

MINUTES
MULTNOMAH COUNTY BOARD OF COMMISSIONERS
DECEMBER 14, 1989 MEETING

Chair Gladys McCoy convened the meeting at 9:40 a.m., with Vice-Chair Pauline Anderson and Commissioner Sharron Kelley present, and Commissioners Gretchen Kafoury and Rick Bauman absent.

Commissioner Anderson requested that the polystyrene foam issue be taken first to accomodate those wishing to testify on the matter.

R-14 First Reading - An Ordinance to Amend Ordinance 614, Relating to Polystyrene Foam, and Changing the Effective Date of Certain Provisions Therein

Copies of the ordinance were available to all persons wishing a copy. The ordinance was read by title only.

Commissioner Anderson moved and Commissioner Kelley seconded, approval of the first reading of R-14.

Karen Belsey from Commissioner Bauman's staff gave an overview of the ordinance, advising that it is a housekeeping piece amending Ordinance 614 and changing the effective date to April 1990. Ms. Belsey advised in order not to ban polystyrene foam, the Board would need to find that a recycling system is in place which is actively supported by the plastics industry. Ms. Belsey reported that the draft resolution accompanying the ordinance delineates the criteria which define an active recycling system; and that following receipt of today's testimony on the status of what those different components are, she expects the Board will be able to come back in early Spring, make its finding, and put the ordinance officially into effect. Ms. Belsey advised that the proposed ordinance contains recycling criteria standards for establishments participating in the recycling effort; such as bins, signage and documentation requirements; and advised that the proposed ordinance contains a definition of polystyrene foam.

In response to a question from Commissioner Kelley as to the measures currently in place, Ms. Belsey advised that there are drop boxes in certain locations throughout the County; some educational efforts within McDonalds' restaurants; and some reprocessing going on, though not at the 90% that is hoped for in future.

Commissioner Anderson stated that the County has passed an ordinance and must recognize the fact that it is not like the City of Portland's ordinance, but covers the unincorporated areas of Multnomah County and can set a precedent and show that polystyrene foam can be recycled.

In response to a question from Chair McCoy, Ms. Belsey advised that originally the County sanitarians were to do inspections and the City enforcement in the event that there is noncompliance, but an intergovernmental agreement has not yet been executed.

Jack Brown of the James River Corporation and the Polystyrene Packaging and Recycling Council, reported that the Council had cooperated with Ms. Belsey on the draft and agrees with the proposed ordinance. He advised that the industry has set up prototype programs, with close to \$700,000 going into the Metro area as represented by 12 combination drop box units in place and public educational materials; and that the industry is conducting a successful school lunch tray recycling program with the City of Portland; training seminars in waste reduction and recycling; and in-school plastic waste recovery programs.

Dennis Denton, President of Denton Plastics, reported that his company has made clear and large polypropylene bags available to various restaurants for collection of polystyrene foam and advised that his company has twice weekly pickups for a nominal fee or the material can be delivered free. Mr. Denton related that his company is presently reclaiming approximately 12,000 pounds a month of polystyrene foam and that they have received a loan from the industry to put in new washing and densification equipment which will have the volumes to far exceed whatever polystyrene foam they can collect in the Portland area and in the State of Oregon. Mr. Denton advised the Board that his company will be furnishing a special trailer designed to be left at specific locations for collection of polystyrene foam and high density polyethylene jugs; and that they have started working with some neighborhood associations in connection with proposed neighborhood mobile drop centers.

Susan Farris, spokesperson for the Polystyrene Packaging Council, advised the Washington, D.C. based industry trade group is working diligently on solving the polystyrene foam educational and recycling dilemmas. Ms. Farris reported that she had been interacting with 53 restaurants in greater Multnomah County and will be communicating with them to inform their staff about the advantages of polystyrene foam should they want to continue to use that product, to let them know about the prototype educational materials which will be provided for their facilities and to help them understand that it is a simple procedure to deposit polystyrene foam in one container and refuse and non-recyclables in another. Ms. Farris shared various McDonald's Point of Purchase materials with the Board.

Art Bloom, Program Manager for the Environmental Health section of the Health Division of the Department of Human Services, advised the Board that his department is in every restaurant at least twice every year, so they are in a position to easily monitor the proposed ordinance. Mr. Bloom added that his department could input information on a computer and generate a report which could go weekly to the City of Portland who would be responsible for enforcement of violations. In response to a question from Commissioner Anderson asking why the City, who has a ban on the material, would be enforcing the County's recycling efforts, Mr. Bloom advised that it is proposed that the County would be inspecting for the ban within the City of Portland in exchange for the City handling enforcement of the County's ordinance.

In response to Commissioner Anderson's question as to what was being done about enforcement in the unincorporated portion of Multnomah County, Mr. Bloom advised that it was his understanding that the City would be responsible for enforcement in those County facilities not complying with the recycling ordinance, in exchange for the County monitoring within the City of Portland and unincorporated areas of the County.

Chair McCoy advised that the County has not yet entered into a formal agreement with the City of Portland and that the Board will have an opportunity to see that the language is acceptable before taking action on it.

Catherine Fitch, Policy Analyst with the City of Portland Bureau of Environmental Services and staff person on the City/County Recycling Taskforce, gave an update on the 11 member Taskforce established pursuant to Ordinance 614. Ms. Fitch reported that the Taskforce had created 3 work groups to deal with a multi-faceted program which they could bring back to the Board. Ms. Fitch advised that the Education and Promotion; Recycling and Recovery; and Reduction groups are investigating methods which can be used to reduce plastic waste in the area and will be proposing a pre-cycling program and will be looking at how existing recycling methods can be enhanced; that they will be looking at legislation which would mandate consumer choice; and that they are investigating municipal packaging ordinances passed in other locations within the country. Ms. Fitch reported that Ordinance 614 calls for a status report to the Board by May 1, 1990 and a final report by December 31, 1990 and advised that the Taskforce is on track to comply at those times. Ms. Fitch reported that Ordinance 614 directed that the Taskforce present the Board with its recommendations as to whether or not the County ordinance should be extended to nonprofit groups and to other nondegradable plastics, by May 31, 1990 but that with the delay of implementation contained in the proposed ordinance, the Taskforce feels coming back with a recommendation so soon would be somewhat premature. Ms. Fitch presented examples of polystyrene products containing 80-95% air, 40-55% air and less than 5% air. Ms. Fitch advised that the City defined polystyrene foam as polystyrene with an air content of 25% or more. In response to a question of Chair McCoy, Ms. Fitch agreed that the products having 55% or more air would deteriorate much sooner.

Portland resident Martha Odem testified that in the polystyrene foam issue, citizens had been given the option of using non-biodegradable polystyrene foam or using paper cups containing dioxins. Ms. Odem advised that she believes we must look beyond what we are doing now and that we must address with clear vision and strong leadership, that radical changes need to be made if the species is to survive and the planet is to remain habitable. Ms. Oden stated that to be discussing the volume of air in something that we should not continue to use is ludicrous and that even the best of polystyrene foam materials stay in the atmosphere 25 to 30 years longer than ozone depleting CFC's. Ms. Odem closed by stating she felt that now is the time for leadership on this issue.

Commissioner Kelley recognized David Knowles from the Metropolitan Service District and commented that she had anticipated a greater level of public debate. Commissioner Kelley reported that recycling efforts for plastic had been increased by about 10% from 1988, which she attributed to education, public discussions and present recycling efforts. Commissioner Kelley advised she endorsed the concept of recycling.

The first reading of R-14 was UNANIMOUSLY APPROVED. Chair McCoy advised that the second reading would be held at 9:30 a.m. on Thursday, December 28, 1989.

Chair McCoy announced that Commissioner Kafoury is absent due to an illness in her family and Commissioner Bauman is out of town attending a conference.

R-13 First Reading of an Ordinance Establishing a Campaign Management Council, Standards and Guidelines for Conducting Charitable Fundraising Campaigns on County Premises and Authorizing the Use of the Employee Payroll Deduction System for Donations to Charities

Copies of the ordinance were available to all persons wishing a copy. The ordinance was read by title only.

Commissioner Anderson moved and Commissioner Kelley seconded, approval of the first reading of R-13.

Bill Farver, Staff Assistant for Commissioner Anderson advised that the County opened up the charitable giving campaign to non-United Way agencies a while ago but has not had a policy to govern same. Mr. Farver related that the proposed goals were to establish a campaign management council to run the campaign for Multnomah County; limit the campaign to funds or federations; set up various criteria which would govern what would be a qualifying fund or federation; and keep presentations to employees. Mr. Farver advised that he and County Counsel Larry Kressel drafted some minor changes which are incorporated in the substituted ordinance before the Board and that copies are available at the back desk. Mr. Farver encouraged the Board to keep in mind the big policy choices; establishing a campaign management council which will have greater employee involvement than in the past with a seven person council, with the charitable organizations represented as non-voting members; limiting it to funds or federations; and the definition of the content of the fund or federation, or who can qualify.

Sally Cross, Chair of the Environmental Federation of Oregon, testified that the Federation represents 15 environmental organizations operating in the State of Oregon. Ms. Cross advised that the Environmental Federation strongly supports the proposed ordinance and thinks it represents an opportunity to make a very positive change in the way the County conducts its workplace campaign that will accomodate the three or four funds and federations that are active in Oregon.

Ms. Cross added that she hoped the ordinance would be adopted now so that the campaign management council will have plenty of time to work out all the details of implementation and not face a real rush for next year's campaign. Ms. Cross advised that her federation supports the establishment of a campaign management council because it does grant employees direct ownership and participation in the campaign and by having a council of a number of employees it provides the County and the federations with both good outside input and an opportunity for some continuity in terms of formulating the campaign every year. In response to a question by Chair McCoy, Ms. Cross advised that her federation includes agencies from the Nature Conservancy, the Oregon Natural Resources Council, 1000 Friends, the Sierra Club Foundation, and Oregon Trout.

Yolanda Russell, Campaign Manager for the Black United Fund of Oregon, Inc. advised that they participated in the charitable giving campaigns that took place in Multnomah County for the last two years and are here today in support of the ordinance. Ms. Russell advised that Black United Fund has some concerns about the Campaign Management Council entity and urged the Board to include that as part of its ordinance. Ms. Russell offered to share the results of studies done by national committees which support establishment of campaign management councils and offered some alternatives in terms of using the computer system already in place. Ms. Russell advised that the Black United Fund of Oregon represents 20 to 25 organizations through technical or financial assistance in the North and Northeast areas.

David Paradine, President of United Way of the Columbia-Willamette, advised that he wanted to oppose the proposed ordinance, but that United Way would go on record as supporting the County's efforts. Mr. Paradine advised he feels that the proposed ordinance would leave itself open to litigation, that it is not well drafted, that it is incomplete, contradictory, vague, inconsistent and imprecise. It was pointed out that Mr. Paradine did not have a copy of the amended ordinance. Mr. Farver provided him with a copy of same.

In response to a comment from Mr. Paradine that United Way had not received information in a timely manner on a few occasions, Commissioner Anderson stated that the County could also say that it had not received United Way's objections and/or materials in a timely fashion in order to incorporate those objections into the proposed ordinance.

Chair McCoy instructed Mr. Paradine to limit his specific comments or objections to three. Mr. Paradine advised that the proposed ordinance states that the Commissioners find the ordinance is necessary to assure that the funds solicited from County employees are given to bona fide charitable organizations, but that it does not define a "bona fide organization". Mr. Paradine suggested that County Counsel ask the Attorney General whether the County can transfer its fiduciary responsibility to participating federations.

Art Alexander, staff for Portland City Commissioner Mike Lindberg, advised that he worked on developing the City's policy and guidelines in respect to charitable contributions and payroll deductions for same, and reported that the City chose to have an employee committee implement the ordinance in order to assure participation and consultation with the charitable organizations. Mr. Alexander advised that the City felt its policies were broad enough that independent nonprofits could create their own funds or federations and participate and narrow enough that it would preclude multiple independent nonprofits from seeking access to the workplace. Mr. Alexander advised he felt there is enough flexibility in the existing ordinance to respond to substantive challenges. In response to a question from Commissioner Anderson, Mr. Alexander advised that he has not heard of any legal challenges to the City's ordinance. In response to another question of Commissioner Anderson, Mr. Alexander stated that he sees no problems in the composition of the County's proposed ordinance, or with the responsibilities given to the Campaign Management Council, adding that an employee committee would have the resources of the County to draw on should any legal questions arise.

The first reading of R-13 was UNANIMOUSLY APPROVED. Chair McCoy advised that the second reading would be held at 9:30 a.m. on December 28, 1989.

At 11:00 a.m., the Board recessed for one minute.

- C-1 Liquor License Applications and Renewals Submitted by Sheriff's Office with Recommendation that Same be Approved as Follows: PACKAGE STORE, NEW OUTLET - Texaco Food Mart #022, 3515 SE 122nd; RENEWALS - Quick Stop Market, 15400 SE Powell; Pleasant Valley Market, 16880 SE Foster Rd; Cracker Barrel Grocery, 15005 NW Sauvie Island Rd; Larson's Marina, 14444 NW Larson Rd.; RETAIL MALT BEVERAGE - 4 Aces, 15826 SE Division; Maxine's, 16900 NW St. Helens Rd.; RESTAURANT - LaCasita Especialle, 12113 SE Foster

UPON MOTION of Commissioner Anderson, seconded by Commissioner Kelley, C-1 was UNANIMOUSLY APPROVED.

- R-2 In the Matter of Re-Appointments of Cliff Carlsen, Don Barney, Felicia Trader, and Jolinda Osborne, and Appointment of Bill Failing, to the Library Association of Portland Board of Directors, Terms Expiring September, 1994

Chair McCoy advised that there may be concern that the County is continuing a Library Association that may not exist until 1994, but that the County is simply following past procedure at this time.

- R-3 In the matter of Appointments to the Board of Equalization: Board #1 - Jane Rhodes, Chair, Joe Labadie; Board #2 - Chet McRobert, Chair, Caroline Miller; Board #3 - Tom Hatfield, Chair, Robert Hughley. Alternates: Ray Steed, John Nichols, Lianne Thompson. All terms expire December, 1990

UPON MOTION of Commissioner Anderson, seconded by Commissioner Kelley, R-2 and R-3 were UNANIMOUSLY APPROVED.

Chair McCoy acknowledged Robert Hughley in the audience and thanked him for his willingness to serve on the Board of Equalization. Chair McCoy also expressed appreciation to those appointees unable to attend today's meeting.

- R-4 In the matter ratification of an Intergovernmental Agreement with City of Troutdale for Drainage Master Plan for Period Ending June 30, 1990

UPON MOTION of Commissioner Anderson, seconded by Commissioner Kelley, R-4 was UNANIMOUSLY APPROVED.

(Recess as the Board of County Commissioners and convene as the Public Contract Review Board)

- R-5 Order in the Matter of Exempting from Public Bidding of a License with Software A.G. for Super Natural Software through Sole Source Procurement
- R-6 Order in the Matter of Exempting from Public Bidding to Specify the Brand Name Product, Hybritek-Icon II Pregnancy Testing Kit

UPON MOTION of Commissioner Anderson, seconded by Commissioner Kelley, Orders 89-211 and 89-212 were UNANIMOUSLY APPROVED.

(Recess as the Public Contract Review Board and reconvene as the Board of County Commissioners)

- R-7 Budget Modification DHS #20 Making an Appropriation transfer in the amount of \$215,361 from General Fund Contingency to Aging Services, Federal/State Fund, to Replace Previously Anticipated Revenue from the City of Portland for the Portland/Multnomah Commission on Aging

UPON MOTION of Commissioner Kelley, seconded by Commissioner Anderson, R-7 was UNANIMOUSLY APPROVED.

- R-8 Notice of Intent to Apply for a Grant in the Amount of \$15,000 from Public/Private Ventures, Inc. to Pay for Planning of a Possible Columbia Conservation Corps

UPON MOTION of Commissioner Kelley, seconded by Commissioner Anderson, R-8 was UNANIMOUSLY APPROVED.

- R-9 Budget Modification DJS #10 Making an Appropriation Transfer in the Amount of \$7,684 within Community Corrections, from Recog/Intake (\$6,000) and Contract Services (\$1,684) to Administration, Equipment for the Purchase of a Computer Printer and Office Equipment for Division Programs

UPON MOTION of Commissioner Anderson, seconded by Commissioner Kelley, R-9 was UNANIMOUSLY APPROVED.

- R-10 Budget Modification DJS #11 Reflecting Additional Revenues from the Manufacture & Distribution Drug Probe Grant Funded by the Federal Bureau of Justice Assistance to the District Attorney's Office. Grant Award Provides \$197,252 of New Revenue of which \$157,227 will be Appropriated in FY 89/90. Adds 1 Deputy DA 3, 1 DA Investigator, and 1 Office Assistant 3

UPON MOTION of Commissioner Anderson, seconded by Commissioner Kelley, R-10 was UNANIMOUSLY APPROVED.

- R-11 In the matter of ratification of an Intragovernmental Agreement between Multnomah County, Multnomah County Sheriff's Office, and Multnomah County District Attorney's Office, for Implementation of the 1989 Oregon Legislature Statewide Criminal Forfeiture Statute which Details the Procedures for Seizing and Forfeiting Property Used in Illicit Narcotic Transactions

UPON MOTION of Commissioner Anderson, seconded by Commissioner Kelley, R-11 was UNANIMOUSLY APPROVED.

- R-12 First Reading of an Ordinance Amending MCC 7.85 to Conform to the Requirements of Oregon Laws Chapter 791 (1989) and which Provides for Civil Forfeiture of Real, Personal and Intangible Property and Specifically Declaring Certain Conveyances and Real Property to be Nuisances Subject to Civil Forfeiture, and Declaring an Emergency

Copies of the ordinance were available to all persons wishing a copy. The ordinance was read by title only.

UPON MOTION of Commissioner Anderson, seconded by Commissioner Kelley, Ordinance 633 was UNANIMOUSLY APPROVED.

UPON MOTION of Commissioner Anderson, seconded by Commissioner Kelley, on a roll call vote, the following matter was considered by Unanimous Consent:

Order in the Matter of Authorizing Petition to Court of Appeals to Appear Amicus Curiae

County Counsel Larry Kressel advised the Board that this would authorize the office of County Counsel to file an amicus brief in the case known as Sensible Transportation Options for People versus Metropolitan Service District, et al.

Chair McCoy stated that the significance of the order is that by appearing as a friend in this issue, it will allow the County to have clarification of how it is impacted in its land use planning.

Mr. Kressel added that the case is important in terms of relating transportation planning to land use planning.

Commissioner Anderson moved and Commissioner Kelley seconded, for approval of the order.

In response to a question of Commissioner Kelley as to what form the County will take to be independent, Mr. Kressel advised that the County would file an amicus independent of other amicus parties.

Commissioner Anderson advised that the first paragraph of the order explains the County's interest in this case and that it really doesn't have anything to do with the Sensible Transportation Options for People problem with the Westside Bypass.

Chair McCoy advised that County Counsel said he would bring the brief before the Board so that it is clear that the County is not participating in the STOP issue.

Order 89-213 UNANIMOUSLY APPROVED.

There being no further business, the meeting was adjourned at 11:15 a.m.

OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON

By Deborah C. Rogers

0716C/4-12/dr