: 08/04/06

Department HR:

Paul R. Quigg

Date: 08/04/06

Countywide HR:

Tami Graves

Date: 08/04/06

Budget Modification ID: DCM-02

EXPENDITURES & REVENUES

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

Budget/Fiscal Year: 2007

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
1	72-50	3505	20		902450		60000	335,652	314,817	(20,835)		Decrease Permanent
2	72-50	3505	20		902450		60130	107,711	101,025	(6,686)		Decrease Salary Related
3	72-50	3505	20		902450		60140	77,389	75,347	(2,042)		Decrease Insurance
4	72-50	3505	20		902450		60240	500	30,063	29,563		Increase Supplies
5	72-60	3503	20		709155		60000	1,619,808	1,556,895	(62,913)		Decrease Permanent
6	72-60	3503	20		709155		60130	525,782	505,593	(20,189)		Decrease Salary Related
7	72-60	3503	20		709155		60140	391,251	377,168	(14,083)		Decrease Insurance
8	72-60	3503	20		709125		60000	318,412	381,325	62,913		Increase Permanent
9	72-60	3503	20		709125		60130	78,916	99,105	20,189		Increase Salary Related
10	72-60	3503	20		709125		60140	85,730	99,813	14,083		Increase Benefits
11									0			
12	72-10	3500	0020		705210		50316		2,042	2,042		Decrease Service Reimb to Risk Fund
13	72-10	3500	0020		705210		60330		(2,042)	(2,042)		Decrease Offsetting Expenditure
14									0			
15									0			
16									0			
17									0			
18									0			
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26									0			
27									0			
28									0			
29									0			
										0	0	Total - Page 1
										0	0	GRAND TOTAL



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-4 DATE 09.07.06
DEBORAH L. BOGSTAD, BOARD CLERK:

Board Clerk Use Only

Meeting Date: 09/07/06
Agenda Item #: R-4
Est. Start Time: 9:43 AM
Date Submitted: 08/17/06

BUDGET MODIFICATION: -

Agenda Title: **Authorizing Settlement of Employment Claim of Lyubov Dzhur, BOLI Complaint DPEMDP060222-10275**

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

Date Requested:	<u>September 7, 2006</u>	Time Requested:	<u>2 minutes</u>
Department:	<u>Non-Departmental</u>	Division:	<u>County Attorney</u>
Contact(s):	<u>Kathryn A. Short</u>		
Phone:	<u>503/988-3138</u>	Ext.	<u>83138</u>
		I/O Address:	<u>503/500</u>
Presenter(s):	<u>Kathryn A. Short</u>		

General Information

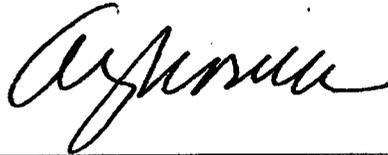
1. **What action are you requesting from the Board?**
Approve settlement of BOLI Complaint, DPEMDP060222-10275 and grievance for Lyubov Dzhur for denial of reasonable accommodation and termination in the amount of \$32,420.00
2. **Please provide sufficient background information for the Board and the public to understand this issue.**
Ms. Dzhur was terminated in October 2005. She filed a union grievance and BOLI claim alleging that the County failed to accommodate her disability and terminated her employment.
3. **Explain the fiscal impact (current year and ongoing).**
A one time amount of \$32,420.
4. **Explain any legal and/or policy issues involved.**
On December 18, 2003, the Board adopted Resolution 03-171 delegating authority to the County Attorney to settle claims and litigation against the County or its employees in amounts up to \$25,000 per case. The County Attorney must obtain Board approval for all settlements over \$25,000.

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

n/a

Required Signatures

**Department/
Agency Director:**



Date: 08/17/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-5 DATE 09-07-06
DEBORAH L. BOGSTAD, BOARD CLERK.

Board Clerk Use Only

Meeting Date: 09/07/06
Agenda Item #: R-5
Est. Start Time: 9:44 AM
Date Submitted: 08/28/06

BUDGET MODIFICATION: -

**Agenda Title: Authorizing Settlement of Employment Claim, Lori Buckwalter, BOLI
Complaint MTEM SO060509-10682**

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

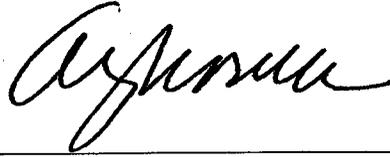
Date Requested:	<u>September 7, 2006</u>	Time Requested:	<u>2 minutes</u>
Department:	<u>Non-Departmental</u>	Division:	<u>County Attorney</u>
Contact(s):	<u>Jenny M. Morf</u>		
Phone:	<u>503/988-3138</u>	Ext.	<u>83138</u>
		I/O Address:	<u>503/500</u>
Presenter(s):	<u>Jenny M. Morf</u>		

General Information

1. **What action are you requesting from the Board?**
Approve settlement of BOLI Complaint, MTEM SO060509-10682 for Lori Buckwalter for Unlawful employment practice based on gender identity and/or sexual orientation in the amount of \$35,000.00
2. **Please provide sufficient background information for the Board and the public to understand this issue.**
Settlement of employment matter as discussed during executive session.
3. **Explain the fiscal impact (current year and ongoing).**
A one time amount of \$35,000.
4. **Explain any legal and/or policy issues involved.**
On December 18, 2003, the Board adopted Resolution 03-171 delegating authority to the County Attorney to settle claims and litigation against the County or its employees in amounts up to \$25,000 per case. The County Attorney must obtain Board approval for all settlements over \$25,000.
5. **Explain any citizen and/or other government participation that has or will take place.**
n/a

Required Signatures

**Department/
Agency Director:**



Date: 08/28/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-6 DATE 09-07-06
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 09/07/06
Agenda Item #: R-6
Est. Start Time: 9:45 AM
Date Submitted: 08/22/06

BUDGET MODIFICATION:

Agenda Title: NOTICE OF INTENT to Apply for Federal Project Safe Neighborhood Funds to Support Educational Advocacy for Delinquent Youth who are Involved in Gangs

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

Date Requested: September 7, 2006 Time Requested: 5 minutes
Department: Dept. of Community Justice Division: JSD
Contact(s): Robb Freda-Cowie
Phone: 503 988-5820 Ext. 85820 I/O Address: 503/250
Presenter(s): Joanne Fuller

General Information

1. What action are you requesting from the Board?

Approval to apply for \$60,000 in Project Safe Neighborhood funds to support educational advocacy for delinquent youth who are involved in gangs.

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

This proposal supports the county's education and safety priorities by breaking down barriers to school attendance and preventing youth from further involvement in the justice system. Specifically, this grant complements program offer 50014 Juvenile Formal Probation Services and 50015 Juvenile Gang Resource Intervention Team.

One out of three youth involved in the juvenile justice system are not enrolled in school. Yet research tells us that lack of education is a key factor in whether or not youth are able to leave the justice system successfully. Reconnecting these youth with school will dramatically improve their chances of living productive lives and lower their risk to public safety.

To identify youth not in school, a juvenile court counselor (JCC) will review the school records of

all gang-involved youth on probation who are assessed as high- or medium-risk to re-offend.

To help resolve the barriers that keep probation youth out of school, the education advocate will act as a liaison with the schools to help reconnect probation youth to the educational system. The advocate will work with youth, their parents, and schools to identify why the youth is not enrolled or attending classes. The advocate will also assist the youth and families to identify the right school environment, coach parents on how to advocate for their children, and assist with setting up testing (if required by the school), so delinquent youth can rejoin their academic communities. In addition, the advocate will help students and families collect transcripts, transport youth to registration sites, and arrange meetings with school principals, psychologists, counselors and teachers. Once youth are enrolled, the advocate will monitor each youth's attendance, grades and behavior for at least a full semester to ensure success, as well as attend, with the youth's parents, suspension hearings, IEP reviews, parent-teacher conferences, and expulsion hearings. In addition, the education advocate can quickly help schools resolve conflicts and ensure a safe learning environment for all students.

This grant would purchase 20 hours per week that would expand a current half-time Juvenile Court Counselor position that includes this advocacy among regular court counseling duties (e.g., enforcing probation conditions). If funded, the Department of Community Justice will then have a full-time position dedicated to meeting the educational advocacy needs of youth on probation. This advocate will serve as a problem-solving resource to both parents and schools.

In addition, we plan to use a portion of grant resources to support community outreach and education aimed at parents of delinquent youth. This training would be based on an earlier successful model in which community-based legal advocates provided training to parents about how to keep their children in school and how to make the educational system responsive to their youth's educational and behavioral needs.

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

This grant would provide one-year funding for .5 FTE juvenile court counselor and \$20,5000 in funds to contract with a community-based non-profit to provide parent education services.

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

N/A.

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

N/A.

ATTACHMENT A

Grant Application/Notice of Intent

If the request is a Grant Application or Notice of Intent, please answer all of the following in detail:

- **Who is the granting agency?**
United States Department of Justice.
- **Specify grant (matching, reporting and other) requirements and goals.**
Reduction of gun crimes through programs targeted at gang members and other high-risk, violent offenders.
- **Explain grant funding detail – is this a one time only or long term commitment?**
This grant provides funding for one year. Continuation of these services would depend on the renewal of Project Safe Neighborhood grant funds.
- **What are the estimated filing timelines?**
DCJ was recently asked by the United States Attorney's office for the District of Oregon to submit a letter applying for these funds. We expect that a decision on this proposal will be made prior to September 30, 2006.
- **If a grant, what period does the grant cover?**
October 1, 2006 to September 30, 2007
- **When the grant expires, what are funding plans?**
DCJ would seek alternative federal, state or private grant funds. If funding was not available, DCJ would end this program.
- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**
The budget for this grant includes 7.5% in indirect costs.

ATTACHMENT B

Required Signatures

**Department/
Agency Director:**



Date: August 15, 2006

Budget Analyst:



Date: 08/31/06

Department HR:

Date:

Countywide HR:

Date:



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-7 DATE 09.07.06
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 09/07/06
Agenda Item #: R-7
Est. Start Time: 9:50 AM
Date Submitted: 08/22/06

BUDGET MODIFICATION: -

Agenda Title: NOTICE OF INTENT to Apply for Federal Project Safe Neighborhood Funds to Promote Successful Transition of Gang Offenders Back into the Community

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

Date Requested: September 7, 2006 Time Requested: 5 minutes
Department: Dept. of Community Justice Division: ASD
Contact(s): Robb Freda-Cowie
Phone: 503 988-5820 Ext. 85820 I/O Address: 503/250
Presenter(s): Joanne Fuller

General Information

1. What action are you requesting from the Board?

Approval to apply for \$64,000 in Project Safe Neighborhood funds to support the transition of high-risk, adult gang offenders from state prison to the community.

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

This grant supports the county's safety priority by stabilizing offenders returning from prison and reducing their risk of re-offending. The grant supports program offers 50030 Adult Field Supervision and 50027 Adult Transition and Re-entry services.

This project – based on the successful, federally-funded Going Home program model – will be used to support readiness, housing, employment and education services that will prepare inmates to succeed after their release from prison, stabilize their transition to the community and reduce the risk that they will violently re-offend.

Services will be provided through Emmanuel Community General Services (ECGS), a local faith-based organization that has provided re-entry services to offenders for ten years and was a

community-based partner with DCJ and the Oregon Department of Corrections in the Going Home program.

ECGS has named this program EMBRACE, which stands for “encouraging men by reaching and creating excellence.” Through the program, Emmanuel Community General Services (ECGS) will begin preparing inmates to return to the community up to 120 days prior to their release from prison and continue to provide transition support services for another 90 days or more after their re-entry. These services will include housing in a structured environment (for up to six offenders at a time) in a residence operated by ECGS.

The target populations for the program are individuals 18-35 years of age, who have histories of violent criminal activity, pose a high risk of recidivating and who are identified as members of security threat groups (STGs). These groups include Los Angeles-style gangs such as Crips and Bloods, as well as Latino gangs, Asian gangs and white supremacist gangs.

Prior to release, ECGS counselor Robert Richardson will conduct re-entry preparation groups at Columbia River Correctional Institution and Oregon State Correctional Institution for approximately 12-15 inmates, beginning 120 days prior to release. The goal of these group sessions is to help inmates understand what to expect when they return from prison, reduce the anxiety they feel about the challenges of re-entry and provide them with information and skills to help them succeed, using discussion and role-playing. The groups will focus on topics such as life skills, employment issues, finding pro-social friends, community supports and activities, responsible parenting and other issues.

After offenders are released, they will continue to attend group counseling and mentoring sessions in the community for another 90 days. These sessions will focus on transition issues, particularly issues related to employment, housing and relationships.

Lack of stable, affordable and appropriate housing is a primary re-entry barrier for many offenders. To assist offenders during their immediate transition from prison, ECGS will provide transitional housing for up to six offenders at a residence in Northeast Portland. This residence will provide a structured living environment where offenders will be required to be out of the house during designated periods to seek employment. Offenders who find work will be able to remain in the house for a period of time to save money to prepare them to become independent (while they pay rent), then they will transition to more permanent housing in the community.

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

This grant would provide one-year funding for contracted transition services through ECGS.

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

N/A.

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

N/A.

ATTACHMENT A

Grant Application/Notice of Intent

If the request is a Grant Application or Notice of Intent, please answer all of the following in detail:

- **Who is the granting agency?**
United States Department of Justice.
- **Specify grant (matching, reporting and other) requirements and goals.**
Reduction of gun crimes through programs targeted at gang members and other high-risk, violent offenders.
- **Explain grant funding detail – is this a one time only or long term commitment?**
This grant provides funding for one year. Continuation of these services would depend on the renewal of Project Safe Neighborhood grant funds.
- **What are the estimated filing timelines?**
DCJ was recently asked by the United States Attorney's office for the District of Oregon to submit a letter applying for these funds. We expect that a decision on this proposal will be made prior to September 30, 2006.
- **If a grant, what period does the grant cover?**
October 1, 2006 to September 30, 2007
- **When the grant expires, what are funding plans?**
DCJ would seek alternative federal, state or private grant funds. If funding was not available, DCJ would end this program.
- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**
The budget for this grant includes 7.5% in indirect costs.

ATTACHMENT B

Required Signatures

**Department/
Agency Director:**



Date: August 15, 2006

Budget Analyst:



Date: 08/31/06

Department HR:

Date: _____

Countywide HR:

Date: _____



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 09/07/06
 Agenda Item #: B-1
 Est. Start Time: 9:55 AM
 Date Submitted: 08/30/06

BUDGET MODIFICATION: -

Agenda Title: Multnomah County Sheriff's Office Policy and Operational Issues - Cost to Corrections for External Medical Care

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

Date Requested: September 7, 2006 **Time Requested:** 15 minutes
Department: Sheriff's Office **Division:** Executive Office
Contact(s): Christine Kirk
Phone: 503.988.4301 **Ext.** 84301 **I/O Address:** 503/350
Presenter(s): Chief of Staff Kirk, Chief Deputy Ron Bishop, Business Services Director Larry Aab

General Information

1. What action are you requesting from the Board?

This is a Board Briefing. The intent is to inform the Board of the current data being tracked on external medical care, how this activity is budgeted for and the impact on the total budget of the Sheriff's Office. This information may be useful to the Sheriff and the Board when assessing the causal factors of increased personnel costs, overtime and to inform policy questions relating to the health care of inmates.

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

Some medical care for inmates is provided within the Correctional institutions. However some care is not. The care outside of the institutions is being referred to as hospital duty or external medical care. This care includes emergency visits, visits to doctors for pre-existing conditions such as cancer, heart conditions or pregnancy, as well as care deemed necessary for an inmate by Corrections Health for a condition that cannot be treated in the facility. External hospital care requires that at least one Deputy accompany and stay with the inmate while outside of the facility. This briefing is about the number of hours and costs for taking inmates outside of the facilities for

medical care. Only the costs to Corrections are covered, the cost of the care itself, and therefore the entire costs to the County is not the subject of this presentation.

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

2.6 FTE are budgeted for this function. All but 5 months in the last 25 months required more than 2.6 FTE.

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

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

Required Signatures

**Department/
Agency Director:**



Date: August 30, 2006

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:



MULTNOMAH COUNTY SHERIFF'S OFFICE

501 SE HAWTHORNE BLVD., SUITE 350 • PORTLAND, OR 97214

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MEMORANDUM

TO: Chair Linn
Commissioner Rojo de Steffey
Commissioner Cruz Walsh
Commissioner Naito
Commissioner Roberts

CC: Board Clerk Deb Bogstad

FROM: Christine Kirk

DATE: September 7, 2006

RE: PowerPoints

Here is a color copy of the PowerPoint from this morning. I also emailed you a copy of this at 11:02 this morning. In the past, and it appears to be continuing, I have had significant difficulty in getting PowerPoints to the Board Clerk through email. I had thought it was due to the large size. But based on the fact that the attached was not available for your Board Packet, it appears that even though I get no indication the emails cannot be sent, they are not getting to the recipients.

This causes me concern because I always email you directly the PowerPoints for MCSO's presentations if they are not included in the Board packet. I am concerned that you did not receive any of these emails. Examples of these PowerPoint presentations included overtime, policing services, rural policing needs, the 114 jail beds. I assume that some of you would prefer a copy for storage on your computer rather than a paper file and therefore send them to you.

We have tried, without success, to rectify this issue in the past and will do so again. However, until it is resolved, we will deliver a disk with the presentation to the Board Clerk on all documents, not just large ones. I will ask the Board Clerk to email the presentations to you in effort to make sure that you receive an electronic copy for your files.

If you wish for me to put all of the past PowerPoints on disk for you, I would be happy to do so.

Costs to Corrections of External Medical Care

Update on Causal Factors Impacting
Personnel Costs

Presentation to the Board of County
Commissioners – September 7, 2006

What is External Medical Care?

- Medical Care, required by law and case law, not provided within a County Correctional Facility
- Could be emergency care, a doctor's appointment relating to pre-existing care, or a longer term hospital stay.
- The data is limited to items coded as "Hospital Duty," not the total impact to Corrections or the total County costs of the Medical Care.
- Hospital Duty costs/hours are created by time logs submitted to MCSO time-entry staff.

The Data

- The data only includes hours/costs coded as hospital duty.
 - Some effort is made in this presentation to determine the total cost to MCDC and MCIJ.
 - It does not include the costs within the Transport Unit or for services provided within Correctional Facilities
 - Movement between facilities to access a different level of health care within the facilities.
 - Suicide Watch is not included as this an in-jail cost.
 - The data is limited by the accuracy of entry and frequency of reporting.
-

Limitations of the Data

- The data on the number of hospital visits is limited and has not yet been aggregated.
 - We do not know if an increase/decrease in hours/cost is a change in number of incidents or in the length of a visit.
 - It is difficult to determine if there is a change in the types of visits.
 - Corrections Health tracks by billing (which captures type). Multiple billable events can occur in one visit.

Limitations of the Data, p2.

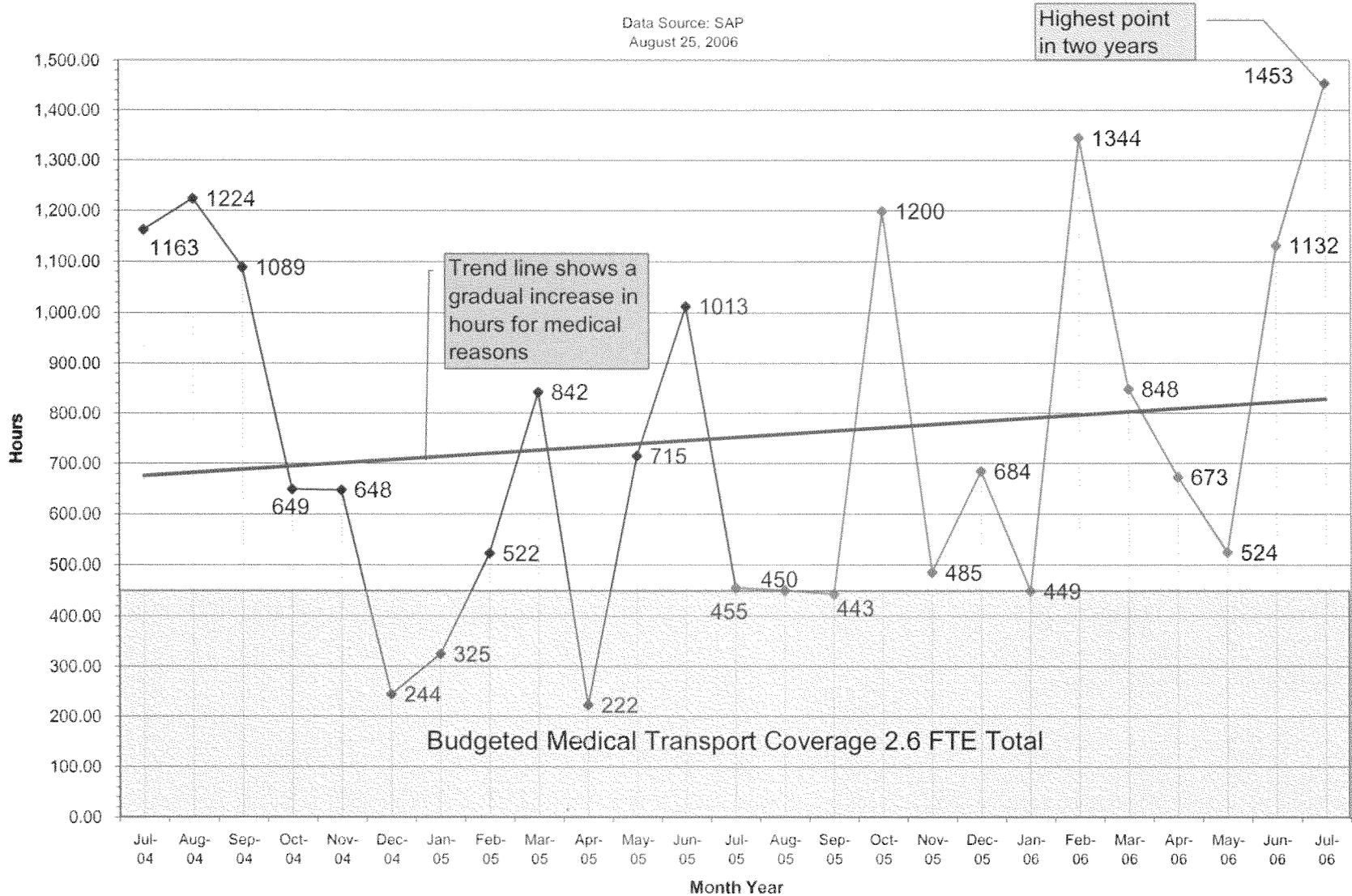
- Not all data is captured. For example, if someone is covering a shift on overtime, the code may be overtime–sick time (covering for a person who called in sick), not overtime for hospital duty.
- If someone started their day covering one shift, and then mid-day moved to hospital duty, the activity type at the start of their shift is the only activity type for the day.
- The limitations tell us – **the data is conservative.**

Costs – The Budget

- There are 2.6 FTE Budgeted for Hospital Duty in the Facilities
 - 1.3 at MCIJ and 1.3 at MCDC
 - Cost of these 2.6 FTE is \$237,240 for FY 06
 - Hours worked for 2.6 FTE is 5,408 for FY 06
- There is a difference between budgeted and actual – **This creates a driver or causal factor for increasing personnel costs.**

Hours of Work - Hospitalization and Medical Appointments

Data Source: SAP
August 25, 2006



Costs - Hospital Duty (not total costs to MCIJ/MCDC).

In 2005

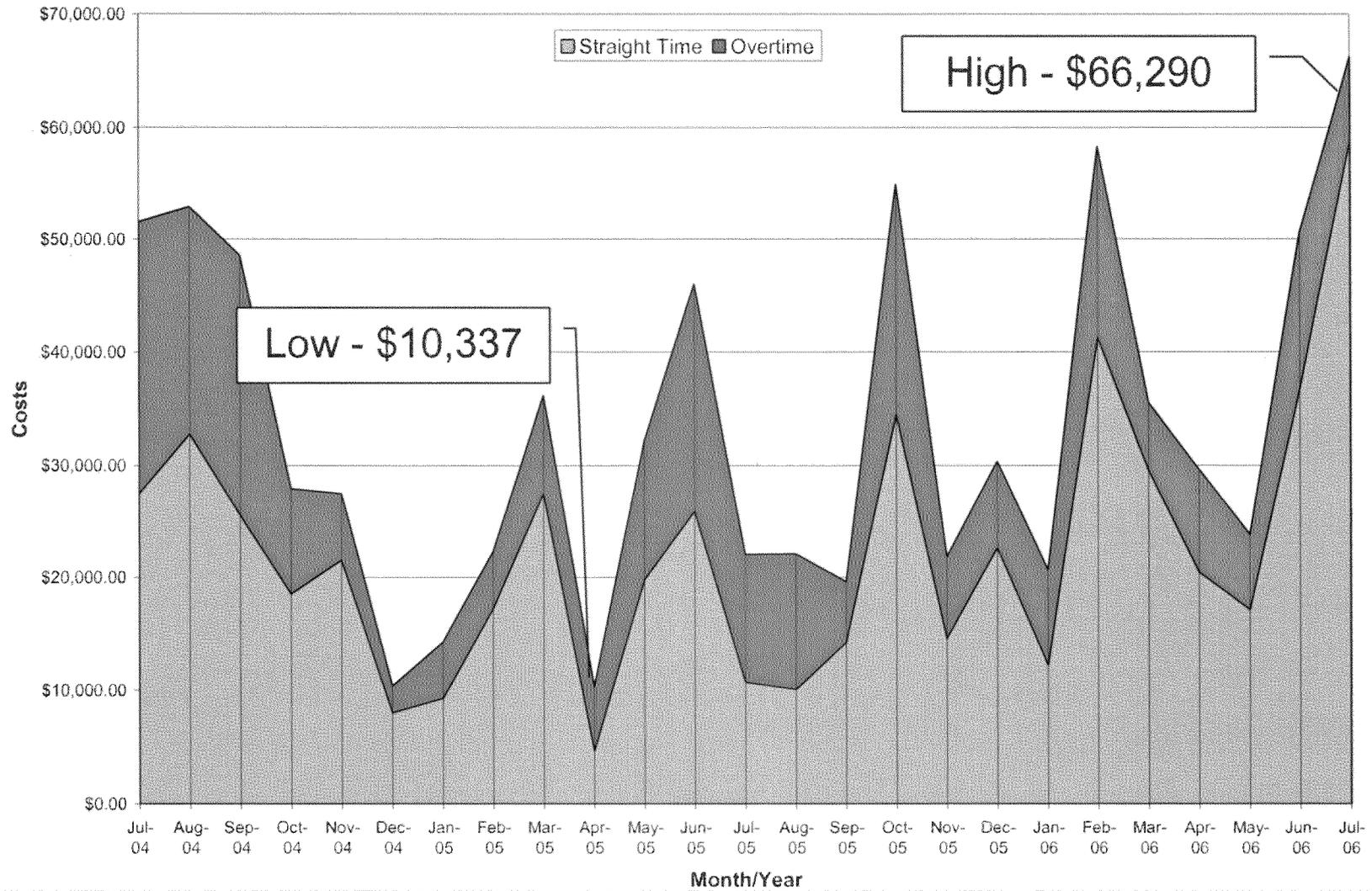
- Hours Worked – 8,654
 - Hours budgeted for – 5,408
 - Hours not budgeted for - 3,246
- Cost budgeted – \$231,675
- Unbudgeted hospital duty costs - \$148,616

In 2006

- Hours Worked – 8,685
 - Hours budgeted for – 5,408
 - Hours not budgeted for – 3,277
- Cost budgeted – \$237,245
- Unbudgeted hospital duty costs - \$152,304

Costs of Hospital Duty

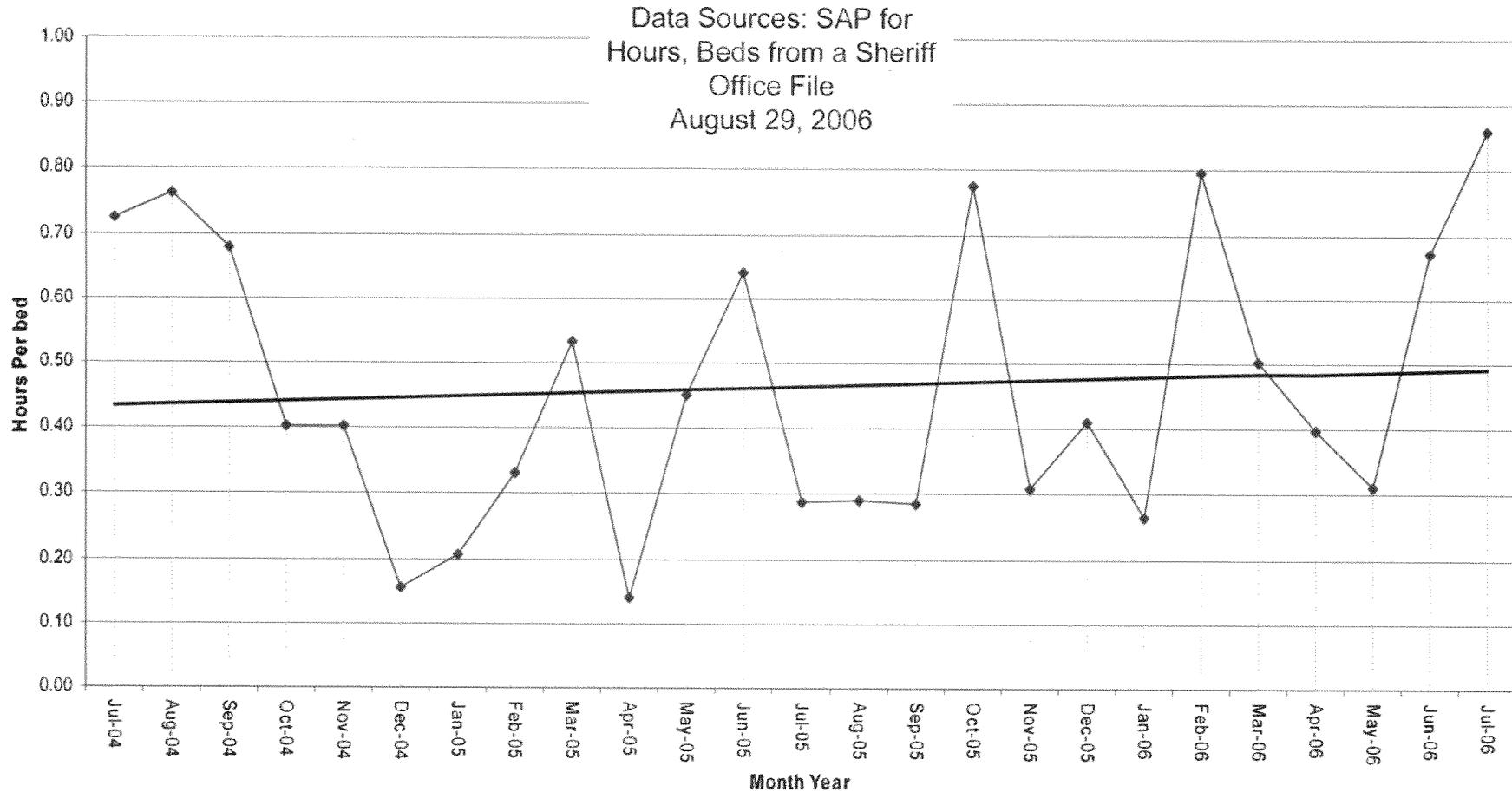
Data Source: SAP
August 24, 2006



Impact of Changes in Jail Bed Capacity

- When looking at the hours of external medical care per bed, one can determine how things have changed as capacity changes.
- In the last two years the jail bed capacity has moved from 1519 to the current 1690 beds.
- The hours of external medical care per bed are on an increased trend. This trend has continued to increase even when capacity has remained at 1690.

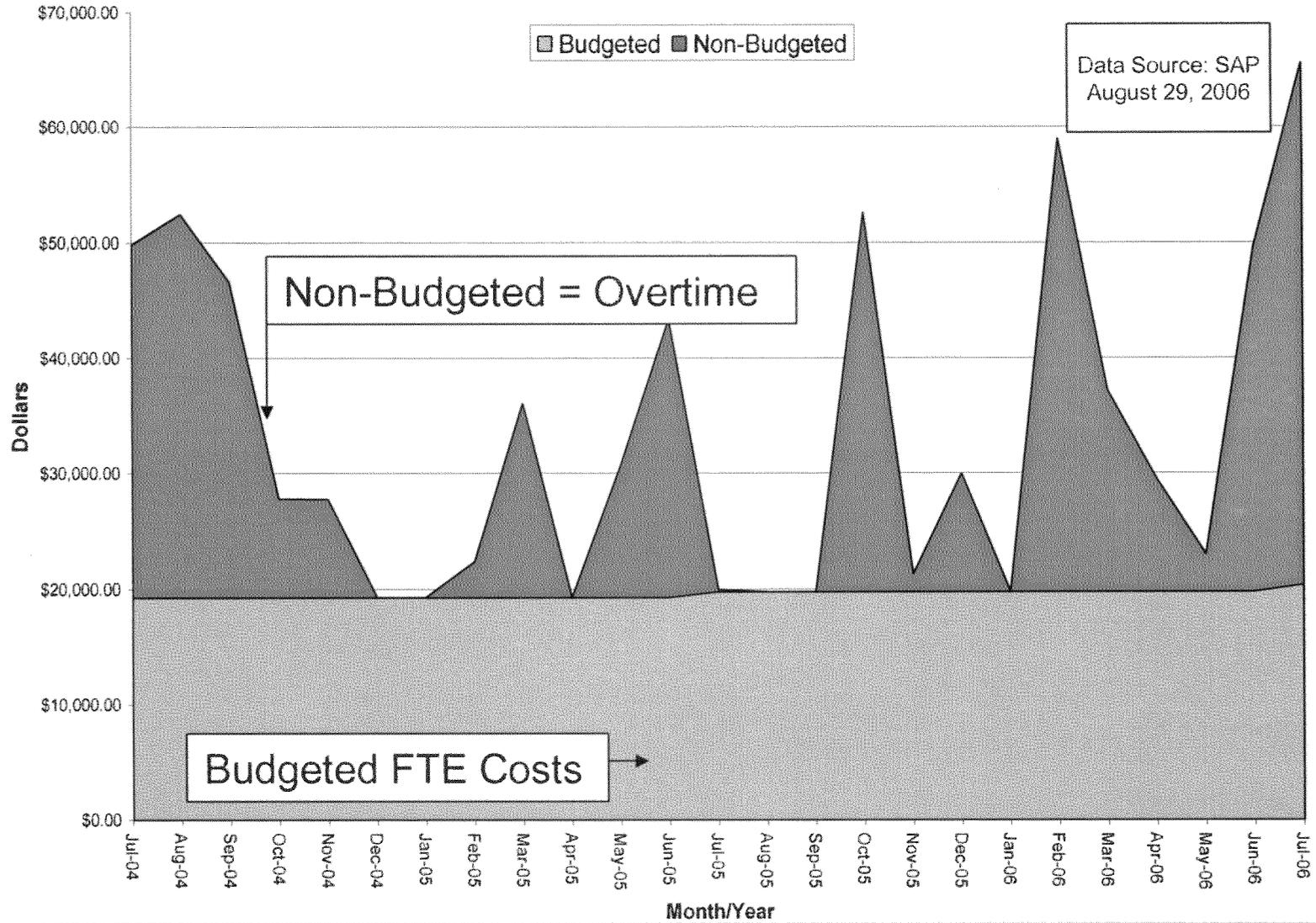
Relationship between hours of Medical Coverage per Bed



Overall Cost and Impact

- Time is tracked in terms of Overtime and Straight Time. There are limitations to this breakdown.
- Only so many people are assigned to a shift at MCDC or MCIJ.
- If a person assigned to work that day is pulled from an assignment for hospital duty, their original assignment is backfilled with overtime.
- Even though overtime was accrued as a result of the hospital shift, the tracking for hospital duty would be straight time, not overtime.
 - This means that the measurable impact to hospital duty costs and the total MCIJ/MCDC budgets are different.

Impact on MCIJ/MCDCC Budgets



Impact to MCIJ and MCDC OT budgets for non-budgeted hospital duty

In 2005

- Number of hours for non-budgeted work – 3,246
- Cost of those hours in Overtime to MCIJ/MCDC budget - \$176,398

In 2006

- Number of hours for non-budgeted work – 3,277
- Cost of those hours in Overtime to MCIJ/MCDC budget - \$194,313

NOTE – OT Costs based on Average OT rate for the FTE working hospital duty.

Conclusion

- MCSO will continue to monitor and track these costs.
- Improved data collection methods will be assessed in partnership with Corrections Health.
- This data will be made available to the Board as it pertains to current policy decisions and discussions around Corrections Health and the factors influencing MCSO's personnel costs.