

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

**Tuesday, February 10, 2009 - 9:00 AM**

Multnomah Building, Sixth Floor Commissioners Conference Room 635

**BUDGET WORK SESSION**

Chair Ted Wheeler convened the meeting at 9:06 a.m. with Vice-Chair Judy Shiprack and Commissioners Jeff Cogen, Deborah Kafoury and Diane McKeel present.

9:00 to 10:30            New Board Orientation Budget Overview: Information Technology. Presented by Sherry Swackhamer, Tim Boylan, Keith Johnson and Gary Wohlers.

PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND COMMENTS.

10:30 to 12:00        New Board Orientation Budget Overview: Capital and Infrastructure Needs. Presented by Cecilia Johnson, Jane McFarland, Bob Thomas, John Lindenthal, Mindy Harris and Mark Campbell.

RESCHEDULED TO 10:30 AM TUESDAY, FEBRUARY 24, 2009.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 10:34 a.m.

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**Thursday, February 12, 2009 - 9:30 AM**

Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

**REGULAR MEETING**

Chair Ted Wheeler convened the meeting at 9:32 a.m., with Vice-Chair Judy Shiprack and Commissioners Jeff Cogen and Diane McKeel present, and Commissioner Deborah Kafoury arriving at 9:35 a.m.

**PUBLIC COMMENT**

No public comments were made.

## **REGULAR AGENDA**

- R-1 Presentation of Multnomah County's Comprehensive Annual Financial Report, Component Unit Financial Reports, and Schedule of Expenditures of Federal Awards and Management Advisory Comment Letter for the year ending June 30, 2008. Presenters: The Multnomah County Audit Committee represented by LaVonne Griffin-Valade, Mindy Harris, and Craig Stroud and by Moss Adams represented by Jim Lanzarotta and Debbie Smith-Wagar.**

PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND COMMENTS.

- R-2 Tax Abatement Report Presentation from City of Portland Commissioner Nick Fish.**

PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND COMMENTS.

- R-3 RESOLUTION Accepting the City of Portland-Multnomah County Animal Services Taskforce Report and Creating a Joint City-County Animal Services Implementation Team. Presented by City of Portland Commissioner Randy Leonard, Mike Oswald, and Taskforce Members.**

COMMISSIONER COGEN MOVED AND COMMISSIONER KAFOURY SECONDED, APPROVAL OF R-3.

COUNTY CHAIR TED WHEELER, PORTLAND COMMISSIONER RANDY LEONARD, ANIMAL SERVICES MANAGER MIKE OSWALD, TASKFORCE FACILITATOR SUE DICIPLE AND THOMAS LANNOM FROM THE CITY REVENUE BUREAU PRESENTATIONS AND RESPONSE TO BOARD QUESTIONS AND COMMENTS IN SUPPORT. THE RESOLUTION DIRECTS CONVENING OF A JOINT ANIMAL SERVICES IMPLEMENTATION TEAM (COUNTY ANIMAL SERVICES AND PORTLAND BUREAU OF DEVELOPMENT) TO DESIGN A PLAN TO IMPLEMENT THE PROPOSALS CONTAINED IN THE TASKFORCE REPORT AND REPORT THEIR FINDINGS TO THE BOARD NO LATER THAN JUNE 30, 2009.

RESOLUTION 09-017 UNANIMOUSLY ADOPTED. [5-0]

- R-4 NOTICE OF INTENT to Submit a \$200,000 Grant Request to the United Way for Coalition for Homeless Families Infrastructure Development and Homeless Family Advocacy.**

COMMISSIONER COGEN MOVED AND COMMISSIONER KAFOURY SECONDED, APPROVAL OF R-4.

EXPLANATION GIVEN.

NOTICE OF INTENT UNANIMOUSLY APPROVED. [5-0]

**R-5 BUDGET MODIFICATION DCHS-21 Appropriating \$1,513,732 in Additional Case Management Funding from the State of Oregon, and Making Position Changes to Implement the Approved Developmental Disabilities Services Division Reorganization**

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

EXPLANATION GIVEN.

BUDGET MODIFICATION UNANIMOUSLY APPROVED. [5-0]

**R-6 BUDGET MODIFICATION DCHS-22 Appropriating a Total of \$335,488 in Additional State Funding for Community Service's, Energy Services Program to Increase Number of Households that Receive Assistance and Increase Staffing to Manage Increased Inspection Caseload**

COMMISSIONER COGEN MOVED AND COMMISSIONER KAFOURY SECONDED, APPROVAL OF R-6.

EXPLANATION GIVEN.

BUDGET MODIFICATION UNANIMOUSLY APPROVED. [5-0]

**R-7 First Reading and Possible Adoption of an ORDINANCE Amending County Land Use Code, Comprehensive Plans and Maps to Adopt Portland's Recent Land Use Code, Plan and Map Revisions Related to the Retail Sales and Services Regulations for Division Main Street in Compliance with Metro's Functional Plan and Declaring an Emergency**

COMMISSIONER SHIPRACK MOVED AND COMMISSIONER MCKEEL SECONDED, APPROVAL OF FIRST READING AND ADOPTION.

EXPLANATION GIVEN.

THE FIRST READING WAS APPROVED AND ORDINANCE 1130 UNANIMOUSLY ADOPTED. [5-0]

**R-8 RESOLUTION Granting the City of Portland Access to County Property for Road Purposes**

COMMISSIONER SHIPRACK MOVED AND COMMISSIONER MCKEEL SECONDED, APPROVAL OF R-8.

EXPLANATION AND RESPONSE TO QUESTIONS.

RESOLUTION 09-018 UNANIMOUSLY ADOPTED. [5-0]

**R-9 NOTICE OF INTENT to Submit a Grant Application to the United Way of the Columbia-Willamette Community Investment Grant Program**

COMMISSIONER COGEN MOVED AND COMMISSIONER SHIPRACK SECONDED, APPROVAL OF R-9.

EXPLANATION AND RESPONSE TO QUESTIONS.

NOTICE OF INTENT UNANIMOUSLY APPROVED. [5-0]

The meeting was recessed at 11:43 a.m. and reconvened at 11:50 a.m.

**R-10 NOTICE OF INTENT to Submit a Grant Application of up to \$200,000 to the United Way of the Columbia-Willamette to Support an Initiative to Address Disparities in the Latino Teen Birth Rate**

AT THE REQUEST OF THE DEPARTMENT AND UPON MOTION OF COMMISSIONER MCKEEL, SECONDED BY COMMISSIONER COGEN, R-10 WAS UNANIMOUSLY POSTPONED INDEFINITELY. [4-0]

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

Commissioner Kafoury returned at 10:52 a.m.

**R-11 RESOLUTION Approving the County Department of Health Rules and Regulations Implementing the Nutrition Labeling Policy**

COMMISSIONER MCKEEL MOVED AND COMMISSIONER COGEN SECONDED, APPROVAL OF R-11.

COMMISSIONER COGEN, HEALTH DIRECTOR LILLIAN SHIRLEY, HEALTH PROMOTION PROGRAM MANAGER SONJA MANHAS AND HEALTH OFFICER DR. GARY OXMAN EXPLANATION OF THE RULE MAKING PROCESS, INPUT GATHERED, ENFORCEMENT AND THE HEALTH DEPARTMENT'S RELIANCE OF THE RESTAURANT INDUSTRY TO PROVIDE REASONABLY ACCURATE ANALYSIS OF FOOD DISPLAYED SO CUSTOMERS CAN SEE THE INFORMATION BEFORE THEY ORDER. DR. OXMAN ADVISED THE HEALTH DEPARTMENT ENFORCEMENT WILL SUPPORT CLIENTS TO COME INTO COMPLIANCE VIA A MULTI-STEP PROCESS FOR ENFORCEMENT WITH SOME FLEXIBILITY. MS. MANHAS RESPONDED TO QUESTIONS OF COMMISSIONER KAFOURY ON HOW THE HEALTH DEPARTMENT IS LETTING RESTAURANTS KNOW ABOUT THE NEW COMPLIANCE START DATE.

MARY LOU HENNRICH, DR. MEL KOHN AND DR. CAT LIVINGSTON TESTIMONY IN SUPPORT OF ADOPTION OF MULTNOMAH COUNTY HEALTH RULES AND REGULATIONS IMPLEMENTING NUTRITION LABELING POLICY. BILL PERRY OF THE OREGON RESTAURANT ASSOCIATION, TESTIMONY IN SUPPORT OF MULTNOMAH COUNTY WAITING UNTIL STATEWIDE LEGISLATION IS CREATED; IN OPPOSITION TO REQUIRING LABELING ON DRIVE THROUGH MENU BOARDS; IN SUPPORT OF DIFFERENT RULES FOR DRIVE THROUGH RESTAURANTS; LABELING VARIABLE ITEMS AND MEASURING 20% DEVIATION; AND IN SUPPORT OF ADDITIONAL TIME FOR IMPLEMENTATION AND COMPLIANCE WITH MULTNOMAH COUNTY REGULATIONS. HARLAN LEVY AND FRANCISCO RIVERA-GIUSTI, OWNERS OF MCDONALD'S RESTAURANTS TESTIMONY IN OPPOSITION TO THE COUNTY IMPLEMENTING NUTRITION LABELING POLICY; IN SUPPORT OF WAITING UNTIL CONGRESS AND THE STATE LEGISLATURE ENACTS A UNIFORM NUTRITION LABELING STANDARD FOR CHAIN RESTAURANTS; AND IN OPPOSITION TO FULL NUTRITION LABELING ON DRIVE-THROUGH MENU BOARDS. CHRIS HEIN, OWNER OF THE OLD SPAGHETTI FACTORY, TESTIMONY IN OPPOSITION TO COUNTY IMPLEMENTING NUTRITION LABELING POLICY AT THIS TIME AND WAITING UNTIL STATEWIDE LEGISLATION IS CREATED.

PARENT ADRIANA VOSS-ANDREAE TESTIMONY IN SUPPORT OF THE COUNTY IMPLEMENTING NUTRITION LABELING POLICY. REGISTERED DIETICIAN DEBE NAGY-NERO OF THE HOLLAND/BURGERVILLE, TESTIMONY IN OPPOSITION TO COUNTY IMPLEMENTING NUTRITION LABELING POLICY AT THIS TIME AND WAITING UNTIL STATEWIDE LEGISLATION IS CREATED. NANCY BECKER TESTIMONY IN SUPPORT OF THE COUNTY IMPLEMENTING NUTRITION LABELING POLICY. ALEJANDRO QUERAL OF THE AMERICAN HEART ASSOCIATION TESTIMONY IN SUPPORT OF THE COUNTY IMPLEMENTING NUTRITION LABELING POLICY. RAQUEL BOURNHONESQUE OF UPSTREAM PUBLIC HEALTH, COLLEGE STUDENT SARAH GAYLORD-RATSIMBAZAFY AND PARENT EMILY HIRSH TESTIMONY IN SUPPORT OF THE COUNTY IMPLEMENTING NUTRITION LABELING POLICY. MEL RADER OF UPSTREAM PUBLIC HEALTH TESTIMONY IN SUPPORT OF THE COUNTY IMPLEMENTING NUTRITION LABELING POLICY. RETIRED HEALTH DEPARTMENT MANAGER WENDY RANKIN, SAMANTHA RODRIQUEZ, MEMBER OF HEALTHY EATING AND ACTIVE LIVES (HEAL), AND STUDENT NURSE JEREMY MILBURN TESTIMONY IN SUPPORT OF THE COUNTY IMPLEMENTING NUTRITION LABELING POLICY. FRED BRADEN, EXECUTIVE DIRECTOR OF DAIRY QUEEN, PACIFIC NORTHWEST, TESTIMONY IN OPPOSITION TO COUNTY IMPLEMENTING NUTRITION LABELING POLICY AT THIS TIME AND WAITING UNTIL STATEWIDE LEGISLATION IS CREATED.

COMMISSIONER COGEN ADVISED THE AUDIENCE THAT THE STATE LEGISLATURE IS GOING TO PROPOSE LEGISLATION MODELED AFTER MULTNOMAH COUNTY'S RULES AND REGULATIONS IMPLEMENTING THE NUTRITION LABELING POLICY; AND STATED THAT IN THE SPIRIT OF FLEXIBILITY, HE WILL MAKE A MOTION TO EXTEND COMPLIANCE TO THE END OF CALENDAR YEAR 2009.

COMMISSIONER COGEN MOVED AND COMMISSIONER KAFOURY SECONDED, AMENDMENT EXTENDING COMPLIANCE OF MULTNOMAH COUNTY'S HEALTH RULES AND REGULATIONS IMPLEMENTING THE NUTRITION LABELING POLICY TO DECEMBER 31, 2009.

CHAIR WHEELER COMMENTED IN SUPPORT OF THE AMENDMENT.

AMENDMENT UNANIMOUSLY APPROVED. [5-0] [CHAIN RESTAURANT NUTRITION LABELING ADMINISTRATIVE RULES TAKE EFFECT MARCH 12, 2009. FROM MARCH 12, 2009, THROUGH DECEMBER 31, 2009, A CHAIN RESTAURANT SHALL NOT BE DEEMED TO BE IN VIOLATION OF THESE RULES.]

MS. MANHAS REPORTED THAT OUTSIDE MENU BOARDS ARE NOT EXEMPTED BY KING COUNTY OR OTHER JURISDICTIONS AND STATED THAT IT IS VERY IMPORTANT THAT DRIVE THROUGH RESTAURANTS HAVE NUTRITION INFORMATION LISTED ON OUTSIDE MENU BOARDS.

COMMISSIONER SHIPRACK COMMENDED COMMISSIONER COGEN FOR HIS LEADERSHIP AND ADVISED SHE SUPPORTS THIS POLICY LEGISLATION. CHAIR WHEELER STATED HE SUPPORTS PUBLIC EDUCATION AND GIVING THE PUBLIC THE INFORMATION THEY NEED TO MAKE INFORMED CHOICES.

COMMISSIONER COGEN EXPRESSED HIS APPRECIATION FOR THE WORK OF THE HEALTH DEPARTMENT FOR ITS FAIR AND REASONABLE APPROACH TO COMBAT OBESITY.

RESOLUTION 09-019 UNANIMOUSLY ADOPTED, AS AMENDED. [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 12:53 p.m.

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