

ANNOTATED MINUTES

Monday, June 7, 1999 - 8:30 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

BUDGET WORK SESSION

Chair Beverly Stein convened the meeting at 8:36 a.m., with Vice-Chair Diane Linn, Commissioners Sharron Kelley, Lisa Naito and Serena Cruz present.

WS-1 Board Work Session on Multnomah County Fiscal Year 1999-2000 Budget.

DAN NOELLE, DAVE WARREN, BILL FARVER, MICHAEL SCHRUNK, JACKIE JAMIESON, GINGER MARTIN, CAROL NYKERK, KATHY PAGE AND BILL MIDKIFF RESPONSE TO BOARD QUESTIONS AND DISCUSSION REGARDING BUDGET PRIORITIES, POSSIBLE ADD PACKAGES, COUNTY MISSION, BENCHMARKS, PUBLIC SAFETY BUDGET PROPOSALS, DEPARTMENT REQUESTS FOR TECHNICAL AND CARRYOVER AMENDMENTS, POTENTIAL BUDGET NOTES, SCHOOL SUPPORT FUNDING PROPOSALS, TIMELINE AND PROCESS.

The work session was recessed at 10:45 a.m. and reconvened at 10:51 a.m.

BILL FARVER, DAVE WARREN, GARY OXMAN, TOM FRONK, FLOYD MARTINEZ AND SUZANNE FLYNN RESPONSE TO BOARD QUESTIONS AND DISCUSSION REGARDING APPROACH TO STATE REDUCTIONS, BUSINESS INCOME TAX, CONTINGENCY RESERVES, PERS, AND LEGISLATION WITH MAJOR POTENTIAL IMPACT ON MULTNOMAH COUNTY.

Commissioner Kelley was excused at 11:30 a.m.

BOARD TO CONTINUE DISCUSSION ON PRIORITY LISTS, LOOK AT BUDGET NOTES AND

GET QUESTIONS TO STAFF PRIOR TO FOLLOW UP BUDGET WORK SESSION SCHEDULED FOR TUESDAY, JUNE 22, 1999.

There being no further business, the work session was adjourned at 11:43 a.m.

Tuesday, June 8, 1999 - 9:30 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

LAND USE PLANNING HEARING

Chair Beverly Stein convened the meeting at 9:32 a.m., with Vice-Chair Diane Linn, Commissioners Sharron Kelley, Lisa Naito and Serena Cruz present.

- P-1 De Novo Hearing on Appeal of Hearings Officer Decision Regarding Denial of Appellants (Crown Point Country Historical Society) Appeal of NSA 26-94, Allowing Applicant (Trust for Public Lands) to Remove Sixteen Structures at Bridal Veil, Excluding Church and Post Office. Presented by Robert Hall and Liz Fancher.

CHAIR STEIN EXPLAINED QUASI-JUDICIAL PROCESS. AT CHAIR STEIN'S REQUEST FOR DISCLOSURE, COMMISSIONER KELLEY ADVISED SHE HAS A FILE AND ATTENDED A 1992 EVENT AT BRIDAL VEIL, BUT HAS NO BIAS OR PRE-JUDGMENT OF THIS CASE. CHAIR STEIN ADVISED SHE VISITED THE SITE IN 1993 BUT HAS NO BIAS OR PRE-JUDGMENT OF THIS CASE. COMMISSIONER LINN ADVISED SHE HAD A PROCEDURAL DISCUSSION WITH CHRIS BECK BUT HAS NO BIAS OR PRE-JUDGMENT OF THIS CASE. COMMISSIONER NAITO ADVISED SHE RECEIVED A MEMO BUT HAS NO BIAS OR PRE-JUDGMENT OF THIS CASE. NO EX PARTE CONTACTS WERE REPORTED. AT CHAIR STEIN'S REQUEST FOR CHALLENGES AND/OR OBJECTIONS, NONE WERE OFFERED. PLANNERS SUSAN MUIR, ROBERT HALL AND PHIL BOURQUIN PRESENTED CASE HISTORY. HEARINGS OFFICER LIZ FANCHER PRESENTED

CONDITIONS, FINDINGS OF FACT AND CRITERIA USED IN DETERMINATION TO DENY APPLICATION. CHUCK ROLLINS TESTIFIED ON BEHALF OF APPELLANT CROWN POINT COUNTRY HISTORICAL SOCIETY IN SUPPORT OF ACCESS TO THE PROPERTY PRIOR TO DEMOLITION OF CERTAIN BUILDINGS IN ORDER TO SEE IF PORTIONS COULD BE LISTED ON THE NATIONAL HISTORIC REGISTRY. MR. ROLLINS RESPONSE TO BOARD QUESTION REGARDING INFORMATION NATIONAL REGISTRY NEEDS TO MAKE ITS DETERMINATION. DAVID RIPMA TESTIFIED ON BEHALF OF THE TROUTDALE HISTORICAL SOCIETY IN OPPOSITION TO DEMOLITION UNTIL AFTER NATIONAL REGISTRY RULING ON THE HISTORIC SIGNIFICANCE OF THE SITE. CHRIS BECK TESTIFIED ON BEHALF OF APPLICANTS THE TRUST FOR PUBLIC LANDS IN OPPOSITION TO APPELLANT'S REQUEST, ADVISING THAT WHILE THEY AGREE THE SITE IS HISTORICALLY SIGNIFICANT, THEY DO NOT FEEL THE BUILDINGS TO BE DEMOLISHED ARE HISTORIC. MR. BECK RESPONSE TO BOARD QUESTIONS CONCERNING STRUCTURES USED FOR POST OFFICE AND CHURCH, AND ACCESS TO THE HISTORICAL SOCIETY. MR. BECK ADVISED THERE WOULD BE AN ARCHEOLOGICAL STUDY OF THE SITE AT THE TIME OF THE DEMOLITION. TRUST FOR PUBLIC LAND ATTORNEY PEGGY HENNESSY TESTIFIED IN SUPPORT OF UPHOLDING THE HEARINGS OFFICER DECISION, STATING THAT THE BUILDINGS DO NOT QUALIFY AS HISTORIC AND THAT CROWN POINT HISTORICAL SOCIETY HAS HAD ACCESS TO ALL THE MATERIALS AND RESOURCES IN THE RECORD SINCE 1995 AND THE BURDEN OF PROOF WAS ON THEM TO SUBMIT FURTHER INFORMATION TO THE NATIONAL REGISTER. CORBETT RESIDENT AND FRIENDS OF THE COLUMBIA GORGE MEMBER LEN SWENSON TESTIFIED IN SUPPORT OF UPHOLDING THE HEARINGS

OFFICER DECISION AND DEMOLITION OF THE BUILDINGS. FRIENDS OF THE COLUMBIA GORGE MEMBER KEVIN GORMAN TESTIFIED IN SUPPORT OF THE HEARINGS OFFICER DECISION AND TRUST FOR PUBLIC LANDS PURCHASE OF THE PROPERTY FOR PUBLIC PARK PURPOSES. CHRIS BECK SUBMITTED DOCUMENT ADDRESSING POTENTIAL QUESTIONS. CHUCK ROLLINS REBUTTAL ADVISING ALLEGATION OF INSUFFICIENT EVIDENCE IS NOT TRUE AND SUGGESTING THAT AN INDEPENDENT SURVEY BE DONE TO DETERMINE WHETHER THE BUILDINGS WOULD QUALIFY FOR HISTORIC REGISTRY. DAVID RIPMA URGED ACCESS TO THE SITE AND STUDY PRIOR TO DEMOLITION. COMMISSIONER NAITO CORRECTION TO ERRONEOUS STATEMENT MADE BY MR. RIPMA REGARDING HER FATHER. IN RESPONSE TO CHAIR STEIN'S REQUEST FOR CONTINUANCE OF HEARING, NONE WERE OFFERED. IN RESPONSE TO CHAIR STEIN'S REQUEST FOR OBJECTION TO HEARING, MR. BECK SUGGESTED A COMPROMISE PROPOSAL THAT PRE-DEMOLITION WORK THERE BE A FOREST SERVICE APPROVED STUDY, CHAIR STEIN RULED SUGGESTION NOT RELEVANT. IN RESPONSE TO CHAIR STEIN'S REQUEST FOR OBJECTION TO HEARING, NONE WERE OFFERED. HEARING CLOSED. CHAIR STEIN ADVISED ALL PARTIES WILL RECEIVE A COPY OF THE BOARD'S WRITTEN DECISION, WHICH MAY BE APPEALED TO THE GORGE COMMISSION. COUNSEL JEFF LITWAK AND CHRIS BECK RESPONSE TO BOARD QUESTIONS AND DISCUSSION. COMMISSIONERS NAITO, CRUZ AND STEIN COMMENTS IN SUPPORT OF AFFIRMING HEARINGS OFFICER DECISION. FOLLOWING DISCUSSION, COMMISSIONER KELLEY MOVED, SECONDED BY COMMISSIONER CRUZ, TO DELAY BOARD DECISION THIRTY DAYS PENDING MEDIATION/COMPROMISE EFFORTS BETWEEN

THE TRUST FOR PUBLIC LANDS AND CROWN POINT COUNTRY HISTORICAL SOCIETY. MR. LITWAK AND SUSAN MUIR EXPLANATION IN RESPONSE TO QUESTIONS OF CHAIR STEIN REGARDING SCOPE OF HEARING. MR. BECK EXPLANATION IN RESPONSE TO QUESTION REGARDING 1992 COMPROMISE EFFORTS AND HIS UNWILLINGNESS TO PUT DEED RESTRICTIONS ON THE LAND. CHUCK ROLLINS EXPLANATION TO QUESTION OF CHAIR STEIN ADVISING POTENTIAL CONTRIBUTORS WILL NOT GIVE MONEY UNTIL THERE IS AN OFFICIAL HISTORIC SITE DECLARATION. MR. BECK RESPONSE TO QUESTION OF COMMISSIONER NAITO REGARDING WAITING AN ADDITIONAL THIRTY DAYS FOR A DECISION. FOLLOWING BOARD DISCUSSION, MOTION TO DELAY BOARD DECISION THIRTY DAYS (TO THURSDAY, JULY 8, 1999) PENDING MEDIATION/COMPROMISE EFFORTS BETWEEN THE TRUST FOR PUBLIC LANDS AND CROWN POINT COUNTRY HISTORICAL SOCIETY APPROVED, WITH COMMISSIONERS KELLEY, LINN, NAITO AND CRUZ VOTING AYE AND CHAIR STEIN VOTING NO.

There being no further business, the meeting was adjourned at 11:20 a.m.

Thursday, June 10, 1999 - 9:30 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

REGULAR MEETING

Chair Beverly Stein convened the meeting at 9:33 a.m., with Vice-Chair Diane Linn, Commissioners Sharron Kelley, Lisa Naito and Serena Cruz present.

CONSENT CALENDAR

**UPON MOTION OF COMMISSIONER KELLEY,
SECONDED BY COMMISSIONER LINN, THE**

***CONSENT CALENDAR (ITEMS C-1 THROUGH C-3)
WAS UNANIMOUSLY APPROVED.***

NON-DEPARTMENTAL

C-1 Appointments of Chris Cameron, Jon Chess, Bobbi Damiani, Delma Farrell, Linda Grimes, Karen Rhein, Kathy Hogland, Jill Alspach, Bethany Wurtz, Kathy Wilson and Theresa Sullivan as Voting Members of the CAMPAIGN MANAGEMENT COUNCIL

AGING AND DISABILITY SERVICES DEPARTMENT

C-2 Intergovernmental Revenue Agreement 9910751 with the Oregon Department of Human Resources, Senior and Disabled Services Division to Implement U.S. Department of Health and Human Services, Administration on Aging Grant: Model State Project to Develop Medicare Information and Referral Protocols and Reports

DEPARTMENT OF HEALTH

C-3 Renewal of Intergovernmental Agreement 0010342 with Multnomah Education Service District for Assistance in Ensuring that All School Students Comply with State Immunization and Tuberculosis Requirements

REGULAR AGENDA

***AT THE REQUEST OF CHAIR STEIN AND UPON
MOTION OF COMMISSIONER KELLEY,
SECONDED BY COMMISSIONER LINN,
CONSIDERATION OF THE FOLLOWING ITEMS
WAS UNANIMOUSLY APPROVED.***

DEPARTMENT OF HEALTH

UC-1 NOTICE OF INTENT to Respond to Program Announcement to Participate in the HRSA Bureau of HIV/Aids Special Projects of National Significance

***COMMISSIONER KELLEY MOVED AND
COMMISSIONER LINN SECONDED, APPROVAL
OF UC-1. DAVE HOUGHTON EXPLANATION.
NOTICE OF INTENT UNANIMOUSLY APPROVED.***

NON-DEPARTMENTAL

UC-2 RESOLUTION Amending Resolution No. 99-61 to Withdraw One Parcel of Real Property Approved for Auction from the Tax Foreclosure Auction List and Directing the Property be Included in the Multnomah County Affordable Housing Development Program

COMMISSIONER KELLEY MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL OF UC-2. COMMISSIONER CRUZ EXPLANATION. RESOLUTION 99-110 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.

DEPARTMENT OF SUPPORT SERVICES

R-2 RESOLUTION Adopting the 1998-1999 Supplemental Budget for Multnomah County and Making Appropriations Thereunder, Pursuant to ORS 294.435

COMMISSIONER KELLEY MOVED AND COMMISSIONER LINN SECONDED, APPROVAL OF R-2. DAVE WARREN EXPLANATION. RESOLUTION 99-108 UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

R-3 PROCLAMING June 5 through 12, 1999 as HOME OWNERSHIP WEEK in Multnomah County, Oregon

COMMISSIONER KELLEY MOVED AND COMMISSIONER LINN SECONDED, APPROVAL OF R-3. COMMISSIONER LINN, TOM CUSAK, MANNY LEE AND PEG MALLOY PRESENTATION. MR. LEE READ PROCLAMATION. BOARD COMMENTS IN SUPPORT. PROCLAMATION 99-109 UNANIMOUSLY APPROVED.

R-4 Information and Slide Show Presentation Update and Next Steps on the \$135.6 Million METRO Open Space Bond Measure Passed in May, 1995

Resulting in Acquisition of 4,400 Acres of Regionally Significant Land in 146 "Willing Seller" Property Transactions. Presented by Jim Desmond.

**COMMISSIONER CRUZ AND JIM DESMOND
PRESENTATION AND RESPONSE TO BOARD
QUESTIONS, DISCUSSION AND COMMENTS IN
SUPPORT.**

R-5 Review of Draft Multnomah County Fiscal Year 1999-2000 Budget Proposal. Presented by Bill Farver.

**BILL FARVER AND DAVE WARREN
PRESENTATION AND RESPONSE TO BOARD
QUESTIONS AND DISCUSSION REGARDING
PUBLIC SAFETY CARRYOVER BUDGET ISSUES,
PUBLIC SAFETY LEVY PLANNING, SCHOOL
SUPPORT, CHILDREN IN POVERTY, POLICY
IMPACT OF LEGISLATIVE ACTIONS,
FACILITIES, INTERJURISDICTIONAL
AGREEMENTS, BUDGET PROCESS LEVY
PREPARATION NEEDS, SCHEDULE,
BEHAVIORAL HEALTH AND MENTAL HEALTH
ISSUES, TREATMENT OF THE MENTALLY ILL
INCARCERATED, DRAWING FROM RESERVES
AND THE COUNTY'S CONTINGENCY POLICY.
MR. WARREN TO MEET WITH STAFF ON
MONDAY, JUNE 14, 1999 TO REVIEW PROGRAM,
CARRYOVER, TECHNICAL, STAFFING
AMENDMENTS. BOARD BUDGET WORK
SESSION ON TUESDAY, JUNE 22, 1999 AND
PROPOSED BUDGET ADOPTION ON THURSDAY,
JUNE 24, 1999.**

COMMISSIONER COMMENT/LEGISLATIVE ISSUES

R-6 Opportunity (as Time Allows) for Commissioners to Comment on Non-Agenda Items or to Discuss Legislative Issues.

NO ONE WISHED TO COMMENT.

There being no further business, the meeting was adjourned at 10:45 a.m.

Thursday, June 10, 1999 - 10:30 AM
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1021 SW Fourth Avenue, Portland

LAND USE PLANNING HEARING

Chair Beverly Stein convened the meeting at 10:45 a.m., with Vice-Chair Diane Linn, Commissioners Sharron Kelley, Lisa Naito and Serena Cruz present.

P-2 De Novo Hearing on Appeal of Hearings Officer Decision Affirming Three Administrative Decisions PRE 16-98, PRE 17-98 and PRE 18-98 Regarding Dwelling Approval Validation and Implementation of Approved Farm Management Plans for Property Located on NW Skyline Boulevard. Presented by Chuck Beasley and Joan Chambers. TESTIMONY LIMITED TO 20 MINUTES PER SIDE.

PROCEDURAL ISSUE ADDRESSED BY COUNTY COUNSEL SANDRA DUFFY PRIOR TO THE HEARING AND RECOMMENDATION THAT THE BOARD MAKE A DETERMINATION THAT ORDINANCE 903 IS INVALID AND DECLARE THE DE NOVO APPEAL MOOT. IN RESPONSE TO BOARD QUESTIONS, MS. DUFFY EXPLAINED THAT APPLICANTS HAVE A 1989 PERMIT AND COULD RESUBMIT THE APPLICATION USING OREGON ADMINISTRATIVE RULES. AT THE REQUEST OF THE BOARD, APPELLANT ARNOLD ROCHLIN ADVISED HE HAS NO DISAGREEMENT WITH STAFF RECOMMENDATION, BUT SUGGESTED THAT THE BOARD HEARS THE CASE TODAY AND DECIDE IT ON THE MERITS. IN RESPONSE TO A QUESTION OF COMMISSIONER NAITO, MS. DUFFY EXPLAINED THAT MR. ROCHLIN IS TRYING TO COVER THE BASES IF LUBA REMANDS THE CASE BACK TO THE BOARD ON APPEAL. APPLICANT GREAT WESTERN STATES ATTORNEY JEFF BACHRACH ADVISED THEY ARE WILLING TO GO ALONG WITH RECOMMENDATION THAT ORDINANCE 903 IS INVALID, BUT SUGGESTED THE BOARD INSTEAD AFFIRM THE HEARINGS OFFICER DECISION TODAY AND APPROVE THE PERMITS

AS VALID, ASSERTING THAT APPLICANTS HAVE COMPLIED WITH FARM MANAGEMENT PLAN IMPLEMENTATION. BOARD, COUNTY COUNSEL AND PLANNER CHUCK BEASLEY DISCUSSION IN RESPONSE TO MR. BACHRACH'S SUGGESTION THAT THE OREGON ADMINISTRATIVE RULES CRITERIA IS WRONG. MR. BEASLEY ADVISED HE WOULD HAVE USED DIFFERENT CRITERIA IF ORDINANCE 903 WERE NOT IN EFFECT WHEN PERMIT WAS ALLOWED. MR. ROCHLIN REBUTTAL TO MR. BACHRACH COMMENTS, ADVISING ROBINSON CASE HAS NO BINDING PRECEDENT. COMMISSIONER LINN MOVED AND COMMISSIONER CRUZ SECONDED, THAT STAFF PREPARE NOTICE AND SUBMIT DOCUMENTS TO REPEAL ORDINANCE 903 IN ONE MONTH. FOLLOWING BOARD DISCUSSION, MOTION THAT STAFF PREPARE NOTICE AND SUBMIT DOCUMENTS TO REPEAL ORDINANCE 903 IN ONE MONTH UNANIMOUSLY APPROVED. COMMISSIONER LINN MOVED AND COMMISSIONER CRUZ SECONDED, TO DENY THE THREE APPLICATIONS ON APPEAL. COMMISSIONER KELLEY ADVISED SHE DOES NOT SUPPORT MOTION AND WANTS TO DECIDE PERMITS TODAY ON THE OAR. FOLLOWING BOARD DISCUSSION, MOTION APPROVED, WITH COMMISSIONERS LINN, NAITO, CRUZ AND STEIN VOTING AYE, AND COMMISSIONER KELLEY VOTING NO. CHAIR STEIN DECLARED THE ROCHLIN-FOSTER AND APPEALS ARE MOOT.

There being no further business, the meeting was adjourned at 11:46 a.m.

OFFICE OF THE BOARD CLERK
FOR MULTNOMAH COUNTY, OREGON

Deborah L. Bogstad

Deborah L. Bogstad