

ANNOTATED MINUTES

Tuesday, September 1, 1992 - 8:30 AM
Multnomah County Courthouse, Room 602

EXECUTIVE SESSION

- E-1 *The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(e), in Order to Discuss the Operational and Financial Aspects of a Proposed Purchase of Real Property by Multnomah County.*

CANCELLED.

Tuesday, September 1, 1992 - 9:30 AM
Multnomah County Courthouse, Room 602

BOARD BRIEFINGS

- B-1 *Discussion of Audit Entitled "MANAGEMENT OF FELONS: IMPROVE SENTENCING PRACTICES". Presented by Multnomah County Auditor Gary Blackmer.*

GARY BLACKMER INTRODUCED AUDITORS JUDITH DeVILLIERS AND SUZANNE FLYNN AND ACKNOWLEDGED THEIR EFFORTS WITH THE AUDIT. MR. BLACKMER PRESENTATION AND RESPONSE TO BOARD QUESTIONS. COMMISSIONER ANDERSON ADVISED SHE WILL SUBMIT A MEMORANDUM WITH ADDITIONAL QUESTIONS AND REQUESTED THAT ANOTHER BRIEFING BE SCHEDULED IN ONE MONTH TO DISCUSS POSSIBLE REMEDIES, ATTENDED BY A JUDGE AND DISTRICT ATTORNEY, SHERIFF AND COMMUNITY CORRECTIONS STAFF.

- B-2 *Discussion of Columbia Villa Community Service Project Representatives' Participation in the Moral Rearmament Conference in Caux, Switzerland. Presented by Project Director Fred Milton and Villa Residents Tina Stalling and Ruby Foust.*

NORM MONROE, FRED MILTON, RUBY FOUST, TINA STALLING AND MICHAEL HENDERSON PRESENTATION AND RESPONSE TO BOARD QUESTIONS. MR. MILTON TO INVITE THE BOARD TO AN UPCOMING VILLA COMMUNITY LUNCHEON.

- B-3 *General Overview of Multnomah County Weatherization Program Operations, Accomplishments and 1993 Fiscal Year Goals. Presented by Program Staff Rey Espana and Tom Brodbeck.*

NORM MONROE, REY ESPANA AND TOM BRODBECK PRESENTATION AND RESPONSE TO BOARD QUESTIONS.

- B-4 *Multnomah County Homeless Families Program Briefing and Update on Current Grant Initiatives and First Year Results of the Robert Wood Johnson Foundation Homeless Families Program. Presented by Project Director Paula Corey.*

NORM MONROE AND PAULA COREY PRESENTATION AND RESPONSE TO BOARD QUESTIONS.

*Tuesday, September 1, 1992 - 10:45 AM
Multnomah County Courthouse, Room 602*

AGENDA REVIEW

- B-5 *Review of Agenda for Regular Meeting of September 3, 1992.*
-

*Tuesday, September 1, 1992
1:30 PM TO NO LATER THAN 5:00 PM
Multnomah County Courthouse, Room 602*

PUBLIC HEARING

Chair Gladys McCoy convened the hearing at 1:33 p.m., with Commissioners Pauline Anderson and Gary Hansen present, and Vice-Chair Sharron Kelley and Commissioner Rick Bauman excused.

- P-1 *Quasi-Judicial Hearing Followed by Board Deliberations and Order in the Matter of a Petition for Establishing a Way of Necessity for Property Described as Tax Lot 17, Located in the N.E. 1/4 of Section 6, T2N, RIW, W.M. and in the Alexander McQuinn D.L.C., Multnomah County, Oregon, Filed by the McQuinn Family Pioneer Cemetery Association, an Oregon Non-Profit Corporation. (Case No. 92-51C).*

TESTIMONY, REBUTTAL AND RESPONSE TO BOARD QUESTIONS FROM COUNTY COUNSEL JACQUELINE WEBER, SURVEYOR DENNIS FANTZ, PETITIONERS' ATTORNEY LISA KOLVE, McQUINN FAMILY PIONEER CEMETERY ASSOCIATION PRESIDENT MAXINE DAILY AND RESPONDENTS' ATTORNEY JOHN SHONKWILER.

MS. KOLVE DISCUSSED PETITIONERS' OWNERSHIP INTEREST IN THE PROPERTY AS EVIDENCED BY A DEED FROM THE UNITED STATES TO THE McQUINNS GRANTING THE CEMETERY TO THE McQUINNS AND THEIR HEIRS FOREVER, WHICH RIGHT WAS NEVER TRANSFERRED. MS. KOLVE ADVISED THEY ARE REQUESTING PUBLIC ROAD ACCESS TO THE CEMETERY IN THE LEAST DISRUPTIVE MANNER POSSIBLE WITH NO OR MINIMAL COMPENSATION TO RESPONDENTS.

MR. SHONKWILER SUBMITTED 4 EXHIBITS INTO THE

RECORD AND REQUESTED THAT THE BOARD MAKE A DETERMINATION THAT PETITIONERS FAILED TO PROVE STANDING TO FILE FOR A WAY OF NECESSITY AND/OR THAT THE PETITION SHOULD BE DENIED BECAUSE RESPONDENTS HAVE ADVERSE POSSESSORY RIGHT OF THE PROPERTY AS EVIDENCED BY DEED AND THAT PETITIONERS HAVE NOT MET STATUTE REQUIREMENTS TO ALLEGE AN ELEMENT OF FAIR AND ADEQUATE COMPENSATION FOR THE PROPERTY.

MS. WEBER EXPLAINED THAT THE BOARD'S OPTIONS FOR MAKING A DETERMINATION IN THIS MATTER WOULD BE TO FIND THAT PETITIONERS SUBMITTED SUFFICIENT EVIDENCE TO PROVE OWNERSHIP OF THE CEMETERY PROPERTY AND DECIDE THE OTHER WAY OF NECESSITY ISSUES, OR FOR THE BOARD TO FIND IT DOES NOT HAVE SUFFICIENT EVIDENCE OF OWNERSHIP AND DISMISS THE PETITION DUE TO LACK OF STANDING, ADVISING THAT THEN EITHER PETITIONERS OR RESPONDENTS COULD APPEAL THAT DECISION TO CIRCUIT COURT. IN RESPONSE TO A QUESTION OF CHAIR McCOY, MS. WEBER EXPLAINED THE BOARD NEEDS TO DELIBERATE REGARDING THE ISSUES, REVIEW THE DOCUMENTS AND TESTIMONY, BE BRIEFED BY COUNTY COUNSEL ON THE LEGAL ISSUES PRESENTED AND THE VARIOUS FINDINGS THE BOARD HAS TO MAKE IN LEADING TO ITS DECISION. MS. WEBER ADVISED A WRITTEN ORDER OF THE BOARD'S DECISION MUST BE FILED AND THAT EITHER PARTY MAY APPEAL TO CIRCUIT COURT. IN RESPONSE TO A QUESTION, COUNTY COUNSEL MATTHEW RYAN CITED PIKE vs WILEY, 100 OR AP 120 (1990) (GRANT COUNTY), IN WHICH AN APPEAL WAS HEARD IN CIRCUIT COURT BY DE NOVO REVIEW.

IN REBUTTAL, MS. KOLVE REQUESTED THAT THE BOARD CONSIDER THE COUNTY ENGINEER'S 1989 ESTIMATION OF VALUE AT \$1,000 TO \$1,500 PER ACRE AS BEING MORE APPROPRIATE COMPENSATION THAT THE AMOUNT SUGGESTED IN RESPONDENTS' AFFIDAVIT.

IN RESPONSE TO A QUESTION, MS. WEBER ADVISED THAT ATTORNEYS FOR BOTH PARTIES DID NOT HAVE EX PARTE CONTACT WITH COUNTY COUNSEL, BUT PARTICIPATED IN A CONFERENCE CALL ON MONDAY IN AN ATTEMPT TO SHORTEN THE PROCESS AND RESOLVE SOME ISSUES PRIOR TO THE HEARING.

IN RESPONSE TO A QUESTION OF COMMISSIONER HANSEN, MS. WEBER ADVISED A DECISION WOULD

HAVE TO BE MADE BY A MAJORITY OF THE THREE COMMISSIONERS ATTENDING TODAY'S HEARING.

The hearing was recessed at 3:15 p.m. and reconvened at 3:25 p.m.

AFTER FURTHER DISCUSSION, CHAIR McCOY PROPOSED A 45 DAY CONTINUANCE IN ORDER FOR THE BOARD TO TAKE THE MATTER UNDER ADVISEMENT AND CONFER WITH COUNTY COUNSEL. THE HEARING WAS CLOSED WITH BOARD DETERMINATION TO BE MADE AT 1:30 PM ON TUESDAY, OCTOBER 20, 1992.

There being no further business, the hearing was adjourned at 3:39 p.m.

OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON

Deborah L. Bogstad
Deborah L. Bogstad

*Thursday, September 3, 1992 - 9:30 AM
Multnomah County Courthouse, Room 602*

REGULAR MEETING

Chair Gladys McCoy convened the meeting at 9:30 a.m., with Vice-Chair Sharron Kelley, Commissioners Pauline Anderson and Gary Hansen present, and Commissioner Rick Bauman excused.

CONSENT CALENDAR

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, CONSENT CALENDAR ITEM C-1 WAS UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

C-1 *In the Matter of the Appointments Avel L. Gordly, Barbara Aho Grider, Myrthle B. Griffin, Gerald McFadden and Barry M. Maletzky to the MULTNOMAH COUNTY COMMUNITY CORRECTIONS ADVISORY COMMITTEE*

REGULAR AGENDA

NON-DEPARTMENTAL

R-1 *PROCLAMATION in the Matter of Proclaiming the Week of September 6-11, 1992 as RETURN TO SCHOOL WEEK in Multnomah County, Oregon*

PROCLAMATION READ. COMMISSIONER KELLEY MOVED

AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-1. UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KELLEY, AN AMENDMENT CHANGING "I" TO "WE" WAS UNANIMOUSLY APPROVED. PROCLAMATION 92-163 UNANIMOUSLY APPROVED AS AMENDED.

R-2 *RESOLUTION in the Matter of a Planning Process to Develop a Corrections Levy for March*

COMMISSIONER ANDERSON EXPLANATION. COMMISSIONER ANDERSON MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-2. BOARD DISCUSSION. RESOLUTION 92-164 UNANIMOUSLY APPROVED.

R-3 *Ratification of Intergovernmental Agreement Contract #500173 Between the City of Portland and Multnomah County, Providing Consolidation of the City of Portland Stores with Multnomah County Central Stores for the Purpose of Economic and Efficient Operations*

COMMISSIONER ANDERSON MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-3. LILLIE WALKER EXPLANATION. COMMISSIONER ANDERSON COMMENTS IN SUPPORT. AGREEMENT UNANIMOUSLY APPROVED.

PUBLIC CONTRACT REVIEW BOARD

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

R-9 *ORDER in the Matter of an Exemption to Waive the Competitive Bid Process and to Use a Request for Proposal for the Selection of a Construction Manager/General Contractor for the Juvenile Justice Complex Replacement*

MS. WALKER EXPLANATION AND RESPONSE TO BOARD QUESTIONS. UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER ANDERSON, ORDER 92-165 WAS UNANIMOUSLY APPROVED.

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

JUSTICE SERVICES

SHERIFF'S OFFICE

R-4 *Budget Modification MCSO #1 Requesting Authorization to Transfer \$46,250 in Dedicated Drug Forfeiture Funds from the Professional Services Line Item to Equipment Line Item, Enforcement Division, to Fund the Purchase of an Airplane to be Used for Air Surveillance in Drug Investigations*

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, R-4 WAS UNANIMOUSLY APPROVED.

- R-5 *Budget Modification MCSO #2 Requesting Authorization to Transfer \$4,484 from the Overtime Line Item to Permanent Line Item, Enforcement Division, to Pay for Reclassification of a Sergeant to a Lieutenant Position in the Sheriff's Enforcement Branch*

UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER KELLEY, R-5 WAS UNANIMOUSLY APPROVED.

DEPARTMENT OF SOCIAL SERVICES

- R-6 *Request for Approval in the Matter of a NOTICE OF INTENT to Apply for a One Year \$150,000 Grant from the Bonneville Power Administration, Providing Ten Bonneville Power Administration Job Slots for High Risk Gang Involved Youth as Part of the Youth Employment and Empowerment Project*

UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KELLEY, R-6 WAS UNANIMOUSLY APPROVED.

- R-7 *Request for Approval in the Matter of a NOTICE OF INTENT to Apply for a \$75,000 Grant from the Annie E. Casey Foundation, Providing a Nine Month Planning Grant to Develop a Plan for Revision of Juvenile Detention Policies and Practices, Including Establishment of Community-Based Alternatives to Detention*

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER ANDERSON, R-7 WAS UNANIMOUSLY APPROVED.

- R-8 *Request for Approval in the Matter of a NOTICE OF INTENT to Apply for a One Year \$250,000 U.S. Department of Health and Human Services Grant, Providing Funding for a Homeless Families Support Services Demonstration Program*

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, R-8 WAS UNANIMOUSLY APPROVED.

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-10 *ORDER in the Matter of Multnomah County Appointing Planning and Zoning Hearings Officers*

UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER HANSEN, ORDER 92-166 APPOINTING LARRY EPSTEIN, PHILLIP GRILLO, ROBERT LIBERTY AND PAUL NORR WAS UNANIMOUSLY

APPROVED.

R-11 *Continued Second Reading and Possible Adoption of an ORDINANCE Relating to Animal Control, Creating a Notice of Infraction Procedure, Expanded Hearing and Appeal Process, and Penalties for Violations of Animal Control Regulations and Amending Chapter 8.10 of the Multnomah County Code*

PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER ANDERSON MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF SECOND READING AND ADOPTION. MIKE OSWALD INTRODUCED AMENDED ORDINANCE. IN RESPONSE TO A QUESTION OF THE BOARD, COUNTY COUNSEL MATTHEW RYAN READ THE AMENDED LANGUAGE TO PAGE 3 OF 27, SUB-SECTION MCC 8.10.035(7), "A STATEMENT THAT AN ADMISSION OF INFRACTION WOULD BE ON RECORD AND COULD LEAD TO THE ENHANCEMENT OF FINE ON ANY SUBSEQUENT INFRACTION ISSUED UNDER THIS CHAPTER AS PROVIDED UNDER MCC 8.10.900(B)." AND ADVISED THE CHANGE IS NON-SUBSTANTIVE AND COULD BE ADOPTED WITH THE SECOND READING OF THE ORDINANCE. MICHAEL TWAIN AND NORMAN ROLEY TESTIMONY IN OPPOSITION AND RESPONSE TO BOARD QUESTIONS. DALE DUNNING TESTIMONY IN SUPPORT. UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, THE AMENDMENT WAS UNANIMOUSLY APPROVED. ORDINANCE 632 UNANIMOUSLY APPROVED AS AMENDED.

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, CONSIDERATION OF THE FOLLOWING ITEM WAS UNANIMOUSLY APPROVED.

P-11 CU 11-92 HEARING, ON THE RECORD PLUS ADDITIONAL TESTIMONY, WITH ADDITIONAL TESTIMONY TO BE RESTRICTED TO THE PHYSICAL CONSTRAINTS OF THE SITE RELATIVE TO THE PLACEMENT OF THE DWELLING, 10 MINUTES PER SIDE, in the Matter of an Appeal of a July 6, 1992 Planning and Zoning Hearings Officer Decision APPROVING, SUBJECT TO CONDITIONS, Development of a Non-Resource Related Single Family Dwelling on 7.80 Acre Lot of Record in the MUF-19, Multiple Use Forest Zoning District, for Property Located at 43640 E LARCH MOUNTAIN ROAD

AT THE REQUEST OF COMMISSIONER KELLEY AND FOLLOWING EXPLANATION BY ROBERT TRACHTENBERG AND JOHN DuBAY, COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, THAT THE BOARD RECONSIDER PLANNING ITEM P-11 AND SET A HEARING DATE FOR THE RECONSIDERATION AT 9:30 AM ON

TUESDAY, SEPTEMBER 22, 1992. MOTION UNANIMOUSLY APPROVED, WITH COMMISSIONERS ANDERSON, KELLEY, HANSEN AND McCOY VOTING AYE ON A ROLL CALL VOTE.

There being no further business, the meeting was adjourned at 10:25 a.m.

OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON

Deborah L. Bogstad

Deborah L. Bogstad

*Thursday, September 3, 1992
(Immediately Following 9:30 AM Regular Meeting)
Multnomah County Courthouse, Room 602*

EXECUTIVE SESSION

E-1 The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(h) for the Purpose of Legal Counsel Consultation Pertaining to Possible Litigation.

EXECUTIVE SESSION HELD.