

ANNOTATED MINUTES

Tuesday, April 9, 1996 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

PLANNING ITEMS

Chair Beverly Stein convened the meeting at 9:38 a.m., with Commissioners Sharron Kelley, Gary Hansen and Tanya Collier present, and Vice-Chair Dan Saltzman arriving at 9:40 a.m.

- P-1 CU 10-94; HV 28-95 Hearings Officer Decision APPROVING Conditional Use Approval and a Minor Variance to the Minimum Yard Setback Requirement, to Construct a Single Family Dwelling Not Related to Forest Management on a 17.8 Acre Lot of Record in the Commercial Forest Use Zoning District, on Property Located at 21574 NW GILKISON ROAD, PORTLAND

DECISION READ, NO APPEAL FILED, DECISION STANDS.

- P-2 HDP 21-95 Hearings Officer Decision DENYING Appeal and Approving the Administrative Decision Approving a Hillside Development Permit to Allow the Construction of a Driveway and Single Family Dwelling in the Rural Residential Zoning District, on Property Located at 12625 NW GERMANTOWN ROAD, PORTLAND

DECISION READ, NO APPEAL FILED, DECISION STANDS.

- P-3 PRE 2-95 DE NOVO HEARING, Testimony Limited To 20 Minutes Per Side Regarding Appeal of Hearings Officer Decision DENYING Appeal and AFFIRMING Planning Director's Decision Which Made a Determination of Substantial Development for a Single Family Dwelling on Property Located at 6125 NW THOMPSON ROAD, PORTLAND

CHAIR STEIN EXPLAINED QUASI-JUDICIAL PROCESS. AT CHAIR STEIN'S REQUEST FOR DISCLOSURE, COMMISSIONER SALTZMAN REPORTED EX PARTE CONTACTS WITH DAN MCKENZIE AND A SITE VISIT, AND ADVISED HE HAS NO BIAS IN THE MATTER. AT CHAIR STEIN'S

REQUEST FOR CHALLENGES, DAN McKENZIE REQUESTED THAT HE BE ALLOWED TO RESPOND TO THE APRIL 1 MEMO SUBMITTED BY ARNOLD ROCHLIN. MR. ROCHLIN RESPONDED THAT HIS MEMO WAS SUBMITTED TO THE PLANNING OFFICE PER STANDARD PROCEDURE, AND AT THE REQUEST OF CHAIR STEIN, PROVIDED A COPY OF HIS APRIL 1 MEMO TO MR. McKENZIE. AT CHAIR STEIN'S REQUEST FOR SAME, NO PROCEDURAL OBJECTIONS WERE RAISED. PLANNER BARRY MANNING PRESENTED CASE HISTORY. HEARINGS OFFICER JOAN CHAMBERS PRESENTED APPEAL HISTORY AND EXPLAINED CONDITIONS, FINDINGS OF FACT AND CONCLUSIONS APPLIED IN HER DECISION. IN RESPONSE TO A QUESTION OF COMMISSIONER SALTZMAN, MS. CHAMBERS ADVISED MR. ROCHLIN HAD STANDING TO APPEAL THE PLANNING DIRECTOR DECISION PURSUANT TO THE CONDITIONAL USE SECTION OF THE COUNTY CODE. ARNOLD ROCHLIN PRESENTED ORAL AND WRITTEN TESTIMONY IN OPPOSITION TO THE HEARINGS OFFICER DECISION AND INTERPRETATION OF PERMIT TIMING ISSUES. DAN McKENZIE TESTIMONY IN SUPPORT OF HEARINGS OFFICER DECISION AND REBUTTAL TO MR. ROCHLIN'S TESTIMONY. MR. ROCHLIN PRESENTED REBUTTAL TO MR. McKENZIE'S TESTIMONY. IN RESPONSE TO A QUESTION OF CHAIR STEIN, COUNSEL SANDRA DUFFY AND MS. CHAMBERS EXPLAINED THAT SINCE APPLICATION CU 5-91a WAS WITHDRAWN, AND THE THREE SEPTEMBER, 1995 BOARD DECISIONS WERE NOT APPEALED, THE ISSUES RAISED BY MR. ROCHLIN ARE MOOT. IN RESPONSE TO INQUIRIES OF CHAIR STEIN, THERE WAS NO REQUEST FOR CONTINUANCE OR OBJECTION TO HEARING RAISED. CHAIR STEIN ADVISED ALL PARTIES WILL RECEIVE A COPY OF THE BOARD'S WRITTEN DECISION, WHICH MAY BE APPEALED TO LUBA. HEARING CLOSED. MS. DUFFY, CHAIR STEIN AND MR. MANNING EXPLANATION IN RESPONSE TO QUESTIONS AND CONCERNS OF COMMISSIONER COLLIER. COMMISSIONER

KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, TO DENY THE APPEAL AND AFFIRM THE HEARINGS OFFICER DECISION. CHAIR STEIN ADVISED HER CONCERNS HAVE BEEN ADDRESSED AND SHE IS PERSUADED BY THE HEARINGS OFFICER DECISION. MS. DUFFY AND MR. MANNING RESPONSE TO QUESTION OF COMMISSIONER HANSEN REGARDING TIME LIMIT BETWEEN WITHDRAWING AND FILING NEW PERMIT APPLICATIONS. MS. DUFFY CONCURRED WITH STATEMENT OF CHAIR STEIN THAT CODE PROVIDES OPPORTUNITY FOR APPLICANTS TO REAPPLY FOR PERMITS WITHIN SIX MONTHS TO A YEAR. HEARINGS OFFICER DECISION UNANIMOUSLY UPHELD.

The planning meeting was adjourned at 10:50 a.m. and the briefing convened at 11:00 a.m.

Tuesday, April 9, 1996 - 11:00 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

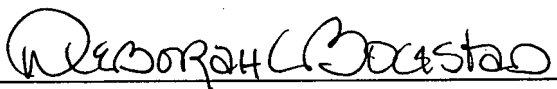
BOARD BRIEFING

- B-1 Update on Renewal of Paragon Cable Franchise, Changes in Federal Telecommunications Law, and TCI-West Cable Franchise. Presented by Ernie Bonner, David Olson and Mary Beth Henry of Mt. Hood Cable Regulatory Commission.

**ERNIE BONNER AND DAVID OLSON
PRESENTATION AND RESPONSE TO BOARD
QUESTIONS AND DISCUSSION.**

There being no further business, the briefing was adjourned at 11:50 a.m.

OFFICE OF THE BOARD CLERK
FOR MULTNOMAH COUNTY, OREGON


Deborah L. Bogstad

Thursday, April 11, 1996 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

REGULAR MEETING

Chair Beverly Stein convened the meeting at 9:35 a.m., with Vice-Chair Dan Saltzman, Commissioners Sharron Kelley and Tanya Collier present, and Commissioner Gary Hansen excused.

NON-DEPARTMENTAL

- C-1 Appointment of Craig A. Schulstad to the REGIONAL STRATEGIES BOARD

AT THE REQUEST OF CHAIR STEIN AND UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER SALTZMAN, C-1 WAS UNANIMOUSLY POSTPONED INDEFINITELY.

CONSENT CALENDAR

SHERIFF'S OFFICE

- C-2 Ratification of Intergovernmental Agreement 800067 with the Housing Authority of Portland to Provide a Supervised Inmate Work Crew to Perform General Labor Such as Ground Maintenance, Light Carpentry, Painting, Etc.

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER SALTZMAN, CONSENT CALENDAR ITEM C-2 WAS UNANIMOUSLY APPROVED.

REGULAR AGENDA

DEPARTMENT OF SUPPORT SERVICES

- R-2 Presentation of Employee Service Awards Honoring 36 Multnomah County Employees with 5 to 25 Years of Service

WITH THE ASSISTANCE OF SHERY STUMP AND GAIL FOSTER, THE BOARD GREETED,

ACKNOWLEDGED AND PRESENTED 5 YEAR AWARDS TO GLORIA BELLEAU, C. LYNN BETTERIDGE, D. RANDALL MORRISON AND LYDA OVERTON OF ASD; BARBARA HERSHEY, JACKIE JOHNSON, CATHY LILLY, JOSE MARTINEZ AND BRENT MATTHEWS OF DCFS; JILL ALSPACH OF DA; SHARON BAKER, MATTHEW MATTILA AND TRACY PUGLIANO OF DCC; SUZANNE BERGERON, PATRICIA READ, CAROL ZURAWSKI AND FRANK KAMINSKI OF DES; MARSHA EHLERS OF DSS; HELEN FERRIER OF DJJS; AND SUZANNE FLYNN AND GARY HANSEN OF NOND; 10 YEAR AWARDS TO REBECCA CORNETT OF ASD; DIANA CHAMBERLAIN AND DIANA LOVING-BLACK OF DA; HOWARD KLINK OF DCFS; AND KIP COURSER OF DES; 15 YEAR AWARDS TO GAYLE KRON OF DFCS; SHARON DAY AND SHARON HENLEY OF DA; HORACE HOWARD OF DCC; DWIGHT ROOFE OF DES; AND KENNETH CLINTON OF DSS; 20 YEAR AWARD TO GLENN HARDING OF DCC; AND 25 YEAR AWARDS TO WILLIAM JACKSON OF DCC AND SUSAN DANIELL OF DSS.

DISTRICT ATTORNEY'S OFFICE

R-4 PROCLAMATION Proclaiming the Week of April 21-27, 1996 as OREGON CRIME VICTIMS RIGHTS WEEK in Multnomah County

**COMMISSIONER KELLEY MOVED AND
COMMISSIONER SALTZMAN SECONDED,
APPROVAL OF R-4. MICHAEL SCHRUNK
EXPLANATION. PROCLAMATION READ.
PROCLAMATION 96-62 UNANIMOUSLY
APPROVED.**

DEPARTMENT OF SUPPORT SERVICES

R-3 Second Reading and Adoption of an ORDINANCE Amending MCC Chapter 5.40 (Car Rental Tax) in Order to Clarify the Responsibilities of Commercial Enterprises for Collecting and Remitting this Tax, and to Strengthen and Clarify the County's Ability to Administer it

**ORDINANCE READ BY TITLE ONLY. COPIES
AVAILABLE. COMMISSIONER KELLEY MOVED**

AND COMMISSIONER COLLIER SECONDED, APPROVAL OF SECOND READING AND ADOPTION. NO ONE WISHED TO TESTIFY. ORDINANCE 849 UNANIMOUSLY APPROVED.

PUBLIC COMMENT

- R-1 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

NO ONE WISHED TO COMMENT.

SHERIFF'S OFFICE

- R-5 Intergovernmental Agreement 800756 with the City of Portland Police Bureau, to Provide Certain Law Enforcement Services Involving DUII

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-5. LARRY AAB AND DAVE HADLEY EXPLANATION AND RESPONSE TO BOARD QUESTIONS. AGREEMENT UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

- R-6 First Reading of an ORDINANCE Making Procedural Changes in the Bylaws of the Metropolitan Human Rights Commission

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF FIRST READING. STEVE FREEDMAN EXPLANATION. NO ONE WISHED TO TESTIFY. FIRST READING UNANIMOUSLY APPROVED. SECOND READING THURSDAY, APRIL 18, 1996.

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

- R-7 Intergovernmental Agreement 105036 with the Housing Authority of Portland, Allocating U.S. Department of Housing and Urban Development Funds to Construct the Turning Point Project as Transitional Housing for Homeless Families

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-7. REY ESPAÑA AND ROB TUCKER EXPLANATION. COMMISSIONER SALTZMAN COMMENTS IN SUPPORT. AGREEMENT UNANIMOUSLY APPROVED.

DEPARTMENT OF ENVIRONMENTAL SERVICES

R-8 ORDER Authorizing Cancellation of Uncollectible Personal Property Taxes for 1983/84 through 1994/95

COMMISSIONER COLLIER MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-8. COMMISSIONER COLLIER EXPLANATION. ORDER 96-63 UNANIMOUSLY APPROVED.

R-9 Intergovernmental Agreement 301446 with the Oregon Department of Transportation and Metro, to Conduct a Pre-Project Study of Congestion Pricing in the Portland Region

COMMISSIONER COLLIER MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-9. ED ABRAHAMSON EXPLANATION AND RESPONSE TO BOARD QUESTIONS. AGREEMENT UNANIMOUSLY APPROVED.

R-10 Second Reading and Adoption of an ORDINANCE Amending Multnomah County Animal Control Code 8.10.005 et. seq.

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER COLLIER MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF SECOND READING AND ADOPTION. COUNSEL MATT RYAN EXPLANATION OF PROPOSED NON-SUBSTANTIVE AMENDMENTS. UPON MOTION OF COMMISSIONER COLLIER, SECONDED BY COMMISSIONER KELLEY, NON-SUBSTANTIVE AMENDMENTS TO PAGES 28 AND 34 WERE UNANIMOUSLY APPROVED. COMMISSIONER COLLIER ACKNOWLEDGED EFFORTS OF STAFF AND COMMITTEE PARTICIPATING IN ORDINANCE REVISION. MR. RYAN, CHAIR STEIN,

**COMMISSIONER KELLEY AND COMMISSIONER
SALTZMAN COMMENTS IN SUPPORT OF EFFORTS
OF COMMISSIONER COLLIER AND HER STAFF
AND EVERYONE WHO WORKED ON ORDINANCE
REVISION. ORDINANCE 850 UNANIMOUSLY
APPROVED, AS AMENDED.**

The regular meeting was adjourned at 10:14 a.m. and the executive session convened at 11:05 a.m.

Thursday, April 11, 1996 - 11:00 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

EXECUTIVE SESSION

- E-1 The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(d) for Labor Negotiator Consultation Concerning Labor Negotiations. Presented by Kenneth Upton.

EXECUTIVE SESSION HELD.

There being no further business, the executive session was adjourned at 12:00 p.m.

Thursday, April 11, 1996 - 2:00 PM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

PUBLIC HEARING

TSCC Chair Charles Rosenthal convened the hearing at 2:02 p.m., with TSCC staff Courtney Wilton and Commissioners Roger McDowell and Anthony Jankans present, and Commissioner Dick Anderson arriving at 2:35 p.m.

- PH-1 The Tax Supervising and Conservation Commission Will Meet to Conduct a Public Hearing on the County's Proposed Library Serial Levy, Public Safety Levy, Library General Obligation Bond, Public Safety General Obligation Bond, and 1995-96 Supplemental Budget


**DAVE WARREN, JIM MUNZ, DAVE BOYER,
JEANNE GOODRICH, BARBARA SIMON AND
LARRY AAB PRESENTATION AND RESPONSE TO
TSCC QUESTIONS AND DISCUSSION.
COMMISSIONERS TANYA COLLIER, DAN
SALTZMAN AND SHARRON KELLEY RESPONSE TO
TSCC QUESTIONS AND DISCUSSION.**

Commissioner Gary Hansen arrived at 2:42 p.m.

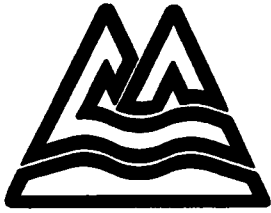
Commissioner Anthony Jankans left at 2:46 p.m.

There being no further business, the hearing was adjourned at 2:57 p.m.

**OFFICE OF THE BOARD CLERK
FOR MULTNOMAH COUNTY, OREGON**



Deborah L. Bogstad



MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 SW FIFTH AVENUE
PORTLAND, OREGON 97204
CLERK'S OFFICE • 248-3277 • 248-5222
FAX • (503) 248-5262

BOARD OF COUNTY COMMISSIONERS		
BEVERLY STEIN •	CHAIR	•248-3308
DAN SALTZMAN •	DISTRICT 1	• 248-5220
GARY HANSEN •	DISTRICT 2	•248-5219
TANYA COLLIER •	DISTRICT 3	•248-5217
SHARRON KELLEY •	DISTRICT 4	•248-5213

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

APRIL 8, 1996 - APRIL 12, 1996

Tuesday, April 9, 1996 - 9:30 AM - Planning ItemsPage 2

Tuesday, April 9, 1996 - 11:00 AM - Board BriefingPage 2

Thursday, April 11, 1996 - 9:30 AM - Regular Meeting.....Page 3

Thursday, April 11, 1996 - 11:00 AM - Executive Session.....Page 4

Thursday, April 11, 1996 - 2:00 PM - TSCC Hearing.....Page 5

1996-97 Multnomah County Budget Hearing SchedulePage 6

*Thursday Meetings of the Multnomah County Board of Commissioners are *cablecast* live and taped and can be seen by Cable subscribers in Multnomah County at the following times:*

Thursday, 9:30 AM, (LIVE) Channel 30

Friday, 10:00 PM, Channel 30

Sunday, 1:00 PM, Channel 30

Produced through Multnomah Community Television

*Tuesday, April 9, 1996 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland*

PLANNING ITEMS

- P-1 CU 10-94; HV 28-95 Hearings Officer Decision APPROVING Conditional Use Approval and a Minor Variance to the Minimum Yard Setback Requirement, to Construct a Single Family Dwelling Not Related to Forest Management on a 17.8 Acre Lot of Record in the Commercial Forest Use Zoning District, on Property Located at 21574 NW GILKISON ROAD, PORTLAND*
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- P-3 PRE 2-95 DE NOVO HEARING, Testimony Limited To 20 Minutes Per Side Regarding Appeal of Hearings Officer Decision DENYING Appeal and AFFIRMING Planning Director's Decision Which Made a Determination of Substantial Development for a Single Family Dwelling on Property Located at 6125 NW THOMPSON ROAD, PORTLAND*
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*Tuesday, April 9, 1996 - 11:00 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland*

BOARD BRIEFING

- B-1 Update on Renewal of Paragon Cable Franchise, Changes in Federal Telecommunications Law, and TCI-West Cable Franchise. Presented by Ernie Bonner, David Olson and Mary Beth Henry of Mt. Hood Cable Regulatory Commission. 45 MINUTES REQUESTED.*

Thursday, April 11, 1996 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

REGULAR MEETING

CONSENT CALENDAR

NON-DEPARTMENTAL

- C-1 *Appointment of Craig A. Schulstad to the REGIONAL STRATEGIES BOARD*

SHERIFF'S OFFICE

- C-2 *Ratification of Intergovernmental Agreement 800067 with the Housing Authority of Portland to Provide a Supervised Inmate Work Crew to Perform General Labor Such as Ground Maintenance, Light Carpentry, Painting, Etc.*

REGULAR AGENDA

PUBLIC COMMENT

- R-1 *Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.*

DEPARTMENT OF SUPPORT SERVICES

- R-2 *Presentation of Employee Service Awards Honoring 36 Multnomah County Employees with 5 to 25 Years of Service*
- R-3 *Second Reading and Adoption of an ORDINANCE Amending MCC Chapter 5.40 (Car Rental Tax) in Order to Clarify the Responsibilities of Commercial Enterprises for Collecting and Remitting this Tax, and to Strengthen and Clarify the County's Ability to Administer it*

DISTRICT ATTORNEY'S OFFICE

- R-4 *PROCLAMATION Proclaiming the Week of April 21-27, 1996 as OREGON CRIME VICTIMS RIGHTS WEEK in Multnomah County*

SHERIFF'S OFFICE

- R-5 *Intergovernmental Agreement 800756 with the City of Portland Police Bureau, to Provide Certain Law Enforcement Services Involving DUII*

NON-DEPARTMENTAL

- R-6 *First Reading of an ORDINANCE Making Procedural Changes in the Bylaws of the Metropolitan Human Rights Commission*

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

- R-7 *Intergovernmental Agreement 105036 with the Housing Authority of Portland, Allocating U.S. Department of Housing and Urban Development Funds to Construct the Turning Point Project as Transitional Housing for Homeless Families*

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-8 *ORDER Authorizing Cancellation of Uncollectible Personal Property Taxes for 1983/84 through 1994/95*
- R-9 *Intergovernmental Agreement 301446 with the Oregon Department of Transportation and Metro, to Conduct a Pre-Project Study of Congestion Pricing in the Portland Region*
- R-10 *Second Reading and Adoption of an ORDINANCE Amending Multnomah County Animal Control Code 8.10.005 et. seq.*
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*Thursday, April 11, 1996 - 11:00 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland*

EXECUTIVE SESSION

- E-1 *The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(d) for Labor Negotiator Consultation Concerning Labor Negotiations. Presented by Kenneth Upton. 45 MINUTES REQUESTED.*

*Thursday, April 11, 1996 - 2:00 PM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland*

PUBLIC HEARING

*PH-1 The Tax Supervising and Conservation Commission Will Meet to
Conduct a Public Hearing on the County's Proposed Library Serial
Levy, Public Safety Levy, Library General Obligation Bond, Public
Safety General Obligation Bond, and 1995-96 Supplemental Budget*

1996-97 BUDGET HEARING SCHEDULE

BEFORE THE

MULTNOMAH COUNTY BOARD OF

COMMISSIONERS

APRIL 30	TUESDAY	9:30 AM	BUDGET REVENUES AND OVERVIEW
MAY 2	THURSDAY	9:30 AM	EXECUTIVE BUDGET MESSAGE
7	TUESDAY	1:30 PM	COMMUNITY & FAMILY SERVICES
8	WEDNESDAY	9:30 AM	HEALTH DEPARTMENT
14	TUESDAY	1:30 PM	AGING SERVICES DEPARTMENT
15	WEDNESDAY	9:30 AM	ENVIRONMENTAL SERVICES
21	TUESDAY	1:30 PM	JUVENILE JUSTICE SERVICES
22	WEDNESDAY	9:30 AM	COMMUNITY CORRECTIONS
22	WEDNESDAY	2:00 PM	DEPARTMENT OF LIBRARY SERVICES
23	THURSDAY	1:30 PM	SHERIFF'S OFFICE
JUNE 4	TUESDAY	1:30 PM	DEPARTMENT OF SUPPORT SERVICES
5	WEDNESDAY	9:30 AM	DISTRICT ATTORNEY'S OFFICE
5	WEDNESDAY	1:30 PM	NON-DEPARTMENTAL
6	THURSDAY	11:00 AM	TSCC BUDGET HEARING
6	THURSDAY	7:00 PM	HEARING @ COUNTY COURTHOUSE
11	TUESDAY	2:00 PM	OPEN
12	WEDNESDAY	9:30 AM	OPEN - IF NEEDED
12	WEDNESDAY	1:30 PM	OPEN - IF NEEDED
12	WEDNESDAY	7:00 PM	HEARING @ GRESHAM CITY HALL
13	THURSDAY	9:30 AM	HEARING/ADOPT BUDGET

The Board welcomes this opportunity for you to provide input in the County budget process. Public comment will be limited to three minutes per person. All hearings will be held in room 602 of the Multnomah County Courthouse, 1021 SW Fourth Avenue, Portland, with the exception of the 7:00 pm, Wednesday, June 12, 1996 hearing which will be held in the Gresham City Council Chambers, 1333 NW Eastman Parkway, Gresham (the single story Public Safety and Schools building). Questions? Call Deb or Aimee in the Office of the Board Clerk, (503) 248-3277.

GARY HANSEN
Multnomah County Commissioner
District 2



1120 S.W. Fifth Avenue, Suite 1500
Portland, Oregon 97204
(503) 248-5219

M E M O R A D U M

TO: Office Of The Board Clerk
Chair Beverly Stein
Commissioner Tanya Collier
Commissioner Sharron Kelly
Commissioner Dan Saltzman

FROM: Juana Arredondo, Commissioner Hansen's Office

RE: Absence From April 11th BCC Board Meetings

DATE: April 11, 1996

Commissioner Hansen will be in a Legislative Hearing in Salem all day today, which will make him unable to attend the 9:30am Executive Session and the 2pm Public Safety Hearing.

c/ojma

BOARD OF
COUNTY COMMISSIONERS
96 APR 11 PM 1:03
MULTNOMAH COUNTY
OREGON

MEETING DATE: APR 11 1996

AGENDA NO: E-1

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: EXECUTIVE SESSION - Thursday April 11, 1996

BOARD BRIEFING **Date Requested:** _____

Amount of Time Needed: _____

REGULAR MEETING: **Date Requested:** April 11, 1996 11:00 a.m.

Amount of Time Needed: 45 to 60 minutes

DEPARTMENT: Dept Support Services **DIVISION:** Labor Relations

CONTACT: Kenneth W Upton **TELEPHONE #:** 248-5053
BLDG/ROOM #: B106/1400

PERSON(S) MAKING PRESENTATION: Kenneth W Upton

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☒ POLICY DIRECTION ☐ APPROVAL ☐ OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Executive Session under the provisions of ORS 192.660(1)(d) regarding labor negotiations with the Multnomah County Prosecuting Attorneys Association (MCPA) for a successor to the 1993-96 Agreement, as well as certain health and welfare issues which may affect other bargaining units.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

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6/93

BOARD OF
COUNTY COMMISSIONERS
96 APR - 1 AM 10 26
MULTNOMAH COUNTY
OREGON



MULTNOMAH COUNTY OREGON

BEVERLY STEIN
COUNTY CHAIR

EMPLOYEE SERVICES
FINANCE
LABOR RELATIONS
PLANNING & BUDGET
RISK MANAGEMENT

(503) 248-5015
(503) 248-3312
(503) 248-5135
(503) 248-3883
(503) 248-3797

(503) 248-5170 TDD

PORTLAND BUILDING
1120 S.W. FIFTH, 14TH FLOOR
P.O. BOX 14700
PORTLAND, OREGON 97214


PURCHASING, CONTRACTS
& CENTRAL STORES

(503) 248-5111

2505 S.E. 11TH, 1ST FLOOR
PORTLAND, OREGON 97202

CONFIDENTIAL MEMORANDUM

TO: Board of County Commissioners
Michael Schrunck, District Attorney

FROM: Kenneth Upton, Labor Relations Manager 

DATE: April 4, 1996

SUBJECT: Options for Consideration by the Board at the Executive Session of April 11, 1996 - Bargaining with the Multnomah County Prosecuting Attorneys Association (MCPAA)

As per prior correspondence, the Attorney for the Association has indicated off the record that he is willing to do a language "roll over" on the MCPAA Collective Bargaining Agreement if they could have a contract which provided not just for a "cost of living" increase, but for some movement toward a more reasonable relationship to comparables. (This approach was conditioned on an extension of a fair share clause to this agreement, a matter which I would take to be operational and thus subject to direction from the District Attorney.) However, it is up to the Board to decide who the relevant comparables are, what a reasonable relationship is, and what form any movement toward that relationship might take. To aid you in your decision making, information on the historical, legal, and economic factors influencing MCPAA compensation decisions is provided below, followed by some options for your consideration.

Historical Context

The first MCPAA contract was ratified in 1980. Previously the Deputy District Attorneys (DDAs) were exempt employees and were covered by the exempt compensation and benefits ordinances, but they organized to address what they perceived to be equity problems in salary administration under a prior District Attorney. In recent decades there has been a trend for attorneys who enter public service to remain there, rather than to use public service as a venue for acquiring trial experience. Such has been the case at

Multnomah County, and as a result senior attorneys tend to be clustered at the tops of their salary ranges. Responsive to salary driven turnover, steps were added to the DDA 3 (Senior Prosecutor) and DDA 4 (Team Captain) ranges in 1987 and 1988, resulting in relatively long salary ranges, but the clustering continues. The ranges for each classification and the percent at the top step are shown in the table below:

<i>Class</i>	<i>Monthly Rate</i>	<i>Steps</i>	<i>N in Class</i>	<i>Percent at Top</i>
DDA 1	\$2,564 - \$3,606	6	15	0%
DDA 2	\$3,272 - \$4,174	6	22	32%
DDA 3	\$3,606 - \$5,074	8	24	63%
DDA 4	\$4,174 - \$5,893	8	15	73%

Legal Considerations: Can They Go on Strike?

A labor contract with MCPAA entails a tripartite agreement between the District Attorney for Multnomah County (an officer of the State), MCPAA, and the County. From a practical perspective, this has always been in a matter not only of labor relations but also of budgetary politics: "Where will any money over that budgeted come from?" This has been, and properly continues to be, a policy judgment to be determined by the affected elected officials. There remains, however, the legal question of what would happen if we could not resolve a dispute.

The issue of dispute resolution for Deputy District Attorneys was recently been decided by the Employment Relations Board (ERB) in a Declaratory Ruling involving Oregon Public Employees Union (OPEU) and Deschutes County (ERB DR-1-94, 15 PECBR 15/527). In sum, ERB determined that "County deputy district attorneys are not prohibited from striking under the PECBA and therefore are not entitled to binding interest arbitration of their collective bargaining dispute." ERB also summarized an analysis of the Oregon Code of Professional Responsibility, which stands for the proposition that a strike would be a bar ethics violation. It would thus appear that these employees are "employees" under the meaning of the collective bargaining act, but have neither the right to strike nor the right to interest arbitration. This anomaly was not lost on the ERB, as it commented in a footnote:

"We understand that the deputy district attorneys have little leverage at the bargaining table if they cannot strike or force arbitration. Certainly the PECBA was not intended to effect such a result. Nevertheless, we cannot "insert what

has been omitted" from the law in order to effectuate PECBA policy where, as here, the legislature expressed itself unambiguously."

It would thus appear that unless the Association were able to successfully challenge ERB in court, the Association must meet its needs by coming to agreement with the Board and the District Attorney. Since the Association has hired an attorney to represent them in bargaining, Steve Nemirow, Deputy County Council, has reviewed the above analysis and concurs. In fact, he checked the analysis of the Professional Responsibility matter directly with the Bar Association itself. The Association's attorney, while indicating that his Association has no plans to strike, claims that there may be a way around the apparent "strike prohibition" related to legal ethics by a process of volunteering to handle cases already on the docket. We will revisit that contention if needs be at a later date.

Legal Considerations: the Effect of Measure 8

MCPAA is the only County bargaining unit which did not ratify the Measure 8 "fix" in November 1994. Therefore, until the expiration of the current contract they will still receive the PERS pick-up. As indicated in prior correspondence, I have been advised by Larry Kressel, County Counsel, that Measure 8 is still law in Multnomah County, despite what the Board may have heard regarding successful legal challenges in other counties such as Marion. Although the case was argued before the Supreme Court in October, it remains unresolved as of the writing of this memorandum. The upshot for us is that we are legally prohibited from "making up" the loss of the Pick-up in the successor contract for MCPAA, and are further prohibited from including the "Pick-up" in the successor contract. In conformance with law, my analysis will thus not be directed toward "making up," but toward matters of internal and external comparables. Analysis and actions so directed may be challenged, but any other approach would appear to leave us immobilized in the face of our continuing obligation to engage in good faith negotiations, despite the unresolved specter of Measure 8.

Comparability and Its Limitations

There is a fundamental mindlessness built into much discussion of how pay rates for public employees are to be determined. Part of the difficulty lies in the fact that the law governing factfinding and interest arbitration focuses on the process of selecting "comparables" which are sometimes viewed as mechanistic guides to conduct. In reality, a more sophisticated analysis is in order. When one is determining the worth of a house involved in a condemnation proceeding, it makes perfectly good sense to gather a list of "comparables" in the directly relevant housing area, make

adjustments in the sales price based on differences of known value, and view the average as a good proxy for what the market would produce if the condemned house were indeed for sale. It makes good sense because there are usually enough comparable houses that quirks in any one sale would not significantly affect the overall result, and because the primary forces at work in determining the price of housing are market forces. This is not the case with wage rates for classifications of employees, such as criminal prosecutors, who are found only in the public sector.

There are four employers of prosecutors in the Metro area labor market: Clackamas, Clark, Washington, and Multnomah Counties. Not only are there too few data points to make comparisons with confidence, but each entity surveys the other three and, at least in part, bases its compensation decisions on the results. Also, Multnomah County employs as many prosecutors as the other three combined. Whether the kind of work done in the smaller prosecutorial offices is comparable to that in the larger offices, and, if not, who should be more highly compensated, are open questions. Therefore, in order to get more Oregon data points, we commonly survey Marion and Lane Counties; additionally, in order to get data from jurisdictions of comparable size we survey Pierce and King Counties. However, weighing the relevance of each comparable is more art than science.

Furthermore, salaries for prosecutors are not driven exclusively by market forces. Jurisdictions set salaries on the basis of values which may or may not be relevant to the others. Internal comparability, social values, and political considerations are examples. Also, everyone may want their compensation rates to be "average or above", which means that the average will inevitably rise, and quite rapidly when the number of comparables are few.

Despite these many difficulties, there is no doubt that paying consistently below the norm may lead to drift over time of the best employees to other employers and an erosion of morale among those who remain. That is why some employers judge that "staying well in the pack" is a prudent long term strategy.

The "Market" Data

Preliminary survey data on monthly salaries plus retirement and other monetary compensation for journey level prosecutors with ten years of service is summarized in the table below. The column on the far right shows how current Multnomah County rates compare with those of the other jurisdictions. **A positive number indicates the amount by which Multnomah County rates would have to be raised to equal the rates in the comparable jurisdiction.** A negative number indicates the amount the rates would have to be lowered.

**Top Step Monthly Salary Rates
for Career Prosecutors without Managerial Responsibility
at Ten Years of Service**

<i>Jurisdiction</i>	<i>N DDA's</i>	<i>Top Step Rate</i>	<i>Employer Retirement Contribution</i>	<i>Other Monetary Benefits</i>	<i>Total</i>	<i>% Over Multnomah County</i>
Multnomah	76	\$5,074	15.24%	0	\$5,847	_____
Clackamas	22	\$6,115	13.76%	6.27%*	\$7,340	+25.5%
Clark	31	\$5,788	7.62%	0	\$6,229	+6.5%
King	105	\$4,975	7.62%	0	\$5,354	-8.4%
Lane	27	\$5,677	7.38%	0	\$6,096	+4.3%
Marion	27	\$5,099*	8.35%	7.7%*	\$5,917	+1.2%
Mult. Co. Counsel	7	\$5,671	9.24%	0	\$6,195	+6.0%
Oregon Asst. Atty. General*	8	\$5,765	8.46%	0	\$6,253	+6.9%
Pierce	87	\$5,310*	7.62%	0	\$5,715	-2.3%
Washington	25	\$5,472	7.5%	0	\$5,882	+6%
Average All Comparables						+4.5%
Average All Oregon Comparables						+7.4%

Note: although the salary data is for the Deputy District Attorney III classification and its comparables only, the number of attorneys in the second column from the left is the total number of non-management attorneys in the jurisdiction.

- * The Oregon Attorney General's Office has only eight attorneys who do criminal trial work; the title Assistant Attorney General encompasses a broad range of legal specialties.
- * Marion County base rate includes a 2.25% ten year longevity step.
- * The rate for Pierce County assumes that the prosecutors are called in one weekend per month, probably a generous estimate. The premium for weekend call-in is \$175.
- * Clackamas County DDAs at the senior level receive 6.27% in County paid deferred compensation.
- * Marion County DDAs are eligible to receive either an extra four weeks' pay or an extra four weeks of vacation annually. This comes to 7.7% of wages.

The survey results are volatile, and not only because of the number of comparables included. Multnomah County has four classifications, DDA I through DDA IV with distinctive sets of responsibilities. Some jurisdictions, such as Clackamas, Clark, and Washington Counties, and the State of Oregon have fewer classifications. Others, such as Lane, Pierce, and King Counties have more. Which classification is chosen as a match to the Multnomah County DDA III classification can significantly affect results. However, every effort has been made to identify the classifications in which most career prosecutors without supervisory responsibilities could be found.

Another significant factor in weighing the data is the amount paid for retirement benefits. Of course, the pick-up issue is the major one. In addition, however, Multnomah County pays more for PERS benefits than the other Oregon employers because it went into PERS later than many of the others, and it went in with a large unfunded liability from its previous retirement plan. Without the pick-up Multnomah County currently pays 9.24% while Lane County pays 7.38%, for example. The table above gives Multnomah County credit for the extra expenditure, although employees receive the same benefits as those working for counties who pay less for them.

Nevertheless two conclusions can be drawn from the data:

First, Clackamas County leads the market. Why Clackamas County pays as much as they do is puzzling, but it is unclear that there is much wisdom to be gained from their behavior, since it is so clearly aberrant. It cannot have been established by any attention to comparables, since the payment is roughly 20-25% above the amount paid by all other counties in Oregon.

Second, Multnomah County is behind all the Oregon comparables, even Marion and Lane Counties, where the cost of living is lower than in the Metro area. This pattern needs to be taken into account when striking the policy balance in the options which are outlined below.

Policy Options

There are a variety of options available for the Board to consider in the above cited matter. The positives and negatives associated with each are in part a value and policy judgment, but I have at least attempted to lay out the rough outlines of possible reactions to these options in the discussion below. All of these options presuppose the same CPI formula for the second (July 1, 1997) and third (July 1, 1998) years as is contained in the formula in the existing contract, i.e. a Min 2.5%-Max 4.5 approach with a formula dealing with high inflation.

- **Option 1: The Cautious Option**

In this option employees would be given a 2.7% CPI increase on July 1, 1996, and would begin making their own PERS (6%) payments on that same date. These contributions would be tax sheltered with the IRS code shelter which we provide to other employees. This option focuses on avoiding any possibility of a Measure 8 legality challenge by taking a stance of not dealing with the issue of the loss of the "pick-up." In this option employees would be obliged to pay the full 6% previously paid by the County and thus would in effect receive a significant pay cut despite the CPI increase.

Advantages: This is clearly the option least subject to legal challenge. Some would also say that employees took the risk that the entire Measure 8 would be declared unconstitutional. Although many may now hypothesize that this legal outcome is a foregone conclusion, it is not yet a conclusion. In this view, these employees gambled for better treatment than that received by other employees; a gamble lost, at least for now. The County would save money in this option, since employees would be making the pension payments with no offsetting wage increase. COSTING FOR ALL OPTIONS IS CONTAINED IN MEMORANDA FROM KARYNE DARGAN, BUDGET DIVISION, ATTACHED.

Disadvantages: This result, if obtained, would clearly have a serious adverse effect on the morale of the DA's Office, particularly since they feel that they are not treated well in terms of salary relative to the principal comparables. While their comparison with others is overdrawn, there is some truth to their view at the margin, and this option would drop the County several additional percentage points below a position of last place among key comparables.

- **Option 2: The Internal Comparable Option**

In this option employees would be given a 2.7% increase for the CPI, as well as a 5.6% increase as per the treatment of other employees in December 1994. They would be obligated to make their own pension payments (6%), but would have the IRS shelter. In this option they also would be given a .4% "kicker" in 1998. This option is viewed as the "equal treatment approach" because it is focused on treating these employees the same as other employees as a matter of internal parity.

Advantages: This approach would treat these employees in terms of practical effect identically to others. In terms of the equity perceptions of other employees, they would not be viewed as "being treated better than others" or "rewarded for

not being cooperative" when the remainder of the County community was acted in concert. This solution would also seem to meet spot labor market needs, since there is no evidence of significant current adverse turnover in the District Attorney classifications.

Disadvantages: This approach will not meet the perceived inequity of the DA market position from a comparables perspective. It will leave untouched the "last place" position of the County relative to Oregon comparables. This approach, as are all other approaches below, is more subject to legal challenge as a "makeup" under Measure 8. Over three years this option would cost 5.74% or \$903,434 more than the cautious option.

- **Option 3: Market Targeted Option/Based on Assumption That We Are Significantly Behind the Market.**

This approach would increase the employees wages July 1, 1996, 2.7% for the CPI and 6% for reasons of internal equity comparison. The employees would be responsible for pension payments. Effective July 1, 1998, there would be an additional step of 5% added to top of the range of DDA 3 (Senior DA) and DDA 4 (Team Captain). Employees would be eligible for such a step on their anniversary date.

Advantages: This approach would be a significant step in the direction of dealing with the salary relationship of our Senior DA's to comparables. While it would not go all the way with dealing with this concern, it would be a good faith effort and would essentially put us at market for this level with the only significant adverse comparable being Clackamas County.

Disadvantages: This approach treats these employees better than other County Employees who may have equal or better rationales for better treatment. It does so, however, in 1998, when other contracts will be open and employee representatives can put forward their own cases for special classification adjustments. This option costs 6.54% or \$1,028,131 more over three years than the first option. This option will not deal with employees who view Clackamas County as the model. It also does not address any wage disparities in lower classifications, which the Association now claims are important.

- **Option 4: Enhanced Targeted Option/Based on Assumption that We are Significantly Behind the Market.**

This option is identical to Option 3, except two steps of 5% are added to the cited

classifications. The advantages and disadvantages of this option are similar to those of Option 3, and in three years the costs would be the same. However, there would be significant additional cost in year four, as the senior prosecutors advance into the second new step. This additional cost falls outside the scope of the three year costing framework. This option would make us a clear market leader on wages among county prosecutorial offices with the exception of Clackamas County.

- **Option 5: Additional Across the Board Increase/Initial Association "Quick Contract" Suggestion.**

This proposal would add approximately 2.5% each year to the "Equal Treatment" option cited as Option 2 above.

Advantages: This approach was suggested by the Association's attorney before further consultation with his client and a more generous approach was proffered as Option 6 below. This option would probably settle the contract immediately, since it meets their central claim of "being behind" in an across-the-board way. There was earlier little expressed interest in the lower classified District Court Deputies, so this focus on extra money for these employees was a bit of a surprise. This proposal would place us at the end of the three year period with a compounded 7.7% increase over CPI for the three year period over comparables except for Clackamas.

Disadvantages: This proposal would cost 11.24% or \$1,766,915 more than the first option over three years. It would treat all DDAs consistently better than other employees, including lower DA classifications who have not been an issue to date.

- **Option 6: More generous Version of Across the Board Increase Proposal**

This proposal would be identical to Option 5 except that the annual additional increase would be 4.5% rather than 2.5%, for a compounded increase over the three years of 14.1% over the CPI.

The advantages and disadvantages of this option are exaggerated versions of those related to Option 5. The additional cost of this option over the first option would be \$2,445,048 or 15.56%.

- **Option 7: An Alternative Level System**

A suggestion made by certain managers in the Office of the District Attorney

BCC

April 4, 1996

page 10

would involve creating six responsibility levels of Deputy District Attorney instead of the current four. The DDA 3 level would be divided into DDA 3A and DDA 3B, and the DDA 4 level into DDA 4A and DDA 4B. The salary ranges associated with the "B" levels would have two more 5% steps than the "A" ranges. About half the incumbents would be advanced to the "B" ranges. This system would enable the District Attorney to decide who would go into the upper tiers based on his assessment of the difficulty and quality of their work.

Advantages: This approach would allow a significant increase in salary for certain employees without as great a cost as Option 6, since only half, instead of all, the incumbents would be placed in the "B" ranges. (Note: the cost estimate of this range is not available at this time.) The total increase of 10% in the range would address comparability issues.

Disadvantages: Other than disadvantages cited elsewhere, this approach might exacerbate some current issues regarding the fairness of allocations to levels. Unless the criteria for advancement into the "B" levels are specified in advance, perceived inequities will continue to exist. If the criteria are specified, one cannot necessarily guarantee that only 50% would be allocated to the "B" levels in the future.

Concluding Remarks

In reading and considering the above options, I would suggest that you do so as a way of exploring what you deem to be the interests of this government rather than needlessly focusing on any particular position. My central concern with this bargaining is that the Association appears to have locked in on a rather ambitious fiscal position based on a fixation on one data point, Clackamas County. This positionality of approach does not bode well for resolution of this matter, and I would hope that we would be cautious and not exacerbate the matter by mirroring their approach.

On a final note, there are a few issues concerning health and welfare matters which I would like to discuss in the context of this bargaining, but which may have implications for other bargaining units. These matters will be addressed in a separate memorandum.

**Top Step Monthly Salary Rates
for Career Prosecutors without Managerial Responsibility
at Ten Years of Service**

<i>Jurisdiction</i>	<i>N DDA's</i>	<i>Top Step Rate</i>	<i>Pick- up</i>	<i>Employer Retirement Contribution</i>	<i>Other Monetary Benefits</i>	<i>Total</i>	<i>% Over Multnomah County With Pick-up</i>	<i>% Over Multnomah Co., No Pick-up</i>
Multnomah	76	\$5,074	6.0%	9.24%	0	\$5,875	_____	_____
Clackamas	22	\$6,176	6.0%	7.76%	6.27%*	\$7,497	+27.6%	+35.3%
Clark	31	\$5,962	0	7.62%	0	\$6,416	+9.2%	+15.7%
King	105	\$4,975	0	7.62%	0	\$5,354	-8.9%	-3.4%
Lane	27	\$5,677	0	7.38%	0	\$6,096	+3.8%	+10.0%
Marion	27	\$5,099*	0	8.35%	7.7%; 1.5%*	\$6,033	+2.7%	+8.8%
Mult. Co. Counsel	7	\$5,671	0	9.24%	0	\$6,195	+5.4%	+11.8%
Oregon Asst. Atty. General*	7	\$5,765	0	8.46%	0	\$6,253	+6.4%	+12.8%
Pierce	87	\$5,445	0	7.62%	0	\$5,860	-.3%	+5.7%
Washington	25	\$5,472	0	7.5%	0	\$5,882	+.1%	+6.1%
Average All Comparables							+5.1%	+11.4%
Average All Oregon Comparables							+7.7%	+14.1%
Average all Oregon except Clackamas							+3.7%	+9.9%

Note: although the salary data is for the Deputy District Attorney III classification and its comparables only, the number of attorneys in the second column from the left is the total number of non-management attorneys in the jurisdiction.

- * The Oregon Attorney General's Office has only eight attorneys who do criminal trial work; the title Assistant Attorney General encompasses a broad range of legal specialties.
- * Marion County base rate includes a 2.5% ten year longevity step.
- * Clackamas County base rate includes a 1% ten year longevity step.
- * Pierce County prosecutors receive a premium for weekend call-in of \$175, which is not included above. They receive the premium one to two times a year on the average.
- * Clackamas County DDAs at the senior level receive 6.27% in County paid deferred compensation.
- * Marion County DDAs are eligible to receive either an extra four weeks' pay or an extra four weeks of vacation annually. This comes to 7.7% of wages. They also receive a 1.5% contribution toward a 401k plan.
- * It is surprising that King County rates are so much below the others. This may be attributable to difficulty in matching classifications. King County has seven relevant classifications, while Multnomah County has four. If Multnomah County DDA III's were matched with the next class up in the King County system, King County would be .8% ahead of Multnomah County with pick-up.

**Total Monthly Compensation for Career Non-managerial Prosecutors
At the Top Step and With Ten Years of Service**

<i>Jurisdiction</i>	<i>Cash Comp.</i>	<i>Paid Days Off</i>	<i>Health and Welfare</i>	<i>Total</i>	<i>% Over Multnomah County With Pick-up</i>	<i>% Over Multnomah Co., No Pick-up</i>
Multnomah	\$5,875	\$810	\$399*	\$7,084	_____	
Clackamas	\$7,479	\$997	\$498	\$8,974	+26.7%	+33.8%
Clark	\$6,416	\$855	\$399*	\$7,670	+8.3%	+14.4%
King	\$5,354	\$738*	\$399*	\$6,491	-8.4%	-3.2%
Lane	\$6,096	\$869	\$440	\$7,427	+4.8%	+10.7%
Marion	\$6,033	\$619	\$442	\$7,094	+1.1%	+5.8%
Mult. Co. Counsel	\$6,195	\$854	399	\$7,448	+5.1%	+11.0%
Oregon Asst. Atty. General	\$6,253	\$703	\$377	\$7,333	+3.5%	+9.3%
Pierce	\$5,860	\$690	\$400	\$6,950	-1.9%	+3.6%
Washington	\$5,882	\$620	\$335	\$6,837	-3.5%	+1.9%
Average all Comparables					+3.9%	+9.7%
Average all Oregon Comparables					+6.1%	+12.1%
Average all Oregon except Clackamas					+2.0%	+7.7%

* Other jurisdictions calculate the cost of medical and dental benefits using a composite rate, a weighted average of the costs of individual, two party, and family coverages. The rate used for Multnomah County (both prosecutors and county counsel) is the weighted average, but weighted by MCPAA participation rates.

* The Multnomah County health and welfare rate was used as a proxy for Clark and King Counties, for which data is unavailable.

* The Multnomah County number of paid days off was used as a proxy for King County, for which data is unavailable.

The percentage figures in the two left-hand columns indicate the amount by which Multnomah County salaries would have to be raised (positive) or lowered (negative) to equal that of the comparable.



MICHAEL D. SCHRUNK, District Attorney for Multnomah County
600 County Courthouse • Portland, Oregon 97204 • (503) 248-3162

DISTRICT ATTORNEY'S PROPOSAL

- 1. Increase employees wages July 1, 1996, 2.7% for C.P.I.**
- 2. Increase employees wages July 1, 1996, 12% to gain pay equity with County Counsel, Attorney Generals Office and other comparable district attorneys' offices.**
- 3. Effective July 1, 1996 create two additional levels on salary matrix. One between the present levels 3 and 4, and one in excess of level 4. Placement of deputies on these levels would be within the sole discretion of the district attorney. Increases at the new levels would be five thousand dollars over the existing levels.**
- 4. Modify contract language to make completely clear that the district attorney had the sole discretion to place any level deputy in any work assignment.**



MULTNOMAH COUNTY OREGON

Board Clerk - FY1

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COUNTY CHAIR

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2505 S.E. 11TH, 1ST FLOOR
PORTLAND, OREGON 97202

MEMORANDUM

TO: Board of County Commissioners
District Attorney Michael Schrunk

FROM: Kenneth Upton, Labor Relations Manager

KU *(signature)*

DATE: April 17, 1996

SUBJECT: Authority to Proceed with MCPAA Negotiations per Executive Session

BOARD OF
COUNTY COMMISSIONERS
96 APR 18 PM 12:05
MULTNOMAH COUNTY
OREGON

This is to confirm, as per the discussion at Executive Session April 11, that the Board has authorized me to proceed as follows with regard to negotiations with the Multnomah County Prosecuting Attorneys Association (MCPAA):

1. With respect to compensation, I am authorized to offer the Association the Option 1 Proposal as described in my April 4 memorandum to the Board, subject as always to TA and ratification by the Board. In operational matters, I will continue under direction of the District Attorney or his designee.
2. Responsive to the probable negative reaction to the above, I will explore in the hypothetical other options with the Association, responsive to a probable remark as follows from their attorney: "If you had your legal concerns removed either by our persuasiveness or by a Court, what would be an approach or approaches which the Board could support?"
3. In exploring the above hypothetical, the sense of a Board majority was that some movement to address the issue of comparability was in order. Although there were some specific numbers discussed, there was no closure on that amount. Just as importantly, we are left with several other questions before reaching closure:
 - A. Who? Even if the amount in question above had been concluded, there was not closure on whether any such "catch up" increase would be exclusively targeted to the DDA3 and DDA4 levels or to all DA's.

April 17, 1996

Page 2

- B. When? The issue of whether any move would be made in 1996, 1998 or staged along the way would need to be further addressed.
- C. What structure? The "catch-up" options detailed in the prior memorandum addressed across-the-board increases and the addition of steps to ranges as alternatives. The proposal brought to the table by the District Attorney contained an across the board increase combined with the addition of steps.

I will be out of town at a conference and then on vacation from April 13-April 27. If you have need for any data regarding any of the above in my absence, please call Ellen Ullrick (x2340). I will try to schedule a follow-up discussion with each of you upon my return to ensure that I have captured your perspective on this matter, which is, as I warned the Board at the beginning of our session, "Fraught with difficulty."

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c: Larry Kressel
Karyne Dargan

File: MCPAA Binder