

**ANNOTATED AGENDA FOR THE
MEETINGS OF THE
BOARD OF COMMISSIONERS**

Tuesday, December, 14 1999 - 9:30 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

BUDGET WORK SESSION

Vice-Chair Diane Linn convened the meeting at 9:32 a.m., with Commissioners Sharron Kelley and Serena Cruz present, and Chair Beverly Stein and Commissioner Lisa Naito excused.

WS-1 Emerging Budget Issues for FY 2000-2001: Department of Community and Family Services. Presented by Lorenzo Poe and Invited Staff.

LORENZO POE, DENISE CHUCKOVICH, MIKE HARRIS, FLOYD MARTINEZ, HOWARD KLINK, MARY LI, JEANNE GOODRICH AND BECKY COBB PRESENTATIONS AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION.

WS-2 Emerging Budget Issues for FY 2000-2001: Department of Library Services. Presented by Ginnie Cooper, Jeanne Goodrich, Ruth Metz, Janet Kinney, Joyce Sjoberg, Cindy Gibbon, June Mikkelsen, Becky Cobb and Renea Arnold.

PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION.

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:50 a.m.

Wednesday, December 15, 1999 - 9:30 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

BOARD BRIEFING

Chair Beverly Stein convened the meeting at 9:36 a.m., with Vice-Chair Diane Linn, Commissioners Sharron Kelley and Serena Cruz present, and Commissioner Lisa Naito arriving at 9:43 a.m.

B-1 Update on the Child Receiving Center/MDT Financial Plan for Construction and Public Siting Process. Presented by Helen Smith, Dan Steffey, Althea Milechmen and Invited Others.

BOB OBERST, ALTHEA MILECHMAN, MIKE SCHRUNK AND DAN STEFFEY
PRESENTATIONS AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION.

ADJOURNMENT

There being no further business, the briefing was adjourned at 10:15 a.m.

Wednesday, December 15, 1999 - 10:00 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

EXECUTIVE SESSION

Chair Beverly Stein convened the meeting at 10:19 a.m., with Vice-Chair Diane Linn, Commissioners Sharron Kelley, Lisa Naito and Serena Cruz present.

E-1 The Multnomah County Board Of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(e) to Deliberate with Persons Designated to Negotiate Real Property Transactions. 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. Presented by Bob Oberst.

EXECUTIVE SESSION HELD.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:50 a.m.

Thursday, December 16, 1999 - 9:00 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

REGULAR MEETING

Chair Beverly Stein convened the meeting at 9:06 a.m., with Vice-Chair Diane Linn, Commissioners Sharron Kelley, Lisa Naito and Serena Cruz present.

CONSENT CALENDAR

AT THE REQUEST OF CHAIR STEIN AND UPON MOTION OF COMMISSIONER LINN, SECONDED BY COMMISSIONER KELLEY, CONSENT CALENDAR ITEMS C-1 AND C-3 THROUGH C-11 WERE UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

- C-1 Appointments of Guy Burstein, Leslie Garth, Kamron Graham, Earlene Holmstrom, Colleen Lewis, Susan Oliver, Leticia Longoria Navarro and Mike Reich and Reappointments of Lena Bean, Lee Coleman, Muriel Goldman, Samuel Henry, Janet Kretzmeier, Kay Lowe, Mark Rosenbaum, Carol Cole, Linda Grear, Margie Harris, Patricia Johnson, Janice Nightengale and D. Claire Oliveros to the COMMISSION ON CHILDREN, FAMILIES AND COMMUNITY
- C-2 Appointments of Shawn Baird, Christopher Thomas, Scott Palmer, Karen L. Johnson, Ellen R. Lager, Laurie J. Ringlein, John Stouffer and Robert R. Wall to the EMS CONTRACT COMPLIANCE AND RATE REGULATION COMMITTEE

CHAIR STEIN ADVISED SHE IS WITHDRAWING THE EMS CONTRACT COMPLIANCE AND RATE REGULATION COMMITTEE APPOINTMENTS PENDING ADDITIONAL INVESTIGATION.

DISTRICT ATTORNEY'S OFFICE

- C-3 Budget Modification DA 00-03 Adding \$71,672 VOCA Grant Funds for the Continuation of 1.50 Victim Advocates
- C-4 Budget Modification DA 00-05 Adding \$174,341 Bureau of Justice Administration Funds for the Southeast Community Court
- C-5 Budget Modification DA 00-07 Appropriating Additional Funds for the Local Law Enforcement Block Grant Legal Assistant Holds Position

SHERIFF'S OFFICE

- C-6 Bed & Breakfast Liquor License Renewal with Recommendation for Approval for BRICKHAVEN BED & BREAKFAST, 38717 E. Columbia River Highway, Corbett

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-7 Report the Hearings Officer Decision Regarding Approval of CU 5-99, a Request for a Type B Home Occupation Permit to Create a One Chair Hair Salon within a Single Family Residence in the Multiple Use Agriculture Zoning District on Property Located at 8240 SE KANE ROAD, GRESHAM
- C-8 Auto Wrecker License Approval for DESBIENS TOWING AND AUTOMOTIVE, 28901 SE Dodge Park Blvd., Gresham
- C-9 Auto Wrecker License Approval for LOOP HI-WAY TOWING, 28609 SE Orient Drive, Gresham
- C-10 Auto Wrecker License Approval for FRANK MILLER TRUCK WRECKING, 15015 NW Mill Road, Portland
- C-11 Auto Wrecker License Approval for ORIENT AUTO PARTS, INC., 28425 SE Orient Drive, Gresham

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.

SHERIFF'S OFFICE

- R-2 **Hearing on Package Store Liquor License Renewal with Recommendation for Denial for FRED'S MARINA, 12800 NW Marina Way, Portland**

COMMISSIONER LINN MOVED AND COMMISSIONER CRUZ SECONDED, A RECOMMENDATION OF DENIAL OF THE LIQUOR LICENSE RENEWAL. COUNTY COUNSEL SANDRA DUFFY INTRODUCED CODE ENFORCEMENT OFFICER LISA ESTRIN PARTICIPATING VIA SPEAKERPHONE DUE TO ILLNESS. DUE TO A CONFLICT OF INTEREST OF SHERIFF DAN NOELLE, MS. DUFFY EXPLANATION OF RECOMMENDATION FOR DENIAL BASED ON LAND USE VIOLATIONS. APPLICANTS' ATTORNEY KELLY CLARK TESTIMONY IN SUPPORT OF A RECOMMENDATION FOR APPROVAL AND CHALLENGED THE LEGALITY OF A RECOMMENDATION OF DENIAL. IN RESPONSE TO MR. CLARK'S TESTIMONY,

COMMISSIONERS NAITO AND CRUZ ADVISED THE BOARD CITES VIOLATIONS OF LAND USE LAWS AS A BASIS FOR RECOMMENDATIONS FOR DENIAL AND THAT A RECOMMENDATION OF DENIAL WOULD NOT BE IN RETALIATION OF APPLICANTS' CIVIL RIGHTS LITIGATION. COMMISSIONER KELLEY ADVISED SHE FEELS THIS IS A CASE OF HONEST DISAGREEMENT RATHER THAN RECKLESS DISREGARD FOR THE LAW AND THAT SHE WOULD NOT SUPPORT A RECOMMENDATION OF DENIAL. IN RESPONSE TO A QUESTION OF CHAIR STEIN, MS. DUFFY ADVISED THE BOARD'S DECISION ON THE LIQUOR LICENSE WOULD NOT AFFECT THE LAND USE OR FEDERAL COURT TORT CLAIMS MATTERS. MS. DUFFY DISCUSSED THE BOARD'S AUTHORITY, LINKAGE AND LAND USE REGULATIONS. IN RESPONSE TO A QUESTION OF CHAIR STEIN, MS. DUFFY REPORTED IN HER EXPERIENCE OLCC SOMETIMES GOES ALONG WITH AND SOMETIMES IGNORES COUNTY RECOMMENDATIONS. CHAIR STEIN ADVISED THERE IS NOT A LINKAGE BETWEEN THE LIQUOR OPERATION AND THE LAND USE VIOLATION AND SUPPORTS A RECOMMENDATION OF APPROVAL. COMMISSIONER CRUZ ADVISED A LIQUOR LICENSE IS A PRIVILEGE WHICH OUGHT TO BRING WITH IT THE REQUIREMENT OF BEING A GOOD CITIZEN, TAKING ALL OF THE LAWS SERIOUSLY, AND THAT SHE SUPPORTS RECOMMENDATION OF DENIAL. WITH THE PERMISSION OF THE BOARD, APPLICANTS' ATTORNEY DAN CHANDLER EXPLAINED THE NATURE OF THE ALLEGED LAND USE VIOLATIONS RELATE TO ISSUES OF GRADING AND EROSION CONTROL AND DEVELOPMENT OF A RAMP OR PARKING LOT. COMMISSIONER LINN ASKED MS. DUFFY IF A LETTER COULD BE SENT TO OLCC STATING THE BOARD'S RECOMMENDATION OF APPROVAL WITH A NOTE FOR THE RECORD THAT THIS IS AN ISSUE THAT IS STILL UNRESOLVED. COMMISSIONER LINN ADVISED THAT IF OLCC GETS A VARIETY OF COMPLAINTS AROUND FRED'S MARINA IT MIGHT BE A HELPFUL PIECE OF INFORMATION FOR THEM TO FACTOR IN, BUT SHE IS LEANING TOWARD SUGGESTING THERE IS NOT A CLEAR ENOUGH CONNECTION TO WARRANT A RECOMMENDATION OF DENIAL. MS. DUFFY ADVISED THE BOARD CAN SEND A TRANSMITTAL LETTER WITH THE RESULT OF ITS DECISION. MR. CHANDLER STATED HE FEELS HIS CLIENTS ARE LIVING UP TO THE SPIRIT OF THE LAW. COMMISSIONER KELLEY MOVED, SECONDED BY COMMISSIONER LINN, RECOMMENDATION OF APPROVAL OF LIQUOR LICENSE RENEWAL AND ATTACHING A LETTER TO OLCC INDICATING THE DISPUTE AND THE LAND USE PLANNING ISSUES. COMMISSIONER CRUZ COMMENTS IN SUPPORT OF A RECOMMENDATION OF DENIAL. IN RESPONSE TO A QUESTION OF COMMISSIONER CRUZ, MS. ESTRIN REPORTED ON THE LAND USE ISSUES. COMMISSIONER NAITO COMMENTS IN SUPPORT OF A RECOMMENDATION OF DENIAL. MOTION RECOMMENDING APPROVAL OF LIQUOR LICENSE RENEWAL AND ATTACHING A LETTER TO OLCC INDICATING THE DISPUTE AND THE LAND USE PLANNING ISSUES APPROVED, WITH COMMISSIONERS KELLEY, LINN AND STEIN VOTING AYE, AND COMMISSIONERS NAITO AND CRUZ VOTING NO.

R-3 NOTICE OF INTENT to Apply to the U.S. Department of Justice/Bureau of Justice Assistance 1999 Open Solicitation for \$150,000 Local Criminal Justice Planning Grant to Create a Mental Health Docket in Multnomah County

COMMISSIONER KELLEY MOVED AND COMMISSIONER LINN SECONDED, APPROVAL OF R-3. SHERIFF DAN NOELLE INTRODUCED VAL OWEN. MS. OWEN EXPLANATION AND RESPONSE TO BOARD QUESTIONS. NOTICE OF INTENT UNANIMOUSLY APPROVED.

DEPARTMENT OF HEALTH

R-4 RESOLUTION Authorizing Inter-Fund Loan in the Amount of \$248,000 to Acquire Property Described as Follows: the South 75 feet of the West 160 feet of the North 498 feet of Lot 12, EASTWOOD, EXCEPT that part lying within the Rockwood Road, in the City of Gresham, County of Multnomah, State of Oregon, and Authorizing Purchase of the Property [Rockwood Neighborhood Health Access Clinic]

RESET TO THURSDAY, JANUARY 6, 2000.

DEPARTMENT OF SUPPORT SERVICES

R-5 Budget Modification DSS 4 Requesting Authorization to Recognize \$10,000 in Revenues to be Received from Oregon Emergency Management for the Consequences of Terrorism Grant

COMMISSIONER KELLEY MOVED AND COMMISSIONER LINN SECONDED, APPROVAL OF R-5. MIKE GILSDORF EXPLANATION. BUDGET MODIFICATION UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

R-6 Second Reading and Possible Adoption of a Proposed ORDINANCE Repealing MCC 27.300 and 27.301 and Adding New Provisions to Multnomah County Code Chapter 21 Relating to Workplace Hazards [Providing Smoke-Free Workplaces by Prohibiting Smoking in Places of Employment]

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER NAITO MOVED AND COMMISSIONER LINN SECONDED, APPROVAL OF TECHNICAL AMENDMENTS. AMENDMENT ONE DELETING THE DEFINITION OF BAR FROM SECTION 1, PAGE 2, WITH RESPECT TO MCC §21.501 AND AMENDMENT TWO AMENDING SECTION 1, PAGE 4, WITH RESPECT TO MCC §21.503, PLACES WHERE SMOKING IS NOT REGULATED UNANIMOUSLY APPROVED. AMENDMENT THREE AMENDING SECTION 2, PAGE 5, ADDING A SENTENCE TO MCC §21.999 (D)(2): "IF A PERSON OTHER THAN THE EMPLOYER COMMITS A SECOND VIOLATION, THE TOBACCO PREVENTION PROGRAM STAFF WILL PROVIDE ADDITIONAL SERVICES

AND REFERRAL INFORMATION DESIGNED TO ACHIEVE COMPLIANCE BY THAT PERSON." APPROVED, WITH COMMISSIONERS 3 VOTING AYE, AND COMMISSIONERS 2 VOTING NO. SECOND READING AND ADOPTION. JOHN CHISM TESTIMONY RICHARD NORTH TESTIMONY JOHN NICHOLAS TESTIMONY JONO HILDNER TESTIMONY IN SUPPORT. LILLIAN SHIRLEY EXPLANATION OF GARY RANDLE TESTIMONY JOHN MCENROE TESTIMONY BRUCE ALEXANDER KNIGHT TESTIMONY IN OPPOSITION. ORDINANCE 937 APPROVED, AS AMENDED, WITH COMMISSIONERS LINN, NAITO AND STEIN VOTING AYE, AND COMMISSIONERS KELLEY AND CRUZ VOTING NO.

R-7 RESOLUTION Adopting the Community Residential Siting Proposals

COMMISSIONER LINN MOVED AND COMMISSIONER NATIO SECONDED, APPROVAL OF SUBSTITUTE RESOLUTION. COMMISSIONER NATIO EXPLANATION. JIM WORTHINGTON TESTIMONY ITEM TABLED UNTIL 11:30. DAN SALTZMAN DAVID LANE PAMELA ARDEN KAY FOETISCH ANNDY WISELOGLE CYNTHIA INGEBRETSON BILL WEST JACK BILDERHACK CYNTHIA PEEK MICHAEL WARE NEAL BEROZ TESTIMONY. AMENDMENT UNANIMOUSLY APPROVED. RESOLUTION 99-241 APPROVED, AS AMENDED, WITH COMMISSIONERS KELLEY, NAITO, CRUZ AND STEIN VOTING AYE, AND COMMISSIONER LINN VOTING NO.

R-8 RESOLUTION Allocating Public Safety Bond Fund Interest to Specific Projects: Authorizing Construction of the Rivergate Jail and Alcohol and Drug Treatment Center and an Expanded Booking Facility; and Requesting the Community Justice Director to Develop a Treatment and Housing Support Proposal for Offenders Leaving Secure Treatment

COMMISSIONER LINN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-8. BILL FARVER EXPLANATION. RESOLUTION 99-243 UNANIMOUSLY APPROVED.

R-9 DUII Advisory Committee Victim's Impact Panel Presentation and PROCLAMATION Proclaiming December 1999 as "National Drunk and Drugged Driving Prevention Month," and Friday, December 17, as "National Lights on for Life Day" in Multnomah County

COMMISSIONER NAITO MOVED AND COMMISSIONER LINN SECONDED, APPROVAL OF R-9. JOANNE FAIRCHILD SLIDE PRESENTATION. PROCLAMATION 99-242 UNANIMOUSLY APPROVED.

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

R-10 Preliminary Information Learned by the Mental Health Task Force and Request for Policy Direction. Presented by Elsa Porter, Mike McCracken, Carl Talton and Sandy Hayden.

ELSA PORTER, CONSTANCE POWELL, ANNE POTTER, ALPHONSO LÓPEZ-VASQUEZ AND MIKE MCCRACKEN PRESENTATIONS AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION.

DEPARTMENT OF ADULT COMMUNITY JUSTICE

R-11 Briefing on the National Council on Crime and Delinquency's Evaluation of the Adult Community Justice Redesign. Presented by Jim Carlson, Elyse Clawson and Charlene Rhyne.

BRIEFING POSTPONED UNTIL THURSDAY, JANUARY 6, 2000.

ADJOURNMENT

There being no further business, the meeting was adjourned at 1:15 p.m.

Submitted by:
Lynda J. Grow, Board Clerk,
Marina Baker, Assistant Board Clerk and
Shirley Luo, Intern
Board of County Commissioners
Multnomah County