

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

**Tuesday, July 29, 2008 - 9:00 AM**

Multnomah Building, Sixth Floor Commissioners Conference Room 635  
501 SE Hawthorne Boulevard, Portland

**EXECUTIVE SESSION**

Vice-Chair Jeff Cogen convened the meeting at 9:03 a.m., with Commissioners Lisa Naito, Lonnie Roberts and Maria Rojo de Steffey present, and Chair Ted Wheeler participating via speakerphone.

**E-1 The Multnomah County Board of Commissioners will meet in Executive Session Pursuant to ORS 192.660(2)(d),(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 County Attorney Agnes Sowle.**

EXECUTIVE SESSION HELD.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:38 a.m.

---

**Tuesday, July 29, 2008 - 10:00 AM**

Multnomah Building, Sixth Floor Commissioners Conference Room 635  
501 SE Hawthorne Boulevard, Portland

**BOARD BRIEFINGS**

Vice-Chair Jeff Cogen convened the meeting at 10:03 a.m., with Commissioners Lisa Naito and Maria Rojo de Steffey present, and Commissioner Lonnie Roberts and Chair Ted Wheeler excused.

**B-2 Commission on Children, Families and Children Biennial Self-Assessment. Presented by Wendy Lebow, Carla Piluso and Jonath Colon.**

COMMISSION ON CHILDREN, FAMILIES AND CHILDREN DIRECTOR WENDY LEBOW, COMMISSION ON CHILDREN, FAMILIES AND CHILDREN POLICY BOARD CHAIR CARLA PILUSO AND COMMISSION ON CHILDREN, FAMILIES AND CHILDREN POLICY BOARD MEMBER JONATH COLON PRESENTATIONS AND

RESPONSE TO BOARD QUESTIONS AND COMMENTS IN SUPPORT AND APPRECIATION.

**B-1 VERA Institute Research Assessing the Effectiveness of Intermediate Sanctions in Multnomah County, Oregon. Presented by VERA Institute Representative.**

DEPARTMENT OF COMMUNITY JUSTICE SCOTT TAYLOR, DR. CHARLENE RYAN AND VERA INSTITUTE REPRESENTATIVE ANDRES RENGIFO PRESENTATIONS AND RESPONSE TO BOARD QUESTIONS AND COMMENTS IN SUPPORT AND APPRECIATION.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 11:03 a.m.

---

**Thursday, July 31, 2008 - 9:30 AM**  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

**REGULAR MEETING**

Chair Ted Wheeler convened the meeting at 9:36 a.m., with Vice-Chair Jeff Cogen and Commissioners Lisa Naito, Lonnie Roberts and Maria Rojo de Steffey present.

**CONSENT CALENDAR**

UPON MOTION OF COMMISSIONER COGEN, SECONDED BY COMMISSIONER ROBERTS, THE CONSENT CALENDAR (ITEMS C-1 THROUGH C-2) WAS UNANIMOUSLY APPROVED. [5-0]

C-1 Budget Modification HD-02 Authorizing Two Position Reclassifications within the Community Health Services Division of the Health Department as Determined by the Class/Comp Unit of Central Human Resources

C-2 Budget Modification DCM-01 Reclassifying One Position in Assessment and Taxation as Determined by the Class/Comp Unit of Central Human Resources

**REGULAR AGENDA**

**PUBLIC COMMENT**

Public comment was made and received for the record.

**R-1 Audit of Aging and Disability Services Medicaid Long-term Care Program. Presented by LaVonne Griffin-Valade.**

AUDITOR LAVONNE GRIFFIN-VALADE INTRODUCED AND ACKNOWLEDGED THE WORK OF AUDIT STAFF FRAN DAVISON, JUDITH DEVILLIERS, SUSAN LUCE AND KATHRYN NICHOLS. MS. GRIFFIN-VALADE PRESENTED THE AUDIT REPORT AND RECOMMENDATIONS AND RESPONDED TO QUESTIONS OF COMMISSIONER ROBERTS CONCERNING DATA COLLECTION AND HOME HEALTH CARE WORKERS. DIRECTOR OF COUNTY HUMAN SERVICES JOANNE FULLER EXPRESSED HER APPRECIATION FOR THE AUDIT AND THE CONTRIBUTIONS OF MARY SHORTALL AND AGING AND DISABILITY SERVICES STAFF. COMMISSIONERS ROJO, NAITO AND CHAIR WHEELER EXPRESSED THEIR APPRECIATION FOR THE COMPREHENSIVE AND COOPERATIVE AUDIT.

**R-2 RESOLUTION Approving the 2010-13 Metropolitan Transportation Improvement Project List**

COMMISSIONER ROJO MOVED AND COMMISSIONER COGEN SECONDED, APPROVAL OF R-2.

TRANSPORTATION SPECIALIST PLANNER KEN BORN EXPLANATION.

COMMISSIONER NAITO ADVISED SHE SUPPORTS THESE PROJECTS AND SUGGESTED IT IS TIME FOR THE REST OF THE REGION TO LOOK AT BRIDGE FUNDING. CHAIR WHEELER ADVISED HE SUPPORTS THE PROJECTS.

RESOLUTION 08-111 UNANIMOUSLY ADOPTED. [5-0]

**R-3 NOTICE OF INTENT to Apply for Homeland Security Grant Program Funds in the Amount of \$312,000**

COMMISSIONER ROJO MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF SUBSTITUTE NOTICE OF INTENT.

EMERGENCY MANAGEMENT DIRECTOR GEORGE WHITNEY EXPLANATION, ADVISING THE SUBSTITUTE NOTICE OF INTENT TO APPLY FOR HOMELAND SECURITY GRANT PROGRAM FUNDS IN THE AMOUNT OF \$1,141,287 REFLECTS THE PROGRAM'S ADDITIONAL AVAILABLE FUNDS.

SUBSTITUTE NOI TO APPLY FOR HOMELAND SECURITY GRANT PROGRAM FUNDS IN THE AMOUNT OF \$1,141,287 UNANIMOUSLY APPROVED. [5-0]

**R-4 Briefing on Cascadia Transition Plan. Presented by Joanne Fuller.**

COUNTY HUMAN SERVICES DIRECTOR JOANNE FULLER INTRODUCED JANA MCLELLAN FROM CHAIR WHEELER'S OFFICE AND GERALD WALKER, CEO OF CASCADIA. MS. FULLER, MS. MCLELLAN AND MR. WALKER PRESENTATIONS AND RESPONSE TO BOARD QUESTIONS AND COMMENTS.

**R-5 RESOLUTION Creating a Contract Compliance Advisory Committee and Implementing Processes to Strengthen the County's Oversight of the Financial and Business Stability of its Personal Services and Goods and Non-Personal Services Contractors**

COMMISSIONER COGEN MOVED AND COMMISSIONER ROJO SECONDED, APPROVAL OF R-5.

STAFF TO CHAIR WHEELER JANA MCLELLAN AND CHIEF FINANCIAL OFFICER MINDY HARRIS EXPLANATION AND RESPONSE TO QUESTIONS OF COMMISSIONER ROBERTS.

CHAIR WHEELER COMMENTED IN SUPPORT OF AN INDEPENDENT LOOK AT COUNTY'S OVERSIGHT.

RESOLUTION 08-112 UNANIMOUSLY ADOPTED. [5-0]

**R-6 First Reading of an ORDINANCE Amending Multnomah County Code Chapter 7.450 et seq. Relating to Art Acquisition**

COMMISSIONER ROJO MOVED AND COMMISSIONER COGEN SECONDED, APPROVAL OF THE FIRST READING OF A SUBSTITUTE ORDINANCE.

COMMISSIONER ROJO INTRODUCED REGIONAL ARTS & CULTURE COUNCIL EXECUTIVE DIRECTOR ELIOSE DAMROSCH AND BOARD OF DIRECTORS CHAIR CAROLE MORSE AND EXPLAINED THIS ORDINANCE RAISES THE PERCENTAGE FOR ART TO 2% AND REFLECTS WHAT TYPE OF CONSTRUCTION PROJECTS TRIGGER THE PERCENT FOR PUBLIC ARTS PROGRAM AND CHANGES CONTRACT MANAGEMENT TO THE DEPARTMENT OF COUNTY MANAGEMENT INSTEAD OF A COMMISSIONER LIAISON.

MS. DAMROSCH AND MS. MORSE TESTIMONY IN SUPPORT OF THE ORDINANCE AMENDMENTS AND IN APPRECIATION FOR THE ADVOCACY OF COMMISSIONER ROJO AND THE SUPPORT OF THE BOARD.

COMMISSIONERS NAITO COMMENTS IN APPRECIATION AND SUGGESTION THAT FUTURE SIGNIFICANT ARCHITECTURE AND NEW BUILDING DESIGN SUCH AS THE NEW DOWNTOWN COURTHOUSE, BE INCLUDED IN THE PERCENT FOR PUBLIC ARTS PROGRAM. COMMISSIONER COGEN COMMENTS IN SUPPORT AND APPRECIATION FOR COMMISSIONER ROJO'S EFFORTS AND COMPROMISE ON THIS LEGISLATURE, ADVISING HE LIKES THE IDEA OF USING ARCHITECTURE, EDUCATION AND ECONOMIC DEVELOPMENT TO BROADEN ARTS IN THE COMMUNITY.

THE FIRST READING WAS UNANIMOUSLY APPROVED. THE SECOND READING IS THURSDAY, AUGUST 7, 2008. [5-0]

**R-7 RESOLUTION Supporting a Proposal by the Multnomah County Youth Commission to Establish Fareless Public Transportation for All 6th to 12th Grade Students in Multnomah County**

COMMISSIONER ROJO MOVED AND COMMISSIONER COGEN SECONDED, APPROVAL OF R-7.

YOUTH COMMISSIONERS SARAH MEYEROWITZ, RYAN MCBEE AND KELLY HENDERSON EXPLANATION AND COMMENTS IN SUPPORT.

COMMISSIONER ROBERTS EXPLAINED HE HAS A PROBLEM WITH GIVING AN UNLIMITED PASS TO STUDENTS WITH NO GUARANTEE THEY WILL USE IT FOR SCHOOL, ADVISING IT IS FREE TO STUDENTS BUT SOMEONE HAS TO PAY. COMMISSIONER COGEN ADVISED HE CAN'T BELIEVE THE YOUTH COMMISSION GOT THE ATTENTION OF TRI-MET. COMMISSIONER ROJO ADVISED SHE LOVES THE YOUTH COMMISSION. COMMISSIONER NAITO THANKED THE YOUTH COMMISSION FOR THEIR EFFORTS. CHAIR WHEELER ADVISED HE REALLY ENJOYED WATCHING THIS CONTROVERSIAL ISSUE UNFOLD AND HOW THE YOUTH COMMISSION EARNED THE SUPPORT OF IMPORTANT PEOPLE.

RESOLUTION 08-113 ADOPTED, WITH COMMISSIONERS NAITO, ROJO, COGEN AND WHEELER VOTING AYE, AND COMMISSIONER ROBERTS VOTING NO. [4-1]

*(Recess as the Multnomah County Board of Commissioners and convene as the Multnomah County Board of Health)*

**R-8 ORDER Adopting a Policy Requiring the Nutrition Labeling of Food Items at Chain Restaurants and Directing the County Department of Health to Promulgate Rules and Regulations to Implement the Policy**

COMMISSIONER COGEN MOVED AND COMMISSIONER ROBERTS SECONDED, APPROVAL OF R-8.

COMMISSIONER COGEN ADVISED HE HEARD FROM 476 CONSTITUENTS IN SUPPORT AND 11 IN OPPOSITION TO THIS POLICY ISSUE. LILLIAN SHIRLEY, HEALTH DEPARTMENT DIRECTOR; STATE REPRESENTATIVE TINA KOTEK; SONIA MANHAS, CHRONIC DISEASE PREVENTION SPECIALIST AND STATE SENATOR MARGARET CARTER EXPLANATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION ON ISSUES INCLUDING NUTRITION LABELING AND INTRODUCTION OF POTENTIAL STATEWIDE LEGISLATION IN JANUARY.

COMMISSIONER NAITO MOVED AND COMMISSIONER ROJO SECONDED, APPROVAL OF SUBSTITUTE RESOLUTION RECOMMENDING NUTRITION LABELING IN RESTAURANTS AS A LEGISLATIVE PRIORITY AND INCLUSION OF NUTRITION LABELING TO THE STATE TASK FORCE AND THE LEGISLATURE.

COMMISSIONER COGEN COMMENTED IN SUPPORT OF HIS ORDER, ADVISING MULTNOMAH COUNTY'S POLICY ADOPTION WILL GENERATE MOMENTUM WITH THE STATE. COMMISSIONER NAITO ADVISED SHE BELIEVES THE STATE WILL MOVE FORWARD ON THIS ISSUE AND IF NOT, THE COUNTY CAN THEN ACT. COMMISSIONER ROBERTS ADVISED HE WANTS TO SEE THE ISSUE HANDLED AT THE STATE LEVEL AND HE WANTS THE COUNTY TO DO SOMETHING AS WELL. COMMISSIONER ROJO COMMENTED IN SUPPORT OF COMMISSIONER NAITO'S SUBSTITUTION AND ADVISED SHE HAS FAITH IN SENATOR CARTER. CHAIR WHEELER ADVISED HE RESPECTS SENATOR CARTER BUTS SUPPORTS MULTNOMAH COUNTY TAKING THE LEAD ON THIS ISSUE.

SUBSTITUTE RESOLUTION FAILED, WITH COMMISSIONERS NAITO AND ROJO VOTING AYE AND COMMISSIONERS ROBERTS, COGEN AND WHEELER VOTING NO. [2-3]

DR. MEL KOHN, EPIDEMIOLOGIST FOR STATE OF OREGON DEPARTMENT OF HEALTH; AND NANCY BECKER, PROFESSOR OF NUTRITION SCIENCE AT PORTLAND STATE UNIVERSITY PRESENTATIONS AND RESPONSE TO BOARD QUESTIONS REGARDING OBESITY AND FAST FOOD AND CHAIN RESTAURANT NUTRITION MENU LABELING.

Commissioner Rojo was excused at 12:08 p.m. and returned at 12:22 p.m.

BILL PERRY OF THE OREGON RESTAURANT ASSOCIATION, TESTIMONY IN OPPOSITION TO COUNTY ORDER, URGING BOARD TO WORK WITH RESTAURANT INDUSTRY TO PURSUE THEIR RECOMMENDATIONS ON A STATEWIDE BASIS. MR. PERRY SUBMITTED A LETTER FROM AMERICAN DIETETIC ASSOCIATION PRESIDENT CONNIE DIEKMAN RECOMMENDING CAUTION IN ENDORSING RESTAURANT LEGISLATION OR INITIATIVES IN THE ABSENCE OF SCIENTIFIC SUPPORT TO INDICATE THE ACTION WILL BE EFFECTIVE. DEBE NAGY-NER REPRESENTING BURGERVERILLE, TESTIMONY IN OPPOSITION TO COUNTY ORDER, ADVISING THE ISSUE SHOULD BE STATE MANDATED. KEVIN BECHTEL REPRESENTING SHARI'S MANAGEMENT CORPORATION, TESTIMONY IN OPPOSITION TO COUNTY ORDER AND IN SUPPORT OF A UNILATERAL STATEWIDE OR NATIONAL POLICY.

STEVE NOVICK, MARYLOU HENNRICH, EXECUTIVE DIRECTOR OF COMMUNITY HEALTH PARTNERSHIP, STUDENT MIRIAM KOHN, GRACIELA LIMON, RUTH PONCE, ALEJANDRO QUERAL, OREGON DIRECTOR OF GOVERNMENT AFFAIRS FOR THE AMERICAN HEART ASSOCIATION, MEL RADER OF UPSTREAM PUBLIC HEALTH, NANCY BECKER, PROFESSION OF NUTRITIAN SCIENCE AT PORTLAND STATE UNIVERSITY, EECOLE COPEN, REGISTERED DIETICIAN AT OREGON HEALTH SCIENCES UNIVERSITY, CHRIS KABEL OF NORTHWEST HEALTH FOUNDATION, CAT LIVINGSTON, PHYSICIAN AT OREGON HEALTH SCIENCES UNIVERSITY, WILLIAM CONNOR, PHYSICIAN AT OREGON HEALTH SCIENCES UNIVERSITY, JEAN BUCCIARELLI, STEVE WHITSON AND MARGARET VATTIAT,

REGISTERED DIETICIAN AT OREGON HEALTH SCIENCES UNIVERSITY, TESTIMONY IN SUPPORT OF COUNTY MOVING FORWARD WITH POLICY REQUIRING NUTRITION LABELING IN FAST FOOD AND OTHER CHAIN RESTAURANTS IN MULTNOMAH COUNTY.

ALAN SHAFFER, WINGSTOP FRANCHISE OWNER, TESTIMONY IN OPPOSITION TO COUNTY ORDER, ADVISING IT IS UNFAIR TO SINGLE OUT CHAINS RATHER THAN REQUIRING ALL RESTAURANTS TO PROVIDE NUTRITION LABELING. MICHELLE WEBER, REPRESENTING OREGON TACO BELL FRANCHISE, TESTIMONY IN OPPOSITION TO COUNTY ORDER, ADVISING THE ISSUE SHOULD BE TAKEN UP STATEWIDE.

EMMA STEEN, RETIRED FOOD/NUTRITION PROFESSIONAL AND BETH GEBSTADT, OREGON STATE HEALTH ALLIANCE DIRECTOR FOR THE AMERICAN HEART ASSOCIATION/AMERICAN STROKE ASSOCIATION, TESTIMONY IN SUPPORT OF COUNTY MOVING FORWARD WITH POLICY REQUIRING NUTRITION LABELING IN FAST FOOD AND OTHER CHAIN RESTAURANTS IN MULTNOMAH COUNTY.

TED HUGHES, LEGAL COUNSEL FOR MCDONALDS, TESTIMONY IN OPPOSITION TO COUNTY ORDER, ADVISING THE CORPORATION ALREADY PROVIDES NUTRITION INFORMATION ON ITS FOOD WRAPPERS AND WILL JOIN WITH THE OREGON RESTAURANT ASSOCIATION TO PURSUE NUTRITION LEGISLATION ON A STATEWIDE BASIS.

JANET GUSS DARWICH, DARKO SPOLJARIC, MONICA HUNSBERGER, STEVE WEISS, JESSICA JOHNSON, ASHLEY THROWER AND SHANNON HENNRICH TESTIMONY IN SUPPORT OF COUNTY MOVING FORWARD WITH POLICY REQUIRING NUTRITION LABELING IN FAST FOOD AND OTHER CHAIN RESTAURANTS IN MULTNOMAH COUNTY.

COMMISSIONER NAITO MOVED AND COMMISSIONER ROJO SECONDED, AMENDMENTS DELETING "LICENSED HEALTH CARE FACILITIES" FROM THE RESTAURANT EXEMPTIONS AND ADDING SEVERABILITY CLAUSE AS FOLLOWS: "IF ANY PROVISION OF THIS REGULATION OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE REMAINDER OF THE REGULATION OR THE APPLICATION OF THE PROVISION TO OTHER PERSONS OR CIRCUMSTANCES IS NOT EFFECTIVE."

SONIA MANHAS RESPONSE TO QUESTION OF COMMISSIONER COGEN, ADVISING LICENSED HEALTH CARE FACILITIES ARE REGULATED BY OTHER ENTITIES.

MOTION DELETING "LICENSED HEALTH CARE FACILITIES" FROM THE RESTAURANT EXEMPTIONS AND ADDING SEVERABILITY CLAUSE AS FOLLOWS: "IF ANY PROVISION OF THIS REGULATION OR ITS APPLICATION TO ANY

PERSON OR CIRCUMSTANCE IS HELD INVALID, THE REMAINDER OF THE REGULATION OR THE APPLICATION OF THE PROVISION TO OTHER PERSONS OR CIRCUMSTANCES IS NOT EFFECTIVE." UNANIMOUSLY APPROVED. [5-0]

COMMISSIONER NAITO MOVED AND COMMISSIONER COGEN SECONDED, AMENDMENT CHANGING THE POLICY EXCLUSION OF FOOD THAT IS OFFERED FOR SALE FROM FOR LESS THAN SIXTY (60) DAYS TO NINETY (90) DAYS IN A CALENDAR YEAR.

MS. MANHAS EXPLAINED THAT THE CHRONIC DISEASE PREVENTION PROGRAM AND REPRESENTATIVES FROM THE FOOD SERVICE, PUBLIC, HEALTH, ACADEMIC, NON-PROFIT AND BUSINESS COMMUNITIES DISCUSSED SEASONAL PRODUCTS AND THE COMPROMISE EXCLUSION AGREED BETWEEN THE STAKEHOLDERS WAS FOR FOOD OFFERED FOR SALE FOR LESS THAN SIXTY DAYS IN A CALENDAR YEAR. COMMISSIONER NAITO EXPLAINED THE COUNTY SHOULD ENCOURAGE THE USE OF SEASONAL AND FRESH PRODUCE AND PRODUCTS AND ADVISED THAT KING COUNTY ADOPTED A NINETY DAY REQUIREMENT.

COMMISSIONER NAITO WITHDREW THE PORTION OF HER AMENDMENT STATING "IN A CALENDAR YEAR" AS IT WAS ALREADY IN THE POLICY.

MOTION CHANGING THE POLICY EXCLUSION OF FOOD THAT IS OFFERED FOR SALE FROM FOR LESS THAN SIXTY (60) DAYS TO NINETY (90) DAYS UNANIMOUSLY APPROVED. [5-0]

COMMISSIONER NAITO MOVED AND COMMISSIONER ROJO SECONDED, AMENDMENT ADDING THE FOLLOWING POLICY LANGUAGE: "THE RESTAURANT SHALL BE REQUIRED TO PROVIDE INFORMATION AND DOCUMENTATION OF THE REASONABLE BASIS OR BASES OF CALORIE AND NUTRIENT ANALYSIS. REASONABLE BASIS OR REASONABLE BASES MEANS ANY RELIABLE AND VERIFIABLE CALORIE AND NUTRIENT ANALYSIS OF A MENU ITEM, WHICH MAY INCLUDE THE USE OF CALORIE AND NUTRIENT DATABASES, COOKBOOKS, LABORATORY ANALYSES AND OTHER RELIABLE AND VERIFIABLE METHODS OF ANALYSIS."

FOLLOWING DISCUSSION, MOTION ADDING POLICY LANGUAGE STATING: "THE RESTAURANT SHALL BE REQUIRED TO PROVIDE INFORMATION AND DOCUMENTATION OF THE REASONABLE BASIS OR BASES OF CALORIE AND NUTRIENT ANALYSIS. REASONABLE BASIS OR REASONABLE BASES MEANS ANY RELIABLE AND VERIFIABLE CALORIE AND NUTRIENT ANALYSIS OF A MENU ITEM, WHICH MAY INCLUDE THE USE OF CALORIE AND NUTRIENT DATABASES, COOKBOOKS, LABORATORY ANALYSES AND OTHER RELIABLE AND VERIFIABLE METHODS OF ANALYSIS." UNANIMOUSLY APPROVED. [5-0]

COMMISSIONER NAITO MOVED AND COMMISSIONER ROJO SECONDED, AMENDMENT CHANGING DEFINITION OF RESTAURANT TO INCLUDE PREPARED FOOD IN CERTAIN GROCERY, CONVENIENCE AND VARIETY STORES; AND EXCLUDING UNOPENED PREPACKAGED FOODS; CONDIMENTS, AND FOOD SERVED BY WEIGHT AND CUSTOMIZED ORDERS.

FOLLOWING DISCUSSION, MOTION FAILED, WITH COMMISSIONERS NAITO AND ROBERTS VOTING AYE, AND COMMISSIONERS ROJO, COGEN AND WHEELER VOTING NO. [2-3]

COMMISSIONER NAITO MOVED AND COMMISSIONER ROJO SECONDED, AMENDMENT ADDING POLICY LANGUAGE STATING: "MENU" DOES NOT INCLUDE PRINTED OR PICTORIAL MATERIALS POSTED IN ESTABLISHMENTS FOR THE PURPOSE OF MARKETING. AND "MENU BOARD" DOES NOT INCLUDE PRINTED OR PICTORIAL MATERIALS POSTED IN ESTABLISHMENTS FOR THE PURPOSE OF MARKETING."

FOLLOWING DISCUSSION, MOTION ADDING POLICY LANGUAGE STATING: "MENU" DOES NOT INCLUDE PRINTED OR PICTORIAL MATERIALS POSTED IN ESTABLISHMENTS FOR THE PURPOSE OF MARKETING. AND "MENU BOARD" DOES NOT INCLUDE PRINTED OR PICTORIAL MATERIALS POSTED IN ESTABLISHMENTS FOR THE PURPOSE OF MARKETING." UNANIMOUSLY APPROVED. [5-0]

COMMISSIONER NAITO MOVED AND COMMISSIONER ROJO SECONDED, POLICY AMENDMENT THAT PROVIDES APPROVED OPTIONS FOR ESTABLISHMENTS THAT PROVIDE MENUS AND MENU BOARDS.

COMMISSIONER COGEN EXPRESSED CONCERN THAT THE SUGGESTED POLICY AMENDMENT IS SUBSTANTIALLY DIFFERENT FROM THE NUTRITION LABELING POLICY REGARDING PRODUCT DISCLOSURE REQUIREMENTS FOR MENUS, AND ADVISED HE WANTS THE HEALTH DEPARTMENT TO LOOK INTO THE MATTER. IN RESPONSE TO COMMISSIONER NAITO'S COMMENTS IN SUPPORT OF HER MOTION, COMMISSIONER COGEN SUGGESTED IT WOULD BE MORE APPROPRIATE TO ADDRESS THIS SUBJECT IN THE RULE MAKING PROCESS. DR. GARY OXMAN, TRI-COUNTY HEALTH OFFICER, SUGGESTED THAT THE HEALTH DEPARTMENT HAVE THOUGHTFUL DISCUSSIONS AND GOAL MAKING RULES WITH OUR PARTNERS. COMMISSIONER ROJO ADVISED SHE READ THE KING COUNTY POLICY AND SUPPORTS THE MOTION. COMMISSIONER NAITO STATED SHE FEELS POLICY DECISIONS SHOULD BE MADE BY THE BOARD AND SUGGESTED THIS MATTER BE CONTINUED ONE WEEK. COMMISSIONER COGEN AND CHAIR WHEELER ADVISED THAT THEY CANNOT VOTE IN FAVOR OF THE AMENDMENT AT THIS TIME. IN RESPONSE TO A REQUEST FOR CLARIFICATION BY HEALTH DIRECTOR LILLIAN SHIRLEY, COUNTY ATTORNEY AGNES SOWLE EXPLAINED THE PROCESS FOLLOWING

BOARD ADOPTION OF THE ORDER DIRECTING THE DEPARTMENT TO PROMULGATE RULES AND REGULATIONS.

MOTION ADDING POLICY AMENDMENT THAT PROVIDES APPROVED OPTIONS FOR ESTABLISHMENTS THAT PROVIDE MENUS AND MENU BOARDS FAILED, WITH COMMISSIONERS NAITO AND ROJO VOTING AYE, AND COMMISSIONERS ROBERTS, COGEN AND WHEELER VOTING NO. [2-3]

COMMISSIONER NAITO MOVED AND COMMISSIONER COGEN SECONDED, AMENDMENT ADDING LANGUAGE REGARDING APPROVAL PROCESS FOR PROPOSED METHODS OF NUTRITION LABELING, AS FOLLOWS: "A RESTAURANT MAY PROPOSE A METHOD OF NUTRITION LABELING NOT OTHERWISE PROVIDED FOR IN THIS ORDINANCE WITH APPROVAL FROM THE HEALTH DEPARTMENT OF ANY PROPOSED SUBSTANTIALLY EQUIVALENT METHOD FOR NUTRITION LABELING. THE PROPOSAL SHALL BE SUBMITTED IN WRITING AND DEMONSTRATE HOW THE PROPOSED METHOD IS EXPECTED TO ALLOW FOR CONSUMERS AT THE POINT OF ORDERING WITH INFORMATION THAT IS ROUTINELY AND READILY AVAILABLE. THE HEALTH DEPARTMENT SHALL ESTABLISH STANDARDS FOR APPROVAL, A PROCESS AND PROVIDE WRITTEN APPROVAL BEFORE IMPLEMENTATION."

FOLLOWING DISCUSSION BETWEEN MS. MANHAS, COMMISSIONER NAITO AND DR. OXMAN, COMMISSIONER NAITO MOVED AND COMMISSIONER ROJO SECONDED, MOTION DELETING SECOND PARAGRAPH LANGUAGE.

CHAIR WHEELER READ AMENDED AMENDMENT LANGUAGE, AS FOLLOWS: "A RESTAURANT MAY PROPOSE A METHOD OF NUTRITION LABELING NOT OTHERWISE PROVIDED FOR IN THIS ORDINANCE WITH APPROVAL FROM THE HEALTH DEPARTMENT OF ANY PROPOSED SUBSTANTIALLY EQUIVALENT METHOD FOR NUTRITION LABELING. THE HEALTH DEPARTMENT SHALL ESTABLISH STANDARDS FOR APPROVAL, A PROCESS AND PROVIDE WRITTEN APPROVAL BEFORE IMPLEMENTATION."

MOTION UNANIMOUSLY APPROVED, AS AMENDED. [5-0]

COMMISSIONER NAITO MOVED AND COMMISSIONER ROJO SECONDED, AMENDMENT ADDING LANGUAGE PROVISIONS TO INCLUDE A PHASING OUT OF ARTIFICIAL TRANS FAT.

COMMISSIONER NAITO COMMENTS IN SUPPORT. IN RESPONSE TO A QUESTION OF COMMISSIONER ROBERTS, MS. MANHAS ADVISED VOLUNTARY EFFORTS TO PHASE OUT TRANS FATS IS OCCURING AND ASKED WHETHER THE AMENDMENT IS SPECIFIC TO ALL RESTAURANTS. COMMISSIONER COGEN COMMENTS IN OPPOSITION TO THE MOTION, ADVISING THE BOARD DISCUSSED THIS ISSUE A YEAR AGO, THE HEALTH DEPARTMENT RECOMMENDED NOT TO PROCEED AT THAT TIME; THAT HE WANTS THE

COMMUNITY TO HAVE THE OPPORTUNITY TO SPEAK TO THE ISSUE IN AN APPROPRIATE PUBLIC POLICY CONTEXT. COMMISSIONER ROBERTS COMMENTS IN OPPOSITION, CITING ISSUES OF FAIRNESS. COMMISSIONER ROJO STATED THE BOARD HAS DISCUSSED AND HEARD PUBLIC TESTIMONY REGARDING THE TRANS FAT ISSUE; THAT SHE SUPPORTS ELIMINATING TRANS FAT; THAT IT IS NOT FAIR TARGETING A FEW FAST FOOD PLACES AND SHOULD INCLUDE ALL RESTAURANTS.

MOTION ADDING LANGUAGE PROVISIONS TO INCLUDE A PHASING OUT OF ARTIFICIAL TRANS FAT FAILED, WITH COMMISSIONERS NAITO AND ROJO VOTING AYE AND COMMISSIONERS ROBERTS, COGEN AND WHEELER VOTING NO. [2-3]

CHAIR WHEELER RECAPPED AMENDMENTS. IN RESPONSE TO DISCUSSION BETWEEN COMMISSIONER ROBERTS AND COMMISSIONER COGEN IN SUPPORT OF A MOTION ADDING LANGUAGE SPECIFYING THAT FUTURE STATE LAW WOULD SUPERCEDE THE COUNTY'S LEGISLATION, MS. SOWLE ADVISED IT IS NOT APPROPRIATE TO DO SO WITH THIS ORDER AND EXPLAINED THERE WILL BE FURTHER OPPORTUNITY FOR BOARD INPUT. COMMISSIONERS ROBERTS AND COGEN WITHDREW THEIR MOTION.

COMMISSIONER ROJO COMMENTED IN OPPOSITION TO ADOPTING NEW REGULATIONS AT THIS TIME, CITING TO LACK OF ADEQUATE FUNDING FOR CURRENT SERVICES AND OBLIGATIONS INCLUDING ANIMAL SERVICES, LAND USE PLANNING, MENTAL HEALTH, CASCADIA, WAPATO, EAST COUNTY JUSTICE CENTER AND THE SELLWOOD BRIDGE REPLACEMENT. COMMISSIONER ROJO ADVISED SHE APPRECIATES ALL THE WORK EVERYONE HAS DONE ON THIS MATTER, BUT SHE WILL VOTE NO, EXPLAINING THAT SHE SUPPORTS ELIMINATING TRANS FAT AND WORKING TOGETHER WITH THE STATE FOR A STATEWIDE MEASURE THAT DOES NOT UNFAIRLY IMPACT THE RESTAURANT INDUSTRY.

COMMISSIONER NAITO ADVISED SHE WILL VOTE IN SUPPORT BUT IS CONCERNED ABOUT COUNTY STANDARDS, FAIRNESS AND THE MESSAGE BEING SENT TO BUSINESSES IN MULTNOMAH COUNTY.

CHAIR WHEELER ADVISED THIS IS ONE OF THE MOST INTERESTING AND LONGEST DELIBERATIONS HE'S HAD AND EXPRESSED HIS APPRECIATION FOR THE WORK AND INFORMATION SHARING OF COMMISSIONERS COGEN AND NAITO AND THE HEALTH DEPARTMENT. CHAIR WHEELER STATED HE IS MINDFUL OF THE CONCERNS OF COMMISSIONERS ROJO AND NAITO AND THAT AS THE MULTNOMAH COUNTY BOARD OF HEALTH HE SUPPORTS PROVIDING CONSUMER INFORMATION TO MAKE INFORMED CHOICES. CHAIR WHEELER REPORTED THAT HE RECEIVED OVER 400 EMAILS AND ONLY A SMALL HANDFUL WERE IN OPPOSITION TO MENU LABELING.

COMMISSIONER COGEN STATED MULTNOMAH COUNTY HAS A LOT OF PROBLEMS BUT ADDRESSING THE CURRENT HEALTH CRISIS AND OBESITY EPIDEMIC IS CRITICAL. COMMISSIONER COGEN ADVISED THE HEALTH DEPARTMENT'S PROPOSAL IS REASONABLE AND FAIR AND IT WILL BE COST EFFECTIVE AND WILL MAKE A DIFFERENCE AND THAT HE HOPES OUR ACTION WILL SPUR THE STATE TO FOLLOW. COMMISSIONER COGEN EXPRESSED HIS APPRECIATION FOR THE EFFORTS OF SONIA MANHAS, NANCY BECKER AND KAROL COLLYMORE.

COUNTY ATTORNEY AGNES SOWLE EXPLAINED THE BOARD WILL NOW VOTE ON THE MOTION TO ADOPT THE ORDER AND THE ATTACHED CHAIN RESTAURANT NUTRITION LABELING POLICY AS RECOMMENDED BY THE CHRONIC DISEASE PREVENTION PROGRAM, WITH TODAY'S AMENDMENTS ATTACHED.

ORDER 08-114 ADOPTED, AS AMENDED, WITH COMMISSIONERS NAITO, COGEN, ROBERTS AND WHEELER VOTING AYE, AND COMMISSIONER ROJO VOTING NO. [4-1]

COMMISSIONER NAITO MOVED AND COMMISSIONER ROBERTS SECONDED, APPROVAL OF A PARALLEL PROCESS DIRECTING THE HEALTH DEPARTMENT TO WORK WITH GROCERS TO INCLUDE NUTRITION LABELING OF PREPARED FOOD IN GROCERY STORES.

MOTION UNANIMOUSLY ADOPTED. [5-0]

*(Adjourn as the Multnomah County Board of Health and reconvene as Multnomah County Board of Commissioners)*

### **BOARD COMMENT**

No board comments were made.

### **ADJOURNMENT**

There being no further business, the meeting was adjourned at 2:20 a.m.

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