

ANNOTATED MINUTES

Tuesday, December 15, 1992 - 9:30 AM
Multnomah County Courthouse, Room 602

BOARD BRIEFINGS

- B-1 Children's Services Division Presentation of Projected Fiscal Outlook and Program Cuts for Services to Delinquent Youth as a Result of Measure Five and Discussion of Impact to Multnomah County Youth in the Juvenile Justice System. Presented by Dwayne McNannay and Children's Services Division Representatives.

PRESENTATION AND RESPONSE TO BOARD QUESTIONS
WITH HAL OGBURN, BILL CAREY, RICK HILL,
BENJAMIN DeHAAN, JUDGE LINDA BERGMAN AND DR.
GARY NAKAO.

- B-2 Presentation of the Results of the Department of Revenue Performance Review Audit of the Division of Assessment and Taxation, Including Findings and Recommendations. Presented by Jim Kenney, Department of Revenue.

PRESENTATION AND RESPONSE TO BOARD QUESTIONS
WITH JIM KENNEY, RICK MAIN, JANICE DRUIAN,
ROBERT ELLIS AND FRED NEAL.

Tuesday, December 15, 1992 - 11:00 AM
Multnomah County Courthouse, Room 602

AGENDA REVIEW

- B-3 Review of Agenda for Regular Meeting of December 17, 1992.

R-4 STAFF PRESENTATION AND RESPONSE TO BOARD
QUESTIONS. BOARD DISCUSSION AND STAFF
DIRECTION.

Tuesday, December 15, 1992 - 1:30 PM
Multnomah County Courthouse, Room 602

PLANNING ITEM

Chair Gladys McCoy convened the meeting at 1:36 p.m., with Vice-Chair Sharron Kelley, Commissioners Pauline Anderson, Rick Bauman and Gary Hansen present.

- P-1 SEC 6-91a
HDP 4-91a Review the Case Concerning a Culvert-Fill Driveway Crossing Over a Tributary of Balch Creek. REHEARING, with Oral Argument On the Record Only, Limited to 15 Minutes Per Side, for Property Located at 6125 NW THOMPSON ROAD.

PLANNER MARK HESS REVIEWED THE CASE HISTORY,

PRESENTED THE STAFF REPORT, REQUESTED THAT THE BOARD MAKE A DETERMINATION ON THE STREAM CLASS DESIGNATION AND SUBMITTED PHOTOS OF THE SUBJECT SITE FOR BOARD REVIEW. COUNTY COUNSEL PETER LIVINGSTON REQUESTED THAT ALL PARTIES STIPULATE ON THE RECORD TO CHAIR McCOY'S PARTICIPATION IN TODAY'S HEARING. BOARD CLAIMED NO EX PARTE CONTACTS.

ATTORNEY MICHAEL ROBINSON ADVISED HIS CLIENT HAD NO OBJECTION TO CHAIR McCOY'S PARTICIPATION IN THE HEARING AND TESTIFIED IN SUPPORT OF A DETERMINATION THAT THE STREAM BE DESIGNATED A CLASS II STREAM AND THAT THE BOARD ALLOW THE CULVERT TO STAND. RESPONSE TO BOARD QUESTIONS. APPLICANT DAN MCKENZIE TESTIFIED IN SUPPORT OF ALLOWING THE CULVERT TO STAND.

ATTORNEY DAN KEARNS ADVISED HIS CLIENTS HAD NO OBJECTION TO CHAIR McCOY'S PARTICIPATION IN THE HEARING AND TESTIFIED IN OPPOSITION TO ALLOWING THE CULVERT TO STAND. OPPOSITION TESTIMONY FROM MOLLY O'REILLY AND JOHN SHERMAN. RESPONSE TO BOARD QUESTIONS.

ARNOLD ROCHLIN ADVISED HE HAD NO OBJECTION TO CHAIR McCOY'S PARTICIPATION IN THE HEARING AND TESTIFIED IN OPPOSITION TO THE PROCEEDING, STATING A BOARD REHEARING OF THE MATTER IS WITHOUT LAWFUL AUTHORIZATION BECAUSE THE MOTION TO REHEAR WAS MADE AFTER THE 10 DAY APPEAL PERIOD HAD RUN.

REBUTTAL AND RESPONSE TO BOARD QUESTIONS BY MR. ROBINSON. BOARD AND STAFF DISCUSSION. COMMISSIONER ANDERSON MOVED, SECONDED BY COMMISSIONER HANSEN, APPROVAL OF THE HDP PERMIT, SUBJECT TO CONDITIONS IMPOSED BY THE HEARINGS OFFICER, AND APPROVAL OF A FINDING THAT THE HEARINGS OFFICER ERRED IN APPLYING THE REQUIREMENTS OF A SEC PERMIT, AND APPROVAL OF A FINDING THAT THE STREAM IS NOT A CLASS I STREAM, SO A SEC PERMIT IS NOT REQUIRED IN THIS CASE. FOLLOWING FURTHER DISCUSSION WITH STAFF, COMMISSIONER ANDERSON MOVED, SECONDED BY COMMISSIONER HANSEN, AMENDING THE PRIOR MOTION TO REFLECT THAT THE HDP PERMIT CONDITIONS TO BE IMPOSED WERE NOT THOSE OF THE HEARINGS OFFICER, BUT CAME FROM THE MARCH PLANNING DIRECTOR DECISION. VOTE ON THE SEC PERMIT PORTION OF THE MOTION WAS APPROVED, WITH COMMISSIONERS ANDERSON, HANSEN AND McCOY VOTING AYE, AND COMMISSIONERS BAUMAN AND KELLEY VOTING NO. FOLLOWING CLARIFICATION BY COUNTY COUNSEL, COMMISSIONER HANSEN MOVED, SECONDED BY COMMISSIONER ANDERSON, APPROVAL OF THE HDP PERMIT SUBJECT TO CONDITIONS IMPOSED BY PLANNING STAFF AND APPROVED BY THE HEARINGS

OFFICER. THE MOTION WAS APPROVED, WITH COMMISSIONERS ANDERSON, HANSEN AND McCOY VOTING AYE, AND COMMISSIONERS BAUMAN AND KELLEY VOTING NO. BOARD DIRECTED STAFF TO PREPARE FINDINGS AND A FINAL ORDER TO BE SUBMITTED FOR BOARD CONSIDERATION ON TUESDAY, DECEMBER 29, 1992.

There being no further business, the meeting was adjourned at 2:39 p.m.

OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON

By DEBORAH COUSTAD

Wednesday, December 16, 1992 - 1:30 PM
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)(d) to Discuss Labor Negotiations. Presented by Darrell Murray.

EXECUTIVE SESSION HELD.

Thursday, December 17, 1992 - 9:30 AM
Multnomah County Courthouse, Room 602

REGULAR MEETING

Chair Gladys McCoy convened the meeting at 9:35 a.m., with Vice-Chair Sharron Kelley, Commissioners Pauline Anderson and Gary Hansen present, and Commissioner Rick Bauman absent.

CONSENT CALENDAR

UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KELLEY, THE CONSENT CALENDAR (C-1 THROUGH C-3) WAS UNANIMOUSLY APPROVED.

JUSTICE SERVICES
SHERIFF'S OFFICE

C-1 Liquor License Application Renewals Submitted by Sheriff's Office with Recommendation for Approval as Follows:
Package Store for CORBETT COUNTRY MARKET, 36801 NE CROWN POINT HIGHWAY, CORBETT; and PLEASANT VALLEY MARKET, 16880 SE FOSTER, PORTLAND.

DEPARTMENT OF ENVIRONMENTAL SERVICES

C-2 ORDER in the Matter of the Execution of Deed D930818 Upon

Complete Performance of a Contract to Ronald J. Welsh and John L. Welsh

ORDER 92-224.

- C-3 ORDER in the Matter of Contract 15717 for the Sale of Certain Real Property to Theodore James Theoe

ORDER 92-225.

REGULAR AGENDA

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-1 PUBLIC HEARING and Consideration of an ORDER in the Matter of Offering to Surrender Jurisdiction to the City of Portland All County Roads Within the Areas Annexed to the City of Portland Effective June 30, 1992

NO PUBLIC TESTIMONY OFFERED. UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER KELLEY, RESOLUTION 92-226 WAS UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

- R-2 PROCLAMATION in the Matter of Proclaiming Appreciation to Carole Pope, Founder and Executive Director of "Our New Beginnings".

PROCLAMATION READ. TESTIMONY PRESENTED BY JANICE WILSON, MICHAEL SCHRUNK, JOE CENICEROS, BILL WOOD, JOANNE FULLER, WAYNE SALVO AND THE BOARD. UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KELLEY, PROCLAMATION 92-227 WAS UNANIMOUSLY APPROVED. COMMEMORATIVE PLAQUE PRESENTED BY CHAIR MCCOY. RECEPTION FOLLOWED.

The meeting was recessed at 9:55 a.m. and reconvened at 10:10 a.m. with Chair Gladys McCoy, Vice-Chair Sharron Kelley, Commissioners Pauline Anderson, Rick Bauman and Gary Hansen present.

- R-3 BRIEFING in the Matter of the Report of the 1992 Multnomah County Citizen's Convention. Presented by Convention Chair Richard C. Levy

PRESENTATION AND RESPONSE TO BOARD QUESTIONS BY RICHARD LEVY, JOHN LEGRY AND CONVENTION PARTICIPANTS ANGEL OLSEN, JACK ADAMS, JIM DUNCAN, KAY DURTSCHI AND ARLENE COLLINS. FOLLOW UP BRIEFING SCHEDULED FOR TUESDAY, JANUARY 12, 1993.

- R-4 RESOLUTION in the Matter of an Intergovernmental Agreement with the Portland School District and City of Portland, Designating PILOT [Portion of Payments in Lieu of Taxes]

Fund Use and Transferring Title to Dickinson Park and Kennedy School

BOARD DISCUSSION. DAN STEFFEY RESPONSE TO BOARD QUESTIONS. CHAIR MCCOY SUGGESTED AMENDING RESOLUTION TO READ "THE TRANSFER OF DICKINSON PARK TO THE DISTRICT PENDING A MUTUALLY SATISFACTORY RESOLUTION OF THE FUTURE USE OF DICKINSON PARK BY THE DISTRICT AND MULTNOMAH COUNTY AND THE ROLE OF MULTNOMAH COUNTY PLANNED FOR KENNEDY SCHOOL". COMMISSIONER BAUMAN MOVED, SECONDED BY COMMISSIONER KELLEY, TO CONTINUE THE MATTER TO DECEMBER 29, 1992, WITH INSTRUCTIONS TO STAFF TO NEGOTIATE THE TWO ISSUES BETWEEN NOW AND THEN IF POSSIBLE.

Commissioner Bauman left at 11:29 a.m.

TESTIMONY IN FAVOR OF THE PROPOSED TRANSFER FROM CLAUDIA BLACK, (FOR SENATOR RON CEASE) RONALD FOSSUM AND MELISSA DARBY. VOTE ON MOTION TO CONTINUE RESOLUTION TO TUESDAY, DECEMBER 29, 1992, UNANIMOUSLY APPROVED.

- R-5 Second Reading and Possible Adoption of an ORDINANCE Establishing the Duties and Responsibilities of Purchasing, Contracts and Central Stores (From December 10, 1992)

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. NO PUBLIC TESTIMONY OFFERED. COMMISSIONER KELLEY MOVED, SECONDED BY COMMISSIONER HANSEN, APPROVAL OF THE SECOND READING. COUNTY COUNSEL JOHN DuBAY SUBMITTED AND DISCUSSED A NON-SUBSTANTIVE AMENDMENT TO PAGE 2 RELATING TO THE DUTIES OF THE PURCHASING DIRECTOR. UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER KELLEY, THE AMENDMENT WAS UNANIMOUSLY APPROVED. VOTE ON MOTION TO APPROVE SECOND READING AND ADOPTION OF ORDINANCE 746 AS AMENDED, UNANIMOUSLY APPROVED.

DEPARTMENT OF SOCIAL SERVICES

- R-6 Budget Modification DSS #34 Requesting Authorization to Add \$75,000 Casey Foundation Funding to the Juvenile Justice Division Budget, for a Detention Alternatives Planning Project

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

- R-7 Budget Modification DSS #35 Requesting Authorization to Add \$100,000 to the Mental Health, Youth and Family Services Division, Developmental Disabilities Case Management Budget, from Portland Public Schools for the Evaluation and Eligibility Determination of Early Intervention Services

and Early Childhood Education

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

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-8 ORDER in the Matter of Acceptance of a Deed from Columbia Brick Works, Inc. and the Economic Development Commission of the State of Oregon, Conveying Said Deed to Multnomah County for Road Purposes, Item No. 89-323. [Hogan Road, County Road No. 4974, South of Palmquist Road]

UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER ANDERSON, ORDER 92-228 WAS UNANIMOUSLY APPROVED.

- R-9 ORDER in the Matter of Acceptance of a Deed from Columbia Brick Works, Inc., Eldon L. Erickson, Carol F. Erickson, Norma L. Hulett, Worley E. Jeffries, and Lola M. Jeffries, Conveying Said Deed to Multnomah County for Road Purposes, Item No. 89-324 and 89-325. [Hogan Road, County Road No. 4974, South of Palmquist Road]

UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER ANDERSON, ORDER 92-229 WAS UNANIMOUSLY APPROVED.

- R-10 RESOLUTION in the Matter of the Improvement of N.E. Halsey Street, No. 4996 [Request for Condemnation of the Necessary Right-of-Way in the Vicinity of N.E. 192nd to N.E. 195th]

UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER ANDERSON, RESOLUTION 92-230 WAS UNANIMOUSLY APPROVED.

- R-11 RESOLUTION in the Matter of the Improvement of S.E. 242nd Drive, No. 4997 [Request for Condemnation of the Necessary Right-of-Way in the Vicinity of S.E. Hall to S.E. Division]

UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER HANSEN, RESOLUTION 92-231 WAS UNANIMOUSLY APPROVED.

- R-12 ORDER in the Matter of the Grant of a STREET LIGHT FACILITY EASEMENT on County Land at the Exposition Center Parcel, George W. Force DLC, T2N, R1E, WM, Multnomah County, Oregon

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER ANDERSON, ORDER 92-232 WAS UNANIMOUSLY APPROVED.

- R-13 Intergovernmental Agreement, Contract #300983, Between Metropolitan Service District and Multnomah County, to Reimburse County Transportation Division for its Participation in the I-205/Milwaukie Preliminary Alternative Analysis Study to Select Future Light Rail

Transit Routes, for the Period Upon Signature to September 30, 1993

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER ANDERSON, R-13 WAS UNANIMOUSLY APPROVED.

PUBLIC COMMENT

R-14 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

There being no further business, the meeting was adjourned at 11:40 a.m.

OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON

By DEBORAH C. BOGSTAD