

ANNOTATED MINUTES

Tuesday, December 8, 1998 - 9:30 AM
Center for Self Enhancement, Inc., Auditorium
3920 N. Kerby Avenue, Portland

BOARD BRIEFING

The Commissioners met at 9:35 a.m. for a tour of the Center for Self Enhancement facility conducted by SEI Director Tony Hopson.

Chair Beverly Stein convened the briefing at 10:05 a.m., with Vice-Chair Sharron Kelley, Commissioners Diane Linn and Lisa Naito present, and Commissioner Gary Hansen excused.

- B-1 Department of Community and Family Services Briefing and Work Session to Review Performance Trends and Key Results Measures and to Discuss Upcoming Issues and Opportunities. Presented by Lorenzo Poe, Iris Bell, Susan Clark, Howard Klink, Mary Li, Floyd Martinez, Kathy Tinkle, Tony Hopson, James Kent, George Scott and Delores Morgan.

LOLENZO POE, IRIS BELL, KATHY TINKLE, MARY LI, JAMES KENT, SUSAN CLARK, HOWARD KLINK, GEORGE SCOTT, FLOYD MARTINEZ AND CHRISTINE ANGEL PRESENTATIONS AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. STAFF TO SCHEDULE BOARD BRIEFINGS IN JANUARY AND FEBRUARY ON ISSUES INCLUDING SINGLE RFP; HOMELESS YOUTH; CHILD POVERTY INITIATIVE DRAFT COMPREHENSIVE PLAN; COMMUNITY BUILDING AND COMMUNITY SCHOOLS; TARGET CITY INITIATED WORK; CAAPCARE; ALCOHOL AND DRUG TREATMENT AND MENTAL HEALTH SERVICES.

There being no further business, the briefing was adjourned at 12:05 p.m.

Thursday, December 10, 1998 - 9:00 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

REGULAR MEETING

Chair Beverly Stein convened the meeting at 9:10 a.m., with Commissioners Gary Hansen, Diane Linn and Lisa Naito present, and Vice-Chair Sharron Kelley arriving at 9:26 a.m.

CONSENT CALENDAR

UPON MOTION OF COMMISSIONER NAITO, SECONDED BY COMMISSIONER HANSEN, THE CONSENT CALENDAR (ITEMS C-1 THROUGH C-10) WAS APPROVED, WITH COMMISSIONERS HANSEN, LINN, NAITO AND STEIN VOTING AYE.

NON-DEPARTMENTAL

C-1 Appointment of Cynthia M. Shorter to the DUII COMMUNITY ADVISORY BOARD

SHERIFF'S OFFICE

C-2 Intergovernmental Agreement 800878 with Grant County Sheriff's Office to Provide for Jail Space in the Amount of Fifteen Beds for the Secure Custody, Care and Safe Keeping of Multnomah County Inmates at the Rate of \$45.00 per Bed

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

C-3 ORDER Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

ORDER 98-200.

C-4 Intergovernmental Agreement 9910290 Between Clackamas, Clatsop, Columbia, Multnomah and Washington Counties for the Operation of the Regional Crisis Diversion Plan for Consumers with Developmental Disabilities

- C-5 Intergovernmental Revenue Agreement 9910360 with the City of Portland Providing Funding for the 1998-99 Block by Block Weatherization Program
- C-6 Intergovernmental Revenue Agreement 9910363 with the U.S. Department of Labor for Administration of Urban/Rural Opportunities Grant Funds

DEPARTMENT OF HEALTH

- C-7 Amendment 3 to Intergovernmental Agreement 201224 with Oregon Health Sciences University for Health Information System Computer Hardware and Software Support
- C-8 Amendment 1 to Intergovernmental Agreement 9910452 with Oregon Health Sciences University Hospital for Nurse Consult Program Services

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-9 ORDER Cancelling Land Sale Contract 15644 with Freddie Fletcher Upon Default of Payments and Performance of Covenants

ORDER 98-201.

- C-10 ORDER Authorizing Private Sale of Certain Tax Foreclosed Property to Teragram Investments, Inc., Including Direction to Tax Title for Publication of Notice Pursuant to ORS 275.225

ORDER 98-202.

REGULAR AGENDA
PUBLIC COMMENT

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

NO ONE WISHED TO COMMENT.

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-2 Second Reading and Possible Adoption of an ORDINANCE Amending the Multnomah County Zoning Ordinance Regarding the Provisions for Large Fill Operations

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER HANSEN MOVED

AND COMMISSIONER LINN SECONDED, APPROVAL OF SECOND READING AND ADOPTION. NO ONE WISHED TO TESTIFY. ORDINANCE 922 APPROVED, WITH COMMISSIONERS HANSEN, LINN, NAITO AND STEIN VOTING AYE.

SHERIFF'S OFFICE

- R-4 Law Enforcement Division Strategic Plan and Description of Planning Process Presentation by Deputies Kevin Platt and Richard Biles and Sergeant Karlan Hutchison.

KEVIN PLATT AND HARRY SMITH PRESENTATIONS.

Vice-Chair Sharron Kelley arrived at 9:26 a.m.

DEPUTY PLATT AND DEPUTY SMITH RESPONSE TO BOARD COMMENTS IN SUPPORT

NON-DEPARTMENTAL

- R-3 First Reading and Possible Adoption of an ORDINANCE Amending MCC 5.005 Prescribing Procedures for Designation of Interim Officers for Vacant Elective Offices and Declaring an Emergency (As Approved by Voters at the November 3, 1998 Election)

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER HANSEN MOVED AND COMMISSIONER LINN SECONDED, APPROVAL OF FIRST READING AND ADOPTION. COUNTY COUNSEL TOM SPONSLER EXPLANATION AND RESPONSE TO BOARD QUESTIONS AND COMMENTS. NO ONE WISHED TO TESTIFY. FOLLOWING DISCUSSION IN RESPONSE TO CONCERNS RAISED BY COMMISSIONER KELLEY REGARDING THE INTERIM APPOINTMENT PROCESS AND ELIGIBILITY OF APPOINTEES, BOARD CONSENSUS THAT COUNTY COUNSEL WORK WITH COMMISSIONER KELLEY'S STAFF ON PROPOSED AMENDMENTS. UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY

***COMMISSIONER NAITO, THE FIRST READING
WAS UNANIMOUSLY CONTINUED TO THURSDAY,
JANUARY 7, 1999.***

COMMISSIONER COMMENT

- R-5 Opportunity (as Time Allows) for Commissioners to Provide Informational Comments to Board and Public on Non-Agenda Items of Interest. Comments Limited to Three Minutes Per Person.

NO ONE WISHED TO COMMENT.

There being no further business, the regular meeting was adjourned and the briefing was convened at 9:56 a.m.

Thursday, December 10, 1998 - 9:20 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

BOARD BRIEFING

- B-2 Presentation and Discussion of the GeoTech Report on the North Rivergate Site, Ledbetter Peninsula, for Multnomah County's New Corrections Facility. Presented by Sheriff Dan Noelle, Lieutenant Bobbi Luna and Staff.

AT THE REQUEST OF SHERIFF NOELLE THE BRIEFING COMMENCED WITH INVITED TESTIMONY. FRANK OPILA ON BEHALF OF FRIENDS OF SMITH AND BYBEE LAKES, NANCY HENDRICKSON ON BEHALF OF SMITH AND BYBEE LAKES WILDLIFE AREA MANAGEMENT COMMITTEE AND JAY MOWER ON BEHALF OF THE COLUMBIA SLOUGH WATERSHED COUNCIL PROVIDED TESTIMONY EXPRESSING CONCERNS REGARDING THE SITE, INCLUDING THAT THE BUFFER BE WIDE ENOUGH TO PROVIDE ENVIRONMENTAL PROTECTION; TO KEEP STORM WATER ON SITE AND TO PROTECT THE WESTERN PAINTED TURTLE AND OTHER WILDLIFE HABITAT. CHUCK HARRISON ON BEHALF OF THE COLUMBIA CORRIDOR ASSOCIATION TESTIFIED THAT THEY ENDORSE

THE LEDBETTER PENINSULA AREA FOR CONSTRUCTION OF A NEW JAIL. DONNA BABBITT, REPRESENTING CONCERNED CITIZENS OF NORTH PORTLAND TESTIFIED IN OPPOSITION TO THE PROPOSED SITE BECAUSE IT IS IN THE MIDDLE OF A 100 YEAR FLOOD ZONE AND WOULD NEGATIVELY IMPACT SMITH AND BYBEE LAKES. KEVIN O'SULLIVAN ON BEHALF OF ST. JOHNS NEIGHBORHOOD ASSOCIATION COMMENDED THE SHERIFF FOR PRIOR PUBLIC INVOLVEMENT AND PRESENTED PROPOSED SITING SOLUTIONS FOR THE COUNTY'S CONSIDERATION.

The meeting was recessed at 10:20 a.m. and reconvened at 10:25 a.m.

DAN NOELLE AND BOBBI LUNA PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION.

The briefing was adjourned at 11:10 a.m.

Thursday, December 10, 1998 - 11:00 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

LAND USE PLANNING MEETING

Chair Beverly Stein convened the meeting at 11:10 a.m., with Vice-Chair Sharron Kelley, Commissioners Gary Hansen, Diane Linn and Lisa Naito present.

P-1 PRE 4-98/PRE 5-98 DE NOVO HEARING WITH TESTIMONY LIMITED TO 20 MINUTES PER SIDE on the Appeal of the Hearings Officer Decision to Uphold the Planning Director Approval of Two Farm Dwelling Approval Validations and Determination of Substantial Compliance with Approved Farm Management Plans for Property Located at 12955 and 12989 NW SKYLINE BLVD., PORTLAND

CHAIR STEIN EXPLAINED QUASI-JUDICIAL PROCESS. AT CHAIR STEIN'S REQUEST FOR DISCLOSURE, NO EX PARTE CONTACTS WERE REPORTED. AT CHAIR STEIN'S REQUEST FOR

CHALLENGES AND/OR OBJECTIONS, NONE WERE OFFERED. PLANNER CHUCK BEASLEY PRESENTED CASE HISTORY. HEARINGS OFFICER JOAN CHAMBERS PRESENTED CONDITIONS, FINDINGS OF FACT AND CRITERIA USED IN HER DETERMINATION. IN RESPONSE TO A REQUEST OF CHAIR STEIN, ASSISTANT COUNTY COUNSEL SANDRA DUFFY EXPLAINED HISTORY OF COUNTY ORDINANCE 903 ADOPTED ON APRIL 2, 1998 WAS APPEALED TO THE LAND USE BOARD OF APPEALS AND REMANDED BACK TO THE BOARD ON DECEMBER 7, 1998 AND REPORTED THAT APPLICANT HAS APPEALED THE LUBA DECISION TO THE COURT OF APPEALS. MS. DUFFY EXPLAINED THE BOARD OPTIONS FOR TODAY AND RESPONDED TO COMMISSIONER KELLEY'S SUGGESTION TO DECLARE THE APPEAL MOOT, ISSUE FEE REFUNDS, AND AMEND COUNTY ORDINANCE 903, ADVISING IF THE BOARD DECLARES THE APPEAL MOOT, THE LETTER OF THE LAW HAS NOT BEEN MET AND THE COUNTY RISKS A WRIT OF MANDAMUS. APPELLANT ARNOLD ROCHLIN TESTIFIED IN OPPOSITION TO THE HEARINGS OFFICER'S DECISION AND APPLICANT'S REQUEST AND RECOMMENDED THAT THE BOARD DENY BOTH APPLICATIONS. APPELLANT CHRIS FOSTER TESTIMONY IN OPPOSITION TO THE HEARINGS OFFICER'S DECISION, CITING LACK OF EVIDENCE THAT PRE-PLANTING WAS DONE. ATTORNEY JEFF BACHRACH ON BEHALF OF APPLICANT, TESTIFIED IN RESPONSE TO MR. ROCHLIN'S TESTIMONY AND IN SUPPORT OF THE BOARD AFFIRMING THE HEARINGS OFFICER DECISION; THAT ORDINANCE 903 REMAIN IN EFFECT UNTIL AFTER THE APPELLANT COURT CASE DECISION; URGING COUNTY PARTICIPATION IN THE APPELLANT COURT CASE; AND SUGGESTING THAT THE COUNTY SHARE THE COST OF BRINGING IN A THIRD ATTORNEY TO LOOK AT THE ISSUES. IN RESPONSE TO MR. BACHRACH'S TESTIMONY,

MR. ROCHLIN EXPLAINED THE LAW CHANGES WERE IN 1993 NOT 1995; THAT HE DID NOT RESTATE HIS ORIGINAL LUBA TESTIMONY TODAY, HE JUST CITED THE PHYSICAL EVIDENCE FROM THE RECORD; READ FROM THE LUBA DECISION THAT APPLICANT RETAINS THE BURDEN OF PROOF; AND URGED THE BOARD TO DENY ON THE MERITS OF THE CASE. MR. BACHRACH INTRODUCED HIS CLIENT, APPLICANT FRED BENDER, PRESIDENT OF WESTERN STATES. MR. BENDER TESTIFIED HE HAS BEEN PLANTING TREES SINCE HE WAS SIX YEARS OLD AND ASSURED THE BOARD THAT AT LEAST NINETY PERCENT OF HIS GENETICALLY SUPERIOR NOBLE FIR TREES WILL BE SOLD IN TEN YEARS. IN RESPONSE TO TESTIMONY PROVIDED BY MR. ROCHLIN, CHAIR STEIN ASKED WHY APPLICANT HAD A LOT LINE ADJUSTMENT AND MR. BACHRACH EXPLAINED HIS CLIENT WANTED TO BETTER ALIGN HIS PROPERTY CONFIGURATION FOR FUTURE SALE. IN RESPONSE TO CHAIR STEIN'S REQUEST FOR CONTINUANCE OR OBJECTION TO HEARING, NONE WERE OFFERED. THE HEARING WAS CLOSED. MS. DUFFY AND MR. BEASLEY RESPONSE TO QUESTIONS OF COMMISSIONERS NAITO AND LINN. COMMISSIONER LINN MOVED AND COMMISSIONER HANSEN SECONDED, TO AFFIRM THE HEARINGS OFFICER DECISION. MS. DUFFY RESPONSE TO BOARD QUESTIONS AND DISCUSSION. FOLLOWING BOARD DISCUSSION AND UPON MOTION OF COMMISSIONER LINN, SECONDED BY COMMISSIONER KELLEY, IT WAS UNANIMOUSLY APPROVED THAT THE FINAL ORDER HAVE CLARIFICATION OF THE JEOPARDY LAW LANGUAGE. MOTION TO AFFIRM THE HEARINGS OFFICER DECISION WAS UNANIMOUSLY APPROVED. [FINAL ORDER 98-210 LAND USE PLANNING CASES PRE 4-98 AND PRE 5-98 AFFIRMING THE OCTOBER 16, 1998 HEARINGS OFFICER DECISION TO APPROVE BOTH OF THE DWELLING APPROVAL

**VALIDATION REQUESTS - APPROVED BY
UNANIMOUS CONSENT ON DECEMBER 17, 1998.]**

There the meeting was adjourned and reconvened at 12:36 p.m.

**FOLLOWING BOARD DISCUSSION ON THE FEES
ISSUE, COMMISSIONER LINN MOVED AND
COMMISSIONER KELLEY SECONDED,
APPROVAL TO REFUND HALF OF EACH PERMIT
FEE TO PAID BY EACH PARTY. CHUCK
BEASLEY EXPLANATION AND RESPONSE TO
CONCERN OF CHAIR STEIN REGARDING THE
PRECEDENT OF THIS ACTION, ADVISING THE
FEES ARE CURRENTLY ON DEPOSIT AND THEY
COULD BE ADJUSTED FOR ACTUAL TIME
SPENT AND THE BALANCE REFUNDED TO
EACH PARTY. MOTION TO PROVIDE PARTIAL
REFUNDS UNANIMOUSLY APPROVED.**

There being no further business, the meeting was adjourned at 12:40 p.m.

Thursday, December 10, 1998 - 2:00 PM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

EXECUTIVE SESSION

Chair Beverly Stein convened the meeting at 2:04 p.m., with Vice-Chair Sharron Kelley, Commissioners Gary Hansen and Diane Linn present, and Commissioner Lisa Naito excused.

E-1 The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(d) for Labor Negotiator Consultation Concerning Labor Negotiations. Presented by Darrell Murray.

EXECUTIVE SESSION HELD.

There being no further business, the meeting was adjourned at 3:00 p.m.

BOARD CLERK FOR MULTNOMAH COUNTY, OREGON

Deborah L. Bogstad